

1 Tuesday, 16 July 2019

2 (10.00 am)

3 LADY SMITH: Good morning. You'll remember that today we
4 reach the stage at which I invite closing submissions in
5 relation to the case study into the provision of
6 residential care by the Christian Brothers at
7 St Ninian's School in Fife, the evidence having been
8 completed a little while ago on that.

9 I'm going to start today by inviting senior counsel
10 to the inquiry, Mr MacAulay, to make his submissions and
11 then I will turn to the other parties who are
12 represented here today.

13 Mr MacAulay.

14 Closing submissions by MR MacAULAY

15 MR MacAULAY: Good morning, my Lady.

16 Can I begin by setting out an overview of the
17 evidence in this case study. If the evidence is
18 accepted, then there was physical abuse at St Ninian's
19 over the period of its existence, and some of that was
20 particularly brutal.

21 There has also been some evidence of children being
22 humiliated, and as one witness, James, put it early on:

23 "The worst thing you can do to a child is to
24 undermine confidence."

25 The atmosphere has also been described as an

1 atmosphere of fear.

2 There's also evidence of sexual abuse, broadly over
3 the whole period of St Ninian's' existence. There are
4 some allegations of sexual abuse made against
5 Brothers **LHC** **LNC** and **MBV** but what is beyond
6 doubt, in light of the convictions in 2016, during the
7 last four or five years of St Ninian's' existence from
8 about 1979 to 1983, children were sexually abused in
9 a particularly depraved manner.

10 Looking to that last four or five-year period, and
11 overlapping it to some extent and covering the period
12 from 1979 to about 1980/1981, there is a significant
13 body of evidence that Brother **LNA** was a serial sex
14 abuser. So whatever one makes of the relative discrete
15 allegations made against Brothers **LHC** **LNC** and
16 **MBV** there is a powerful body of evidence implicating
17 St Ninian's in the sexual abuse of children from about
18 1969 to its closure in 1983.

19 Significantly, through the evidence of Brothers
20 Burke and Garvey, the Congregation accepts that there
21 was a culture of abuse at St Ninian's.

22 Finally, in relation to this overview, there are
23 also issues surrounding the Congregation's ability to
24 care for children and provide those children with
25 a proper education. I will touch upon these issues when

1 considering the approach adopted in evidence by Brothers
2 Burke and Garvey.

3 Can I then move on to make some observations on the
4 progress of this particular case study. It started on
5 4 June. Between then and the final day of evidence on
6 3 July, the inquiry heard 13 days of evidence. Oral
7 evidence was given by 16 applicant witnesses, 11 in
8 person and five through statements that were read into
9 the proceedings. As well as evidence from applicants,
10 evidence was read in in the form of a summary of
11 evidence, evidence given on commission, and summaries of
12 police statements previously provided by four former
13 residents of St Ninian's who are now deceased.

14 Can I also make this point, and that is that
15 a number of applicants have come forward to the inquiry
16 while the preparations for the case study were at an
17 advanced stage and it was not feasible to have their
18 evidence included in the oral hearings. Can I say that
19 although this public hearing part of the case study has
20 come to an end, the evidence gathering process continues
21 and will continue. Applicants are therefore able to
22 continue approaching the inquiry to provide evidence of
23 their experiences of St Ninian's and indeed are
24 encouraged to do so.

25 The inquiry also heard oral evidence from seven

1 brothers and former brothers who worked at St Ninian's,
2 covering the period from 1959 to the close of the school
3 in 1983. It also heard evidence, oral evidence, from
4 three others who worked at the school across the period.
5 In particular two former brothers, Brothers Kelly and
6 Farrell, as they then were, and who had been convicted,
7 were led in evidence and asked to respond to allegations
8 of abuse.

9 In addition, the inquiry heard from two brothers who
10 were not involved in the running of St Ninian's but were
11 able to offer some evidence in relation to John Farrell
12 and allegations made against him and the extent of the
13 order's knowledge of that prior to the decision taken in
14 1977 to post him to St Ninian's.

15 On the final day of evidence, the inquiry heard
16 evidence from Karen Johnson -- and I'll touch upon her
17 evidence later; she was the order's archivist -- and
18 Brothers John Burke and Edmund Garvey.

19 My Lady, can I then move on and touch upon the
20 history of St Ninian's and how it was populated, at
21 least in the early days. Can I say that Michael Madigan
22 has already provided evidence on this when he spoke to
23 parts A and B of the section 21 response.

24 It's worth pointing out that in comparison to the
25 other institutions looked at so far, the lifespan of

1 St Ninian's was a relatively short one.

2 LADY SMITH: Yes. 1951 to 1983, I think; is that right?

3 MR MacAULAY: Indeed. It's a short period, but it would
4 appear that much happened during that period of time.

5 It opened, as my Lady has just mentioned, in
6 January 1951 and closed in July 1983. Brother LHC
7 was posted to Falkland in 1948 to make the necessary
8 arrangements and he became [REDACTED] of the
9 school.

10 Can I just draw attention to this HMI inspection
11 report dated 26 September 1972 because that report, at
12 that date, described St Ninian's in the following way:

13 "It is at least arguable that this isolated
14 establishment, isolated in every possible way, is
15 a basic administrative anomaly and mistake. It is the
16 only establishment of its kind in Scotland, reference
17 List H, where it appears as the sole 'grant-aided
18 orphanage school'."

19 It is the case that St Ninian's was a registered
20 voluntary home and that was in 1951 and, contrary to
21 what some have said, it was not an approved school, or
22 a List D school, and indeed it appears to have been
23 sui generis.

24 LADY SMITH: Yes. I have been struck in reflecting on this
25 issue about isolation that St Ninian's was not only

1 isolated geographically from where most of the
2 children's homes were, which tended to be the west of
3 Scotland and they were being taken a long way from home
4 to the countryside in Fife, but it was also isolated
5 from the lead officers of the province in England.

6 MR MacAULAY: Indeed.

7 LADY SMITH: There was no base in Scotland for the direction
8 and support of the brothers who were involved in running
9 St Ninian's and it seems to have been perceived as quite
10 a long way away from the home base, whether the head of
11 the province in England or indeed in Ireland, where so
12 much support, I think, was coming from for the brothers.

13 MR MacAULAY: And it seems to have been isolated in
14 creation, being the only school listed as List H on the
15 list.

16 LADY SMITH: Yes.

17 MR MacAULAY: My Lady, initially, the home was populated
18 mainly by children who were transferred from other
19 Catholic homes. The first cohort of boys arrived in
20 January 1951 from Nazareth House Lasswade, and between
21 February and June 1951, 24 boys arrived from Smyllum.

22 By the end of that year, 1951, the population of
23 St Ninian's had grown to about 50 boys, and it appears
24 that all but eight of those boys had come from Smyllum
25 and Nazareth House.

1 Again, in 1952, 18 boys arrived from Smyllum in
2 January and a further 28 in August; 13 arrived from
3 various other sources. The pattern of boys being
4 transferred in the main from other Catholic homes
5 appears to have continued through the 1950s and into the
6 1960s. From the early 1970s onwards, children did
7 continue to some extent to be transferred from Catholic
8 homes, but the majority by that time appeared to have
9 come via local authorities and through the children's
10 hearing system.

11 On a yearly basis, the numbers of boys at
12 St Ninian's fluctuated, with as many as 73 being
13 recorded in January 1953, with numbers going down to
14 about 30 in 1959. Between the 1960s and when the school
15 closed the numbers were usually between the early 30s
16 and the mid to late 40s.

17 The order itself has calculated that 858 boys had
18 been accommodated in the school in the period of its
19 existence. One can perhaps compare that sort of number
20 with the numbers we've already heard about in connection
21 with places like Smyllum and the Nazareth Houses. It's
22 a much smaller number.

23 It is of note that of the first lot of boys admitted
24 in February 1951, five of them were as young as age 10,
25 but as Karen Johnson, the archivist, has pointed out,

1 one reason for a boy of that age being admitted might be
2 if an older sibling was also being admitted.

3 LADY SMITH: Yes. I should perhaps note at this stage that
4 it was very helpful to have Ms Johnson write after she
5 had given evidence to pick up on that point, again
6 a very good example of the woman's exceptional
7 diligence. She made the point that she had confirmed
8 there were 10-year-olds but she understood that it
9 looked as though that was to keep brothers together.

10 MR MacAULAY: Yes. I think one can say that in the main the
11 boys entering the establishment tended to be aged in the
12 region of 12, 13 and 14.

13 So far as the evidence heard from applicants is
14 concerned, that evidence during the hearing of the case
15 study covered the period from 1953, that's shortly after
16 the opening of the school, through to its closure in
17 July 1983. There are a number of gaps in the evidence
18 from applicants in relation to years not spoken to by
19 applicants and I will mention these as I look at the
20 period as a whole.

21 Beginning then in the 1950s, the inquiry has heard
22 evidence from two applicants who were at St Ninian's
23 in that time. The alleged abuse of which they spoke was
24 physical in the main. John, who was the first witness
25 to give evidence, was at the school from [REDACTED] 1953 to

1 [REDACTED] 1955. He spoke of physical violence inflicted
2 on him and other boys by Brother [REDACTED] MBW what he
3 described as "constant hammerings", and he gave one
4 example when he was given what he described as
5 a leathering for tearing a shirt to dress the wounds of
6 another boy who was injured on a walk. He also said
7 that he was hit on another occasion with a golf club
8 with such force that the head of the club snapped off.

9 He also provided one incident that might have been
10 motivated by sexual abuse in that he told the inquiry
11 that, near the end of his time at the establishment,
12 a hand was held over his face in the shower until he
13 passed out, and he himself believed that that attack was
14 sexually motivated.

15 The second witness to give evidence, Jim -- and his
16 period overlapped with the end of John's period -- was
17 at St Ninian's for two years, from [REDACTED] 1955 to
18 [REDACTED] 1957. He too spoke of physical abuse, which he
19 said was perpetrated in the most part by
20 Brother [REDACTED] MIC who he described as:

21 "Belting boys with such ferocity that [he] would
22 almost come off the floor in the process."

23 He described how he was, on one occasion, given up
24 to 20 strokes of the belt on his bare buttocks, and also
25 Brother [REDACTED] MIC belting him on the soles of his feet

1 while he was in bed, and I think that was touched upon
2 as totally inappropriate by the brothers last week.

3 He did provide evidence of an occasion, after
4 running away, where he was held down by Brother **MBW**
5 and Brother **MBR** while naked and being belted some
6 13 times by Brother **MIC**

7 Unusually, Jim attended a school outwith
8 St Ninian's, and we have heard evidence about his career
9 post-St Ninian's, which was clearly a good career,
10 academic career. But he attended a school outwith
11 St Ninian's and the injuries inflicted during that
12 episode were witnessed by others.

13 Jim, who left St Ninian's shortly afterwards,
14 believed that the police and welfare officers were
15 involved and that Brother **MIC** had to leave the
16 school. In fact, the records show that Brother **MIC**
17 remained in his post for another year and his departure
18 does not appear to be in any way connected to that
19 episode.

20 Jim also described an incident of what might have
21 been attempted sexual abuse by a visiting brother who
22 took him for a walk in the woods.

23 My Lady, just looking to that early chapter in the
24 evidence, it would be open to your Ladyship to deduce
25 from that evidence that the brothers identified by these

1 witnesses did physically abuse children, and it is worth
2 pointing out -- and this is a point worth bearing in
3 mind throughout consideration of the evidence -- that
4 these witnesses were not just speaking to their own
5 experiences, but also to the experiences of others.

6 Brother MIC was at St Ninian's from [REDACTED] 1954 to
7 [REDACTED] 1958, and he was [REDACTED]
8 from 1956. Brother MBW was there from
9 [REDACTED] 1950, before the school opened, and he left in
10 [REDACTED] 1959, so one can get an impression there of
11 the periods covered by the times these two brothers were
12 present at St Ninian's.

13 My Lady, thereafter, there's then a gap of some
14 six years in the evidence from the applicants, with the
15 next witness being Jack, who was admitted to St Ninian's
16 in [REDACTED] 1963 and he remained there for about
17 a year, leaving in [REDACTED] 1964.

18 Jack made allegations of sexual abuse against
19 Brother LHC. The abuse, he said, stopped when he
20 stole some money from Brother LHC room. He also
21 made allegations of sexual abuse against a brother who
22 he recalls [REDACTED] at the home and who
23 he says would come into the dormitory and abuse him
24 during the night. He did not remember the name of the
25 brother, but it may be worth noting that

1 Brother [REDACTED] LNC who I'll mention in a moment, was
2 [REDACTED] at the school at this time and was
3 also the brother in charge of the dormitories during the
4 night.

5 The other witness who gave evidence around this time
6 was John. He arrived at the school the following year
7 in [REDACTED] 1965 and again remained there for about
8 a year, leaving in [REDACTED] 1966. He provided evidence
9 that Brother [REDACTED] LNC the only brother whose name he
10 could remember, sexually abused him during the night
11 under the guise of checking if he had wet the bed. He
12 also alleged that Brother [REDACTED] LNC touched boys
13 inappropriately during games and watched boys in the
14 showers after the games.

15 Brother [REDACTED] LNC provided evidence that he did not
16 recall John from his time at the school and strongly
17 denied the abuse alleged. John is the only witness who
18 mentions Brother [REDACTED] LNC by name.

19 My Lady, clearly, particular care will be necessary
20 in evaluating that evidence from those two witnesses.
21 No one else makes allegations of sexual abuse against
22 Brother [REDACTED] LHC Your Ladyship will have to decide
23 whether the allegations, discrete as they are, made
24 against Brothers [REDACTED] LHC and [REDACTED] LNC whether the abuse
25 occurred and, if abuse did occur, whether there could be

1 a case or cases of mistaken identity.

2 LADY SMITH: Of course for my purposes -- and you put it
3 correctly, Mr MacAulay -- it is important that I decide
4 whether abuse occurred, first and foremost, and I could
5 be satisfied that abuse occurred without being able to
6 be clear about who was the perpetrator.

7 MR MacAULAY: Absolutely.

8 LADY SMITH: But my prime interest is in identifying whether
9 abuse was there or not.

10 MR MacAULAY: Indeed.

11 My Lady, there's then a two-year gap in the evidence
12 until we get to 1968, and to the evidence of Stuart.
13 He was a complainer who is now deceased, but who gave
14 evidence on commission in the High Court trial that
15 ended in 2016. A summary of that evidence and the
16 police statement provided by him was read into the
17 proceedings.

18 He was at the school from [REDACTED] 1968 to [REDACTED] 1971,
19 and he alleged that he was sexually abused by
20 Brother [REDACTED] MBV [REDACTED] In particular, he provided evidence of
21 three incidents of sexual abuse and, in particular, one
22 where he and another boy were on a trip to Plymouth with
23 Brother [REDACTED] MBV [REDACTED] and where Stuart says he was sexually
24 abused.

25 Mr [REDACTED] MBV [REDACTED] as he now is, gave evidence and spoke to

1 a letter in which he asked this applicant's
2 social worker for permission to take him to Plymouth, so
3 there's no dispute that that happened, but he strongly
4 denied any abuse had taken place on any occasion.

5 In addition to the evidence from Stuart, extracts of
6 a police statement of a deceased complainer, John, were
7 read into evidence and he, like Stuart, made allegations
8 of sexual abuse against Brother MBV mainly in the
9 shower area, and on one occasion in Brother MBV
10 room. John was at St Ninian's from 1969 to
11 1971. Again, Mr MBV has strongly denied these
12 allegations.

13 In summary, in relation to the position of
14 Mr MBV or Brother MBV as he was at the time, at
15 his first time at St Ninian's, there are two sources of
16 evidence to support a conclusion that Mr MBV was
17 a sexual abuser when he was at St Ninian's and there as
18 a brother, but ultimately it will be entirely up to
19 your Ladyship what to make of the evidence.

20 My Lady, can I then move on to what I can describe
21 as the LNA era. Brother LNA arrived at
22 St Ninian's in 1969 and was there initially to
23 1974. He then returned in 1975 and he was
24 there to 1981. It appears, certainly based on
25 the evidence presented to the inquiry, that Brother LNA

1 was a serial sexual abuser over that 10-year period.

2 The first applicant timewise who made allegations
3 against Brother LNA was Derek. Derek was admitted to
4 St Ninian's in ██████████ 1969. I think that's before
5 Brother LNA actually appeared, but he was there to
6 ██████████ 1971 and he spoke to Brother LNA having boys in
7 his room at bedtime, often sitting them on his knee, and
8 also of Brother LNA looking and staring at boys in the
9 shower. But he made the point that he himself, Derek,
10 was not sexually abused.

11 Other applicants provided evidence of themselves and
12 other junior boys being in Brother LNA room in their
13 pyjamas at night before bedtime. There was evidence of
14 Brother LNA having boys sitting on his knee and him
15 putting his hand under their pyjamas. Some witnesses
16 spoke to Brother LNA having an erection during this
17 process.

18 The inquiry has also heard evidence of Brother LNA
19 going into boys' dormitories at night once they were in
20 bed and sexually abusing them in their beds by touching
21 their genitals, sometimes under the guise of checking if
22 they had wet the bed. Witnesses spoke of this happening
23 to them and of seeing it happening to other boys. Some
24 witnesses spoke of Brother LNA taking them out of bed
25 and to his room and sexually abusing them there, and of

1 seeing other boys being taken out in this fashion.

2 James, who was at St Ninian's from [REDACTED] 1969 to
3 [REDACTED] 1972, explained a process whereby Brother [REDACTED] LNA
4 would have a number of boys in his room and ultimately
5 one boy would be left alone and, if it were him, then
6 there was "bad sexual abuse". It was James who gave
7 evidence about being taken to Scotus Academy by
8 Brother [REDACTED] LNA under the guise of James helping
9 Brother [REDACTED] LNA with painting and that, once he was there,
10 he was forced to remove his clothing and perform sex
11 acts on Brother [REDACTED] LNA and a number of other brothers.

12 Can I now touch upon the evidence given by
13 David Sharp, Dave Sharp. Dave was at St Ninian's from
14 August 1971 to July 1975. He gave evidence of serious
15 sexual abuse by Brother [REDACTED] LNA relating to the majority of
16 the period that he was a boy at the school.

17 He spoke of Brother [REDACTED] LNA coming into his dormitory
18 and taking him to his own room and forcing him to
19 perform sex acts. He spoke about sexual abuse in the
20 shower area and also of Brother [REDACTED] LNA taking groups of
21 boys into his room and masturbating.

22 So far, my Lady, that evidence or those descriptions
23 are generally in accord with other evidence. But Dave
24 also gave evidence to the effect that he was tied up by
25 Brother [REDACTED] LNA and hung up in the shower area. He also

1 gave evidence of being taken out of the school on trips
2 to other parts of Scotland and to Ireland and being
3 sexually abused.

4 It has to be recognised that Dave accepted that for
5 a long time after he left care, he had a somewhat
6 chaotic lifestyle that was dominated by drink and drugs,
7 and that is a context that has to be carefully
8 considered in evaluating his evidence, at least insofar
9 as it does not chime with the other evidence.

10 The ongoing nature of Brother [REDACTED] LNA alleged abuse
11 can be seen in the evidence given by James -- this is
12 another James -- who was at the school from
13 [REDACTED] 1973 to [REDACTED] 1976. In addition to sexual
14 abuse, he also spoke of physical abuse by Brother [REDACTED] LNA
15 including being burnt with a cigarette, and, on an
16 occasion, punched in the mouth, a punch that caused him
17 to lose two teeth.

18 But he gave evidence also of being in Brother [REDACTED] LNA
19 room with other boys and Brother [REDACTED] LNA having a boy on
20 his lap and tickling children while he, Brother [REDACTED] LNA
21 had an erection. He also saw junior boys being taken
22 into Brother [REDACTED] LNA room. He spoke of Brother [REDACTED] LNA
23 being in the showering area and ogling boys.

24 He himself gave evidence of being seriously sexually
25 abused by Brother [REDACTED] LNA on three occasions in the

1 showering area downstairs, on each occasion being told
2 to stay behind and ending up being raped.

3 Applicants who were at St Ninian's in 1980 and into
4 1981 also made allegations of abuse against
5 Brother [REDACTED] LNA Jack was at St Ninian's between
6 [REDACTED] 1980 and [REDACTED] 1980 and he spoke about how
7 Brother [REDACTED] LNA had boys in his room, sitting on his knee,
8 and how he would enter the dormitories during the night
9 and masturbate boys.

10 Alexander Shannon, who also was in St Ninian's
11 during this period, from February 1980 to April 1981,
12 spoke of sexual abuse that began under the guise of
13 Brother [REDACTED] LNA applying cream to a rash and progressed to
14 more serious sexual abuse.

15 So my Lady, against that summary, it can be seen
16 that some 14 applicants made allegations of sexual abuse
17 of themselves or others against Brother [REDACTED] LNA over the
18 period 1969 to about 1981, effectively the whole period
19 spent by Brother [REDACTED] LNA at St Ninian's.

20 Many of those applicants who made allegations of
21 sexual abuse against Brother [REDACTED] LNA also made allegations
22 that they were physically abused over that general
23 period. I think the point worth making, my Lady,
24 is that, as already mentioned, the period covered by
25 that evidence is in excess of 10 years, and that perhaps

1 makes it rather compelling evidence from witnesses who
2 were at St Ninian's at different points in time.

3 The other brothers who featured largely in the
4 evidence in the 1970s was a Brother [REDACTED] BHD and there
5 are allegations of sexual and physical abuse being made
6 against him. Brother [REDACTED] BHD was [REDACTED] at
7 St Ninian's from [REDACTED] 1970 to [REDACTED] 1974.

8 James, who was at St Ninian's from [REDACTED] 1969 to
9 [REDACTED] 1972, so he covered that period, spoke of sexual
10 abuse by Brother [REDACTED] BHD including sexual abuse on
11 a trip that included visits to Liverpool, Manchester and
12 London. So far as London was concerned he said he was
13 taken by Brother [REDACTED] LNA to a property in [REDACTED]
14 and that he was sexually abused in those three
15 locations.

16 I can perhaps mention that some support for this
17 trip can be found in the logbook, where it is noted that
18 this boy, amongst others, went to London with
19 Brother [REDACTED] BHD in [REDACTED] 1971, which fits with the
20 time frame. There is also a separate entry, where it is
21 noted that Brother [REDACTED] BHD had been at [REDACTED]
22 [REDACTED] -- this entry is for [REDACTED] 1973 -- which post-dates
23 James' time at St Ninian's, but it does support the
24 suggestion that Brother [REDACTED] BHD had some connection
25 with [REDACTED] and, in contrast to Liverpool and

1 Manchester, the Congregation had no connection with that
2 particular location.

3 LADY SMITH: That was a private address, it wasn't an
4 address of a centre used by the Congregation or
5 suchlike?

6 MR MacAULAY: According to James, it was Brother [REDACTED] BHD
7 brother's address.

8 LADY SMITH: Oh yes, yes.

9 MR MacAULAY: Certainly, the location has no connection
10 directly with the order.

11 Evidence of sexual abuse by Brother [REDACTED] BHD was
12 also provided by John, another John. He was at
13 St Ninian's from [REDACTED] 1971 to [REDACTED] 1972. He said
14 that he was raped by Brother [REDACTED] LNA that was an episode
15 that caused bleeding, but he said he was also raped by
16 Brother [REDACTED] BHD and that he did report what had
17 happened to Brother [REDACTED] LHC at the time.

18 Can I then move on to the issue of physical abuse
19 and looking at the position of Brother [REDACTED] BHD The
20 applicant William was at St Ninian's from [REDACTED] 1971
21 to [REDACTED] 1972. He spoke to extensive physical abuse by
22 Brother [REDACTED] BHD He recalled being black and blue and
23 bleeding following a severe beating from
24 Brother [REDACTED] BHD in the shower area, and indeed it being
25 some time before he had full mobility. He described

1 Brother [REDACTED] BHD as being "cruel and sadistic", and said
2 that most boys experienced his irrational and violent
3 behaviour.

4 Frank McCue, who was at St Ninian's from
5 February 1971 to July 1972, gave evidence of a serious
6 physical attack or assault by Brother [REDACTED] BHD that
7 included being struck with a golf club and severely
8 beaten in what became a prolonged attack, so much so
9 that eventually other brothers had to draw
10 Brother [REDACTED] BHD away from him.

11 Frank McCue was seriously injured in that attack and
12 was in bed for several days and in recovery for
13 a significant period of time thereafter. This incident,
14 as we saw in the evidence, is recorded at least in part
15 in the logbook for the date [REDACTED] 1972. The extent of
16 Frank's injuries were spoken to in some detail by Jim,
17 who was a worker at the school at the time.

18 It is of note that no medical attention was sought,
19 despite Frank asking for an ambulance to be called, and
20 that also the police were not informed.

21 Frank said that he was led to believe that
22 Brother [REDACTED] BHD was to be sent away and Rome was
23 mentioned, but in fact he remained at the school for
24 around another year and it was Frank McCue who was
25 required to leave, a year earlier than planned and prior

1 to his school leaving age.

2 The entry that [REDACTED] who we know to have
3 been Brother [REDACTED] BHD [REDACTED] apologised to the whole school
4 in the logbook is not supported in other evidence and,
5 as we were informed last week by the archivist, that
6 would have been written by Brother [REDACTED] BHD [REDACTED]

7 Barry, who was in St Ninian's from [REDACTED] 1971 to
8 [REDACTED] 1973, also spoke to being severely physically
9 punished by Brother [REDACTED] BHD [REDACTED] and also of
10 Brother [REDACTED] BHD [REDACTED] walking around with a golf club and
11 lashing out with it. He witnessed Frank McCue's
12 injuries following the assault by Brother [REDACTED] BHD [REDACTED]

13 My Lady, if the evidence of these witnesses is
14 accepted, and there doesn't appear to be any real doubt
15 in particular over the episode involving Frank McCue,
16 then it does present a picture of a brutal regime in
17 which Brother [REDACTED] BHD [REDACTED] in particular played a leading
18 role. And as I've already mentioned, there's also some
19 evidence that he was a sex abuser.

20 My Lady, can I then move on to the arrival of
21 Brothers Kelly and Farrell at St Ninian's and perhaps
22 make the point, first of all, that it is to be noted
23 that the paths of Brothers [REDACTED] LNA [REDACTED] Farrell and Kelly did
24 cross in St Ninian's and that allegations of sexual
25 abuse have been made against each of them during that

1 period.

2 Brother Farrell first arrived in St Ninian's in
3 January 1978 and then left to embark upon a course of
4 study in September of that same year. He returned in
5 September 1980 and remained there until St Ninian's
6 closed, having taken up the post of headmaster.

7 Paul Kelly arrived in September 1979 and he too
8 remained until the school closed.

9 According to one witness, there was what was
10 tantamount to a handover of abuse that involved [LNA] and
11 Kelly. The witness Michael, who was admitted to
12 St Ninian's in 1978 and was there until [REDACTED] 1982, in
13 his statement, which was read into the proceedings,
14 spoke of sexual abuse by Brother [LNA] being on his
15 knee, wearing pyjamas and being fondled, and then, after
16 Kelly had taken over from Brother [LNA] room, that
17 Brother Kelly went on to sexually abuse him in a similar
18 way. I think the evidence was that at a point in time,
19 Brother [LNA] went to be in charge of the senior boys and
20 Brother Kelly the junior boys.

21 Another witness, Alec, was in St Ninian's for about
22 four months, from [REDACTED] 1979 to [REDACTED] of the same year.
23 He gave evidence of how [LNA] was also involved in the
24 sexual abuse of him along with Brother Farrell. He
25 provided a account of an occasion when he was sexually

1 abused by Brother LNA in LNA room and LNA was then
2 joined by Brother Farrell, who also abused him while
3 another brother, Brother MBP, sat in the room
4 masturbating.

5 This episode was strongly denied by Brother Farrell,
6 Mr Farrell or Father Farrell as he now is, who pointed
7 out that he was not at St Ninian's at that time and
8 there was not a Brother MBP in the order. He did
9 say that when he left to carry out some further studies,
10 there was an expectation that he would return to
11 St Ninian's but he denied returning at all during the
12 two-year period taken up by his studies. So my Lady,
13 again, careful consideration will have to be given to
14 Alec's evidence in that connection.

15 I have already mentioned that Alexander Shannon
16 spoke of sexual abuse by Brother LNA which started
17 under the guise of applying cream to a rash. But he
18 also spoke of sexual abuse by Brother Farrell, who would
19 take him to the toilet and sexually abuse him while
20 he was doing the toilet.

21 Into the 1980s, following the departure of
22 Brother LNA, the inquiry heard evidence that the
23 patterns of serious sexual abuse continued. Max, who
24 was at St Ninian's from 1981 to 1983, gave
25 evidence of being seriously sexually abused by

1 Brother Kelly, including an occasion when he was held
2 down by other boys in Brother Kelly's room and sexually
3 abused by Brother Kelly. He also provided evidence of
4 being in a sexual relationship with Brother Farrell for
5 most of the two-year period he was at the school. He
6 spoke of Brother Farrell telling him to bring other boys
7 to Brother Farrell's room and Brother Farrell telling
8 them to touch each other in a sexual way while he
9 masturbated.

10 Evidence was read into the proceedings from
11 a deceased complainer, Edward, who was at St Ninian's
12 from [REDACTED] 1981 to [REDACTED] 1983, and he provided evidence to
13 the police of serious sexual abuse by Brother Kelly over
14 a period of about eight months or so, mainly taking
15 place in the showering area. He also spoke of sexual
16 abuse by Brother Farrell. Two of the charges on which
17 Brother Kelly was convicted were in relation to this
18 complainer.

19 During the Farrell and Kelly era in particular, the
20 inquiry heard evidence that both these brothers had
21 favourite boys who would spend time with them and,
22 in the case of Brother Kelly, sleep in his room. Both
23 brothers deny that that was the case, although it was
24 accepted that there could have been a perception of
25 favouritism.

1 We heard evidence from a number of former boys that
2 Brother Kelly had one boy who was his particular
3 favourite and that this boy spent a lot of time with
4 Brother Kelly. Evidence was led, for example, that
5 Brother Kelly would invite this boy to physically punish
6 other boys, something again Paul Kelly denies.

7 The inquiry heard evidence from applicants from
8 different eras about the practice of brothers having
9 boys in their rooms, particularly at bedtime. As
10 already mentioned, applicants spoke to this practice
11 in relation to Brother LNA during his tenure from the
12 late 1960s to about 1980.

13 The evidence from applicants, and indeed Mr Kelly
14 himself, was that he, Kelly, continued this practice
15 during his time at the school, having boys not only
16 gathering in his room before bedtime but some boys
17 sleeping in his room overnight. It appears that it was
18 known this went on and that no one challenged it at the
19 time.

20 When the school came to close, Max provided evidence
21 to the inquiry that shortly before leaving
22 St Ninian's -- and he left in █████ 1983 -- he was called
23 in to see Brothers Farrell and Kelly and that they told
24 him that if he ever spoke about what happened in the
25 school, and he understood that to be the sexual abuse

1 and the beatings, that his family would be in trouble
2 because they, that's Kelly and Farrell, had the backing
3 of the Catholic Church, and if he ever spoke about it,
4 his family would be in danger. He also said that other
5 boys told him they had got the same warning.

6 My Lady, William Crawford provided evidence to the
7 inquiry in relation to his capacity as a diocesan
8 safeguarder and his dealings with John Farrell at the
9 time when he was charged in 2014. In particular, he
10 spoke to a note that he had taken in his daybook during
11 a meeting with Father Farrell in February 2014.

12 Mr Crawford explained that he was trying to write
13 down what he was being told and inferred from the note
14 that Father Farrell was telling him that two complainers
15 had a reason to complain and that six did not, and that
16 he had also noted abuse by another Christian Brother,
17 from which Mr Crawford said he inferred that it was
18 another Christian Brother that was involved in abuse.

19 Again, John Farrell strongly denied making any such
20 admissions to Mr Crawford, although did he accept that
21 he had some discussion on the other matters noted,
22 namely about the lease and the covenant review, and the
23 issue there quite simply is whether or not it is
24 possible that Mr Crawford really has made this up in
25 order to incriminate Father Farrell.

1 LADY SMITH: If I remember rightly, the note about the
2 admissions features in the middle of the note; it's not
3 added on at the end, for example.

4 MR MacAULAY: No. And I think as it was put to
5 Father Farrell, Mr Crawford would have to somehow leave
6 space for the incriminating remarks to be inserted at
7 a later stage.

8 There is no doubt the remarks, if made, are indeed
9 incriminating.

10 There were also allegations of physical abuse during
11 the Kelly/Farrell era, carried out by them and indeed
12 others. A number of witnesses spoke to this, including
13 Alexander Shannon, who described the regime as one that
14 involved being slapped, punched and kicked, and that the
15 violence was like "an adult on an adult". I think I've
16 already mentioned that one witness, Alan, described how
17 Mr Kelly instructed a favourite boy to punish him.

18 I should perhaps mention the showering practices
19 very briefly. There was a significant body of evidence
20 of inappropriate sexual practices during showers. For
21 example, there was evidence that Brother **LNA** in
22 particular, was often present in the shower area, again
23 under the guise of supervising, but he was seen to be
24 masturbating while boys were in the showers, and indeed
25 he made contact with boys, again in part, under the

1 guise of handing out shampoo or checking that they had
2 washed themselves properly. These practices persisted
3 throughout his time at St Ninian's. Even more so, there
4 was evidence that Mr Kelly would appear naked in the
5 showers and pick a boy and that the other boys would
6 then leave.

7 It is a matter of public fact that in 2016
8 Paul Kelly was convicted of six charges of sexual abuse
9 of boys at St Ninian's between 1981 and 1983. As
10 already mentioned, two of these charges were in relation
11 to Edward, who's now deceased, and three related to Max.
12 He had faced 64 charges in connection with over
13 30 complainers.

14 Of the six charges involving sexual abuse of which
15 he was convicted, three were of a particularly depraved
16 nature, involving inducing a number of boys to commit
17 sex acts on themselves and to commit serious sexual acts
18 on each other. Paul Kelly was sentenced to 10 years'
19 imprisonment.

20 In 2016, John Farrell was convicted on three charges
21 of sexual abuse involving sexual abuse between 1979 and
22 1983. These charges involved three separate
23 complainers, including the applicant Max. The jury also
24 found him guilty on one physical abuse charge, but the
25 trial judge directed the jury to acquit because they,

1 the jury, had acquitted John Farrell on another assault
2 charge in a context where they could only convict by
3 invoking the Moorov doctrine under reference to the
4 charge of which they convicted.

5 John Farrell had faced 45 charges in respect of
6 28 complainers, and he was sentenced to five years'
7 imprisonment.

8 Can I just touch briefly on the issue of absconding
9 because evidence has been heard from applicants across
10 the period covered in the evidence that boys absconded
11 from St Ninian's on a regular basis, both individually
12 or in groups. Some witnesses explained that they were
13 running away from an abusive regime that they were
14 struggling to tolerate. Many provided evidence of being
15 punished on return, some by physical punishment, others
16 having to stand for hours in silence in the main hall.

17 The brothers who were at St Ninian's recalled and
18 accepted that boys did run away, although they did not
19 accept that there was excessive punishment on return.
20 Numerous incidents of absconding are recorded in the
21 logbooks, so far as we have them, up to 1976, although
22 punishments on return are not always noted.

23 One notable entry in the logbook for [REDACTED] 1959
24 records that a number of boys who had absconded returned
25 and:

1 "Six strokes administered by **BHB** on buttocks
2 of each in presence of boys as well as [X] in
3 refectory."

4 So this appears to have been something of a public
5 event, no doubt designed to humiliate and possibly
6 discourage others from absconding.

7 There does not appear from the evidence to have been
8 any real efforts made to ask boys who had absconded why
9 they had done so and to try and get an understanding of
10 what may have been troubling them.

11 On the matter of impact, in addition to their
12 evidence of their experience as boys at St Ninian's,
13 many applicants have given evidence of the impact, often
14 long term, on them of these childhood experiences while
15 in the care of the brothers and the ways in which these
16 experiences have manifested themselves throughout their
17 lives.

18 So far as record-keeping is concerned, the order's
19 archivist, Karen Johnson, provided evidence in relation
20 to the position on records. She explained that the
21 records relating to St Ninian's are contained in two
22 boxes in the Congregation's archive in Dublin,
23 comprising in the main the annals, two logbooks, that's
24 1951 to 1976, the admissions and discharge register, and
25 various pieces of correspondence relating mainly to the

1 early period and the setting-up of the school.

2 It is obvious that she carried out a thorough
3 investigation into how and what records were kept. Her
4 particular conclusion that a logbook was not kept after
5 July 1976 does seem an appropriate one and indeed
6 Father Farrell confirmed that at least he did not keep
7 a logbook during his period as headmaster.

8 It is apparent for much of its existence,
9 punishments were not recorded by the order and that,
10 of course, would be a breach of the Administration of
11 Children's Homes (Scotland) Regulations 1959, which came
12 into effect in August 1959, because whatever else
13 St Ninian's was, it was a voluntary home and those
14 regulations applied to voluntary homes.

15 Evidence led during the case study does suggest
16 that, at least at a point in time in the latter period,
17 children's records were being kept -- by that I mean
18 personal records -- and indeed Father Farrell spoke
19 about the fact that he had records for the children in
20 his room. It is unknown what happened to these records.

21 My Lady, evidence has been given by brothers and
22 staff who were at St Ninian's during the period in
23 question and, in particular, from 1959 to its close in
24 1983. The general position in relation to that evidence
25 is that, so far as abuse is concerned, that evidence

1 does not suggest that anyone saw or heard anything that
2 caused concern.

3 Perhaps an exception to that might be
4 Brother [LNC] who was at St Ninian's from 1959 to
5 1966, and he spoke about an incident where a boy
6 complained about being sexually abused by Brother [MCE],
7 and that there was a group discussion that concluded
8 that Brother [MCE] should be suspended. Apparently, the
9 headmaster did not agree, the provincial was contacted,
10 and thereafter Brother [MCE] was relocated to
11 Birmingham.

12 Brother [LNC] also spoke about inappropriate
13 sexual behaviour taking place amongst the boys and, in
14 particular, older boys with younger boys. He made the
15 rather odd remark that he was of the belief that this
16 was to be expected as, "They had no other outlet". That
17 seemed to be a strange remark to make.

18 LADY SMITH: Yes, it was very odd.

19 MR MacAULAY: He went on to say that brothers were
20 overworked and had to work 14 to 16 hours a day, seven
21 days a week.

22 LADY SMITH: That might not be difficult to accept on the
23 basis of what we know about the numbers of brothers, the
24 numbers of other staff and the numbers of boys, and what
25 we can infer about the boys' particular needs, 24/7.

1 MR MacAULAY: And indeed the visitation reports, and I think
2 also the HMI inspection reports, support that.

3 Tom, another brother, described Brother LNA as
4 a fearsome man, but he also said he never witnessed any
5 abuse.

6 Harry Harrington, who was a former brother -- he'd
7 been there in 1973 for a brief period and then from 1976
8 to 1980 -- did recall that there was some favouritism
9 amongst the boys and Brother Kelly. He also said that
10 brothers were overworked and worn out. He confirmed
11 that despite being the most junior brother there for
12 much of his period, he was not asked at any time to take
13 over from Brother LNA in assisting with duties during
14 the night or morning routine.

15 He also spoke to rotas from 1976, which showed
16 Brother LNA on duty in the dormitory area every day in
17 the morning, including weekends, and the majority of
18 evenings, but he also said he was not aware of any
19 abuse.

20 James, who was [REDACTED] teacher at St Ninian's in about
21 1980 to 1982, said that bad behaviour and bullying was
22 a big issue. He described the environment as being an
23 unsettling and unhappy one, and indeed that was the
24 reason why he left. He also gave evidence that
25 Brother Kelly had favourites among the boys and that

1 a particular boy was "the teacher's pet".

2 He spoke of an occasion when Brother Kelly yawned
3 and he asked him if he was tired, and Kelly's response
4 was that he too would be tired if he had had
5 a particular boy in his room all night.

6 Brother Chris Brown, who was there from 1981 to
7 1982, like others, said he knew about and possibly saw
8 boys sleeping in Brother Kelly's room, but thought
9 nothing of it at the time.

10 Francis, who was there from 1981 to 1983, said there
11 was an occasion when a boy told him he was being bullied
12 by boys in his dormitory and that he, the boy, had slept
13 overnight in Brother Farrell's room. He mentioned this
14 to another brother. In his evidence, Father Farrell
15 denied this had ever happened. This witness also said
16 that Brother Kelly had boys sleeping in his room and,
17 indeed, that Brother Kelly sometimes showered with the
18 boys.

19 John, another brother, provided evidence that
20 Brother Kelly chose to supervise the showers and he saw
21 Brother Kelly passing out shampoo. John felt it was
22 a little uncomfortable and it was not respecting the
23 privacy of the boys. He went on to say that boys
24 sleeping in Kelly's room was "common knowledge".

25 So my Lady, it appears from that evidence that the

1 evidence that Mr Kelly had boys in his room and sleeping
2 there became an accepted practice that did not seem to
3 cause any alarm bells to ring with those witnesses whose
4 evidence I have just mentioned. Yet, according to
5 Brother Burke, who gave evidence last week, to allow
6 children to sleep in a brother's room "was a recipe for
7 disaster".

8 LADY SMITH: Yes.

9 MR MacAULAY: Can I just touch upon the evidence in relation
10 to the movement of Brothers MCE and Kelly (sic). The
11 order does accept that two brothers with previous
12 allegations of inappropriate behaviour towards children
13 were transferred to work at St Ninian's. They recognise
14 that that is clearly a systematic failure at an
15 organisational level. The order accepts that the
16 movements of Brother MCE and Brother Farrell were
17 inappropriate and wrong.

18 LADY SMITH: I think you said at the outset you were talking
19 about the movement of Brothers MCE and Kelly; do you
20 mean MCE and Farrell?

21 MR MacAULAY: I'm sorry, MCE and Farrell.

22 Finally, my Lady, can I then look at the position of
23 the order as spoken to by Brothers Burke and Garvey,
24 just to remind your Ladyship, Brother John Burke had sat
25 through each day of the evidence, and also that, shortly

1 before they gave their evidence, the order updated their
2 responses to parts A and D of the section 21 notice, and
3 on any view, the position now adopted by the order can
4 only be seen as a very helpful one to the inquiry.

5 The order accept that there was a lack of specific
6 training for caring for children, and this was not
7 limited to the early years of St Ninian's' existence.
8 It acknowledges that it was "a facile presumption" that
9 brothers with experience of managing schools could also
10 manage such a residential establishment without specific
11 training. And it is accepted that the visitation
12 reports demonstrated and identified requirements for
13 special training in order to care properly for children
14 in a residential care setting, and the order
15 acknowledges that it was identified through that process
16 that an educational psychologist was an essential, not
17 a luxury.

18 The order also accepts that the risk of children
19 being abused in such a setting had been identified in
20 its own constitution, and in particular paragraph 26
21 provided a clear indication that the Congregation
22 accepted that such a risk existed. It is accepted that
23 by its own acknowledgement of this risk, there should
24 have been an awareness on the part of the Provincial
25 Council of the risk of abuse.

1 The order accept that abuse at St Ninian's happened
2 against a background of that risk having been
3 identified. They also accept that there were brothers
4 at St Ninian's who simply did not have an awareness of
5 the provisions of the constitution and the importance of
6 adherence to them.

7 In terms of schooling, the order accepts that the
8 evidence suggests there was a lack of a formal
9 curriculum and that the quality and standard of teaching
10 was less than it should have been, and that is somewhat
11 ironic in the sense that the order has prided itself on
12 its teaching abilities. It is accepted that the failure
13 to provide an appropriate level of education with clear
14 levels of attainment for the boys was a major failing.

15 Again, the Congregation identify that evidence has
16 been heard that can be categorised as, at times,
17 representing a culture of abuse at St Ninian's. It
18 accepts that it is clear that Brother [REDACTED] LNA had
19 a significant influence and power over the management of
20 the home during his tenure and that particularly during
21 the periods of Brothers [REDACTED] LNA Farrell and Kelly, the
22 Congregation accept that the extent of abuse was
23 intolerable, unacceptable and reprehensible, and also
24 that punishments, such as being hit on the soles of the
25 feet, go well beyond acceptable levels of corporal

1 punishment.

2 The order has described the evidence of physical
3 punishment that has been heard as "excessive, inhumane
4 and inexcusable".

5 In light of the evidence heard at the inquiry, the
6 order accepts that it is not possible to say that
7 children were well cared for at St Ninian's. It
8 acknowledges that children were abused, and the
9 Congregation's general position is that the survivors of
10 abuse are to be believed.

11 Then in conclusion, my Lady, your Ladyship will have
12 to carefully consider all the evidence of the
13 applicants, the accounts of the surviving brothers and
14 staff who were at St Ninian's, the accounts of other
15 witnesses, and will ultimately have to decide whether
16 the evidence of applicants is accepted in relation to
17 the practices that they have described. That task is
18 perhaps assisted to a significant degree by the order's
19 acceptance of abuse having taken place and of failures
20 within the organisation in its care and protection of
21 children, and also by the fact that two of the main
22 abusers were convicted of charges dealing with sexual
23 abuse that covered the last four or five years of
24 St Ninian's' existence.

25 Those are my submissions.

1 LADY SMITH: Indeed.

2 MR MacAULAY: Those are my submissions.

3 LADY SMITH: Thank you very much indeed, Mr MacAulay.

4 I'm going to turn next to the representation for
5 INCAS and I see Mr Collins is here today to present
6 INCAS' closing statement.

7 Closing submissions by MR COLLINS

8 MR COLLINS: Thank you, my Lady.

9 This is the closing statement on behalf of INCAS,
10 which has been prepared and written by Mr Scott, which
11 I will deliver on his behalf.

12 I ended the opening statement on behalf of INCAS
13 with a quote attributed to Edmund Rice, the founder of
14 the Christian Brothers, in a letter to Brother Austin
15 Grace in September 1826:

16 "Above all beg of Him to give you the virtue of
17 humility, which is so necessary for religious in every
18 station, but particularly for those who have the care
19 and direction of others. If you only acquire this
20 virtue, it will always guide you safely, lest your paths
21 be ever so cross or difficult."

22 From the evidence given on behalf of the brothers,
23 and in particular Brothers Burke and Garvey, I am able
24 to acknowledge that survivors have seen a demonstration
25 of the humility to listen, hear, understand and

1 acknowledge the serious physical, emotional,
2 psychological and sexual abuse for which the
3 Congregation of the Christian Brothers are responsible.

4 Brother John Burke acknowledged that the evidence
5 disclosed a culture of abuse and that he and
6 Brother Edmund Garvey, in their evidence on Day 140,
7 spoke fairly and frankly about the shock and horror they
8 felt on hearing or seeing the evidence of this case
9 study. Their approach is likely to help at least some
10 survivors.

11 Realisation about what the Congregation's priorities
12 should have been was provided by Brother O'Neill on
13 Day 138. He said:

14 "The one that was the victim was the first one that
15 should have been looked after, not the one who caused
16 the trouble."

17 I acknowledge this and the rather different approach
18 to matters taken in this case study by Mr Duncan than
19 that which featured earlier on in the inquiry on
20 11 July 2017. In remarks made in closing on behalf of,
21 and presumably instructed or sanctioned by, the
22 Christian Brothers, Mr Anderson -- and I pause to say
23 that's Mr Anderson who at the time was representing the
24 Christian Brothers as opposed to Mr Anderson who is here
25 today for the Bishops' Conference.

1 LADY SMITH: I do appreciate that and that is very fair of
2 you to point that out, Mr Collins. Thank you.

3 MR COLLINS: In remarks made on behalf of the
4 Christian Brothers, Mr Anderson might well be thought to
5 have sought to minimise the abuse, suggesting that:

6 "It ought not to be described as institutional,
7 given."

8 And that:

9 "The abuse was the criminal acts of the very few."

10 Those are quotes from Day 20.

11 The transcript shows that your Ladyship immediately
12 responded to this suggestion by saying that it might
13 need to be discussed on another day and making clear
14 that you did not necessarily accept the categorisation.

15 It appears that the more thoughtful approach taken
16 during this case study, no doubt informed by further
17 reflection and careful attention to the evidence, has
18 led to a more accepting and less defensive and, frankly,
19 offensive approach in submissions.

20 In fact, to compound matters at that time, it rather
21 seemed that Mr Anderson, on behalf of the Congregation,
22 was suggesting that at least there was a good education.
23 Of course, we know that even that weak mitigation has
24 been shattered by the evidence in this case study.

25 We have heard of abuse very similar to some in

1 earlier case studies and already the subject of findings
2 in fact by your Ladyship. A particularly striking
3 aspect of abuse in this case study is it appears to have
4 happened in the open before witnesses as well as behind
5 closed doors with none. This was acknowledged by the
6 Congregation in the evidence of Brother John Burke on
7 Day 140. Physical abuse was obvious, not hidden, in
8 a way that emphasises how common it was and how the
9 abusers were confident to act without fear of
10 consequences.

11 The abuse seems to have been institutional, perhaps
12 even a source of pride, as part of the brothers'
13 reputation for being able to break even the most
14 challenging boy. Some sexual abuse even took place
15 in the open, with boys taken from dormitories seen
16 sitting on the knees of their abusers or even in their
17 bedrooms, and even visiting brothers present and
18 obviously aware.

19 Sexual abuse was part of the fabric of the
20 institution. All had their favourite boys.

21 Awareness of abuse extended to other brothers and
22 even provincials, all the way up to Rome. The role of
23 the Congregation's headquarters in Rome may bear
24 a scrutiny before the inquiry ends as some of the
25 evidence we have heard suggests there is some

1 responsibility there for what was allowed to happen.

2 Brother John Burke expressed his shock at the
3 approach taken by the Superior General in Rome as
4 regards John Farrell. Responsibility can, of course, be
5 shared by institutions as well as individuals, and that
6 appears to be the case here.

7 When there were consequences for abusers, these
8 might well be considered bearable for and
9 disproportionately considerate to the abuser, with
10 relocation not really much of a punishment at all.
11 Rather, moving the abusers around suggests more of
12 a desire to conceal and deny the abuse rather than to
13 face it. It also quoted the risk, seemingly acceptable
14 to the Congregation in preference to disclosure, of
15 creating further victims of abuse elsewhere with other
16 institutions and future victims oblivious to what was
17 always likely to happen again.

18 Occasionally, perhaps even accidental, lines of
19 communication featuring coded language, for example
20 referring to John Farrell's abuse in Pretoria as "an
21 upset" at one point, meant that abuse was hidden from
22 some of those who should have been made aware of it.

23 Indeed, in a case study featuring much which is
24 truly appalling, perhaps it is the clear evidence of
25 problems being moved on that is one of the worst

1 aspects.

2 We certainly heard of three clear examples.

3 John Farrell being moved from Pretoria and sent to

4 St Ninian's despite the heads of the order in Rome

5 knowing that he was an abuser --

6 LADY SMITH: I just wonder whether you can go as far as them

7 knowing he was an abuser. They certainly appear to have

8 had plenty of information to the effect that there was

9 a real risk that he was an abuser, Mr Collins.

10 MR COLLINS: They were certainly aware there was a risk

11 which meant that it was suggested he should not be

12 placed in any school such as St Ninian's.

13 LADY SMITH: Oh, absolutely, and it doesn't take

14 Sherlock Holmes to work out what is feared by putting

15 together the words "upset" and "this man should not work

16 in a boarding school".

17 MR COLLINS: Brother **BHD** after a most violent assault

18 on Frank McCue, was reported to have been moved,

19 although it remains unclear if he ever left or was just

20 hiding within the establishment.

21 Brother **MCE** was moved from Gibraltar after sexual

22 assaults and then went on to abuse at St Ninian's.

23 In my opening statements I mentioned the damning

24 phrase, "He could not be trusted with children",

25 in relation to complaints and investigations into

1 John Farrell -- sorry, and in connection with the
2 complaints and investigation into John Farrell, the
3 quote:

4 "I hope they won't put him in a boarding school --
5 I'm sure you know about that."

6 I'm not sure we heard a satisfactory explanation for
7 the Congregation's approach of knowing of abuse, or at
8 least of having strong suspicions, and yet simply
9 ignoring it in practice, content to make no meaningful
10 precautions, far less to inform the police or other
11 authorities.

12 As acknowledged by Brother O'Neill, the emphasis for
13 the Congregation was on the abuser rather than the
14 abused. It may be that there was in the hearts of some
15 brothers a sense of compassion and, in a faith that is
16 based on the possibility of redemption for all, to
17 greater hope that abusers might change. Sadly, as
18 we have seen, blind faith, inadequate communication and
19 minimal precautions were not enough to save further
20 victims.

21 Turning to the findings in fact that we invite
22 my Lady to make, I now turn to the question of facts
23 that your Ladyship should find established on the
24 evidence heard in this chapter.

25 Again, there has been evidence of abuse, indeed

1 institutional abuse or a culture of abuse, which is
2 supported by a number of witnesses. The inquiry has
3 again heard of abuse described by individuals of
4 different backgrounds and ages who were resident in
5 different decades and who were strangers to each other.
6 What happened did not involve only one or two abusers,
7 it didn't last for just a short time. It involved many
8 abusers and took place over decades.

9 My submissions are again in general terms and relate
10 to the body of evidence of practices which go beyond
11 individual witnesses.

12 We have heard of similar or even identical practices
13 which persisted over decades, despite the inevitable
14 changes of brothers, staff and boys. This evidence and
15 these practices form the basis for most of my
16 submissions.

17 I suggest that the following findings in fact can be
18 made. Regrettably, many of these are similar to those
19 findings that I have suggested for earlier case studies.

20 Education. For all that education was a matter on
21 which the Congregation prided itself, it seems that
22 their confidence was misplaced when it came to
23 St Ninian's in Falkland. We heard evidence that the
24 education received was poor, with no formal curriculum,
25 no real opportunity for most to achieve their potential.

1 There was evidence of witnesses simply stopping
2 attending at classes and no one caring.

3 Control, discipline, punishment. As with education,
4 it seems that the Congregation prided itself on its
5 ability to instil discipline. As with their pride and
6 what they offered by way of education, this was badly
7 misplaced. Discipline in a care and educational setting
8 must mean more than threat and violence, relying solely
9 or fear or on unquestioning obedience.

10 Boys of all ages were assaulted, often without
11 anything which might conceivably have been used to
12 justify it by way of misbehaviour. Arbitrary violence
13 involved beatings of all sorts, with and without
14 implements. It included regular use of the belt, but
15 also canes and even golf clubs.

16 To mention the evidence of just one survivor,
17 Frank McCue described violence so bad involving a
18 beating with a golf club by Brother **BHD** that other
19 brothers felt that they had to intervene. That this
20 intervention was thought necessary against a backdrop of
21 routine violence says much about what had become normal
22 as well as what was considered extreme, even in that
23 house of pain.

24 Frank McCue is one example of someone who is
25 reminded every day of the abuse he suffered when he

1 looks at or tries to use his hands.

2 Even without weapons there was punching, kicking,
3 and other acts of physical violence. This was done as
4 a means of control, discipline and punishment. It was
5 used to punish bed-wetting and any other incidents of
6 perceived or actual disobedience or misbehaviour, or for
7 no reason at all.

8 Shouting, screaming, cruelty and humiliation were
9 additional means of control and punishment in the care
10 of the Christian Brothers who so prided themselves on
11 their discipline.

12 Birthdays. There was evidence from some witnesses
13 that birthdays were not observed.

14 Washing. The absence of even basic privacy was
15 emphasised in the evidence of brothers spectating when
16 boys were taking showers. There was even evidence of
17 photographs being taken in a manner which we would now
18 recognise as further abuse, indeed perhaps as
19 a precursor to the now more prevalent abuse of children
20 created by and captured in the use of indecent images.

21 Bed-wetting. In what has become perhaps the most
22 common aspect of everyday abuse across institutions,
23 humiliation and punishment of bed-wetters was one small
24 part of the abuse inflicted on boys.

25 Sexual abuse. Sexual abuse was a disturbing feature

1 in this case study. Boys were subjected to this form of
2 abuse by brothers and others, with a degree of grooming
3 apparent from some of the behaviour described with boys
4 sleeping in a brother's bed, accepted by some as
5 something which should have been a red flag.

6 There were attempts to normalise the sexual abuse by
7 presenting the abuse as relationships between abuser and
8 child. The abuse included indecent touching and
9 significantly more serious sexual activity, including
10 rape.

11 LADY SMITH: The building of a sense of relationship,
12 of course, is typical of grooming practices.

13 MR COLLINS: Indeed, my Lady.

14 Awareness of abuse. Brothers, including those who
15 did not themselves perpetrate abuse, witnessed abuse
16 happening. Boys made complaints of abuse. Such boys
17 were accused of lying. Their complaints were not
18 pursued by those to whom they were made and indeed such
19 complaints often prompted punishment and further abuse.

20 As I have said, awareness of the abuse and how the
21 Congregation responded to that awareness are some of the
22 most shocking aspects in this case study.

23 Those are the submissions on behalf of INCAS
24 regarding the findings in fact. Once more, I wish to
25 thank you, my Lady, and the inquiry team, especially

1 Mr MacAulay and Ms MacLeod, for continuing to deal with
2 people in a sensitive and trauma-informed manner.

3 Finally, I want to end with another quote, this time
4 from Patrick Galvin, an Irish poet and writer and an
5 abuse survivor, who wrote "The Raggy Boy Trilogy", the
6 memoirs of his young life, including abuse at the hands
7 of another Congregation of the Catholic Church in County
8 Offaly.

9 I mention it because Galvin's work featured in the
10 witness statement of Frank McCue, who spoke of how it
11 affected him when he saw the film of the middle book of
12 the trilogy, "Song for a Raggy Boy", which detailed in
13 particular the physical abuse suffered by Galvin.

14 Helen Holland had said that:

15 "Having people watch that film allows others to
16 begin to grasp some of what it felt like to be abused,
17 terrified, powerless, voiceless."

18 In a poem entitled "Heart of Grace", Galvin wrote
19 from the perspective of a damaged and disturbed child.
20 I will recite only the six verses which speak of the
21 feeling of being there, but not quite being there, of
22 witnessing abuse, of being silent, and finally finding
23 a stronger voice after all that has happened:

24 "I beat the four walls with my heart and with a pen
25 I scratched them but made no mark at all, though I tried

1 one day after another.

2 "Long was the night but I never said a word. Long
3 was every day that year but I never said a word.
4 I never said a word. I never said a word. I never said
5 a single word. I couldn't open my mouth.

6 "The feeling has come back into me and I will speak
7 with a terrible voice. One hundred stones of the
8 Eastern Wall and all the rest are bones. I will speak
9 now my own word and that has the thunder in it, it has
10 the great bolts of forked lightning, it dries up all the
11 sea.

12 "They have broken my back and I will mend it. They
13 have broken my head and I will mend it. All my blood
14 ran away but I will bring it back. Fire into words,
15 words into fire, fire into words."

16 LADY SMITH: Mr Collins, thank you very much for that and
17 thank you to Mr Scott for thinking of adding the poem.
18 That's very powerful and pertinent at this stage.

19 It's almost the normal time that we would take the
20 morning break. So I think we'll do that now and start
21 again after the break with submissions from the
22 Lord Advocate. Thank you.

23 (11.25 am)

24 (A short break)

25 (11.45 am)

1 LADY SMITH: There's one matter I just want to mention
2 before I invite Ms Lawrie to address me on behalf of the
3 Lord Advocate.

4 In the course of his submissions, Mr MacAulay made
5 reference to two brothers' names, one was
6 Brother [REDACTED] LNC and the other was Brother [REDACTED] MBV Those
7 are names that can be used in this room, but they do
8 actually have the protection of my general restriction
9 order and they cannot be mentioned in any way outside
10 this room. So for anyone who didn't notice that at the
11 time, please do take note and remember the effect of the
12 restriction order.

13 Let me now turn to Ms Lawrie, if you're ready.

14 Thank you.

15 Closing submissions by MS LAWRIE

16 MS LAWRIE: Thank you, my Lady, for this opportunity to make
17 a closing submission to the inquiry on behalf of the
18 Lord Advocate.

19 The focus of the present case study has been on the
20 residential care establishment run by the Congregation
21 of Christian Brothers at St Ninian's at Falkland in
22 Fife. During this case study, the inquiry has heard
23 evidence of the abuse of children who were resident in
24 this establishment.

25 The inquiry has also heard evidence that some of

1 this abuse was reported to you and thereafter
2 investigated and prosecuted by the Crown Office and
3 Procurator Fiscal Service. Indeed, as indicated in the
4 Lord Advocate's opening statement to the inquiry, there
5 was a High Court prosecution in 2016 of five
6 individuals, both Christian Brothers and staff who
7 worked at St Ninian's. This prosecution involved
8 131 charges relating to offences of both physical and
9 sexual abuse perpetrated between 1967 and 1999 against
10 in excess of 44 complainers.

11 Based on the evidence provided to the inquiry,
12 I submit on behalf of the Lord Advocate that the inquiry
13 would be entitled to make the following finding in fact
14 in respect of the investigation and prosecution by the
15 Crown: that six individuals were reported by police to
16 the procurator fiscal; five of those individuals were
17 prosecuted at the High Court of Justiciary in 2016. Of
18 the five individuals prosecuted, two individuals were
19 convicted of the physical and sexual abuse of five
20 children in their care between 30 January 1979 and
21 31 July 1983, both dates inclusive.

22 In conclusion may I take this opportunity to
23 reiterate the Lord Advocate's continuing commitment to,
24 firstly, supporting the work of the inquiry and to
25 contributing both positively and constructively to its

1 work and, secondly, to ensuring the fair, effective and
2 rigorous prosecution of crime in the public interest for
3 all members of society, including the most vulnerable.

4 Those are my submissions, my Lady.

5 LADY SMITH: Thank you very much, Ms Lawrie.

6 I would now like to turn to the representation for
7 the Chief Constable of Police Scotland. I see Ms van
8 der Westhuizen is here.

9 When you are ready, I am ready to hear from you.

10 Thank you.

11 Closing submissions by MS van der WESTHUIZEN

12 MS van der WESTHUZIEN: Thank you, my Lady.

13 Police Scotland is grateful for the opportunity to
14 make this closing statement in respect of this case
15 study. During this case study, we have heard testimony
16 from survivors who have experienced abuse within
17 establishments operated by the Congregation of the
18 Christian Brothers, with a particular focus on the
19 provision of care in St Ninian's, Falkland, Fife.

20 Police Scotland would like to acknowledge the extent
21 and impact of the abuse experienced by those survivors,
22 and indeed all survivors, of childhood abuse across
23 Scotland.

24 Police Scotland has provided and will continue to
25 provide the inquiry with information and evidence around

1 its own practices and policies, and those of the eight
2 legacy police forces, in relation to responding to and
3 investigating reports of child abuse in care
4 establishments and how this has evolved over time.

5 Police Scotland remains committed to investigating
6 all forms of child abuse. Such investigations can be
7 complex and challenging. Police Scotland would,
8 however, like to reassure survivors that they will be
9 treated seriously and all reports will be thoroughly
10 investigated, regardless of when it happened, where it
11 took place and who was involved.

12 Police Scotland would like to reassure the inquiry
13 and the people of Scotland that although resource
14 assignment, investigative practices and policies around
15 the investigation of child abuse have advanced
16 considerably over the years, it will apply the knowledge
17 acquired and any lessons to be learned during the course
18 of this inquiry to further enhance its organisational
19 learning and service provision to survivors.

20 Unless I can be of further assistance my Lady,
21 that's the closing statement on behalf of police
22 Scotland.

23 LADY SMITH: Ms O'Neill, you're here for the
24 Scottish Ministers; whenever you are ready, I am ready
25 to hear from you.

1 Closing submissions by MS O'NEILL

2 MS O'NEILL: Thank you, my Lady.

3 The inquiry has the written submission submitted in
4 advance of today, as have the other participants.

5 Part 1 of that written submission, my Lady, records
6 for the record the interest of the Scottish Ministers
7 and the nature of their participation in this phase of
8 the inquiry. I don't propose to read that out as it
9 bears much similarity to material that's already been
10 put to the inquiry.

11 In relation to findings of experiences of abuse, as
12 in previous hearings, those representing the
13 Scottish Ministers have not been actively involved
14 in the taking of evidence from witnesses who have given
15 evidence during the case study about their experiences
16 of abuse. That is again particularly because, as with
17 earlier phases of the inquiry, the Scottish Ministers
18 did not consider it would have been appropriate for them
19 to apply to the inquiry for permission to question those
20 witnesses. The Scottish Ministers do not consider that
21 they had any basis on which to test or challenge the
22 veracity of the evidence given by witnesses during the
23 case study.

24 In the circumstances, therefore, the Scottish
25 Ministers do not intend to make detailed submissions on

1 the evidence heard by the inquiry during the case study
2 or to propose that the inquiry should make specific
3 findings in respect of the accounts given by witnesses
4 as to events at St Ninian's, Falkland.

5 The Scottish Ministers nevertheless wish to
6 acknowledge the evidence given by the applicants of
7 serious physical, sexual and emotional abuse and neglect
8 suffered by them as children in care, including evidence
9 given by individual applicants as to the poor quality of
10 the educational provision that was made for them at
11 St Ninian's and which was also acknowledged by
12 Brothers Burke and Garvey.

13 The Scottish Ministers recognise the role of the
14 state in these failings and the Scottish Government is
15 continuing to listen carefully to the evidence that is
16 being given to the inquiry in order to respond
17 appropriately to that evidence and to inform future
18 policy and legislative proposals.

19 LADY SMITH: Can I just interject. I'm pleased to hear
20 that, because it was quite remarkable that there were,
21 for instance, children who were sent to St Ninian's
22 because they were what we sometimes called school
23 refusers, they were not attending school, and this was
24 supposed to make up for the education that they were
25 lacking from not going to school at home, and yet it

1 didn't.

2 MS O'NEILL: My Lady, I think that is well acknowledged, and
3 if it may assist my Lady, some thought has been given to
4 the inquiry's terms of reference and the extent to which
5 education per se falls within the terms of reference of
6 the inquiry. There might be some doubt about the extent
7 to which the inquiry can make findings about the quality
8 of education generally, but it is well accepted,
9 my Lady, that, particularly in the context of
10 St Ninian's, this was an educational facility and it is
11 well anticipated that the inquiry will make findings
12 about the quality of education in that context.

13 LADY SMITH: I hear exactly what you mean by reference to
14 the terms of reference of this inquiry. I'm not charged
15 with the job of looking into specifically how good the
16 education was. However, evidence, if I accept the
17 evidence, about the failures in education telling me
18 that those who were responsible for these children had
19 a very poor attitude, if I can put it that way, with
20 regard to the discharge of their responsibilities in one
21 important area for these children, it may inform me as
22 to what I find about their attitude to the discharge of
23 their responsibilities elsewhere.

24 MS O'NEILL: Indeed so, my Lady, and that is absolutely
25 acknowledged on the part of the Scottish Ministers.

1 LADY SMITH: Thank you.

2 MS O'NEILL: My Lady, in relation to inspections, again the
3 Scottish Ministers are conscious that the nature and
4 extent of inspections carried out at St Ninian's has
5 been the subject of evidence. Individual applicants
6 gave evidence about the fact, extent and impact of
7 external inspections, as did former employees, and there
8 are references there to the evidence that was given;
9 again, I will not read that out.

10 Deficiencies in the inspection regime were spoken
11 to, particularly by Brothers Burke and Garvey on 3 July.

12 The Scottish Ministers are conscious that the
13 chair's published findings concerning the Daughters of
14 Charity do not contain detailed findings in relation to
15 questions of inspection, but that her findings
16 in relation to the Sisters of Nazareth did narrate in
17 some detail extracts from inspection notes and reports
18 concerning Aberdeen and Lasswade in particular.

19 LADY SMITH: Yes. Just to be clear, those were extracts
20 that Professor Levitt had noted that specifically
21 mentioned Sisters of Nazareth institutions and that was
22 why.

23 MS O'NEILL: And it is obvious that where there were not
24 inspection reports put to the inquiry, it would not have
25 been possible for the inquiry to have made findings

1 about what was said in those, and the Scottish Ministers
2 do anticipate that findings in relation to this phase of
3 the inquiry may refer to the evidence given by
4 applicants and others as to inspections of St Ninian's.

5 It was submitted on behalf of the Scottish Ministers
6 by me, my Lady, at the conclusion of the phase 3
7 hearings that it might be appropriate for the inquiry to
8 defer making findings concerned with inspections given
9 that further evidence was expected to be given by
10 Professor Levitt on inspection practices. Indeed,
11 Professor Levitt gave further evidence on 4 and 10 April
12 in relation to the period 1968 to 1992. It's
13 anticipated that he will, in due course, give evidence
14 to the inquiry in relation to inspections in later
15 periods.

16 My Lady, all that Scottish Ministers would say at
17 this stage is that they anticipate that your Ladyship
18 may wish to invite submissions in due course on the
19 adequacy or otherwise of inspection regimes at
20 a systemic rather than at an individual institution
21 level over the whole period of the inquiry's terms of
22 reference, and the Scottish Ministers would welcome the
23 opportunity to make submissions at that stage.

24 Thank you.

25 LADY SMITH: Thank you very much, Ms O'Neill.

1 I'd now like to turn to the submissions to be made
2 on behalf of the Bishops' Conference, and that takes me
3 to Mr Anderson.

4 Closing submissions by MR ANDERSON

5 MR ANDERSON: Thank you, my Lady.

6 This is the closing statement on behalf of the
7 Bishops' Conference of Scotland. The
8 Bishops' Conference of Scotland have been regularly
9 represented during proceedings in this case study by
10 legal representatives, and behind the scenes both lay
11 staff and clergy with the appropriate authorisation have
12 considered relevant materials.

13 My Lady, all of the events discussed in the evidence
14 are of concern to the Bishops' Conference. A matter
15 which has been of direct relevance to a member of the
16 Scottish Hierarchy, the Bishop of Motherwell, is the
17 evidence of and concerning John Farrell. His conviction
18 is accepted, as is the basis thereof. Those instructing
19 me condemn all of his crimes, those of Paul Kelly, and
20 any others which took place in and around St Ninian's.

21 John Farrell, my Lady, became a priest of the
22 Diocese of Motherwell and the inquiry heard the evidence
23 of William Crawford, a former diocesan safeguarding
24 officer, as to the steps he took in implementing the
25 diocesan safeguarding policy in relation to

1 John Farrell. As soon as allegations were known to it,
2 the Diocese of Motherwell took all steps available to it
3 to sanction John Farrell's ministry. We heard the
4 evidence about the covenant of care and that goes back
5 to the evidence from Tina Campbell in that respect in
6 phase 1 of inquiry proceedings.

7 I'm advised that these steps were undertaken by the
8 diocese three years before his trial and conviction and
9 I'm also advised that the sanctions against his ministry
10 continue in force. I'm advised that the net effect of
11 these sanctions is that he will not be able to practise
12 publicly as a priest upon his release from prison.

13 LADY SMITH: So what am I to take from that when you say he
14 will not be able to practise publicly as a priest? Does
15 that mean he remains a priest?

16 MR ANDERSON: As things stand, my Lady, he does remain
17 a priest of the Diocese of Motherwell, yes. He is
18 allowed to, as anyone -- the diocese does not interfere
19 in what he does in private, but he cannot act as
20 a representative of the diocese or practise as a priest
21 in any way in the diocese. So publicly, he is not
22 allowed to conduct himself as a priest.

23 LADY SMITH: Well, that still leaves a question in my
24 mind -- and no doubt we can look at this at some later
25 stage, Mr Anderson. Would that mean that a private

1 group who decided they wished to have him as their
2 priest could do so?

3 MR ANDERSON: No, my Lady. When I say "privately", I mean
4 on his own rather than as a minister with a congregation
5 of any type. I'm happy to provide more detail on that.

6 LADY SMITH: Perhaps I can have a little more detail on what
7 that means because at the moment it leaves me with
8 a slight anxiety. If I can just leave it at that.
9 Thank you.

10 MR ANDERSON: I'm grateful, my Lady.

11 What I would submit, my Lady, in respect of the
12 evidence of William Crawford is that the diocesan
13 dealings with him would demonstrate the working in
14 practice of the safeguarding procedures and policies of
15 which evidence was given in the first phase of the
16 inquiry. That's a finding in fact which is for my Lady.

17 In respect of John Farrell, I'd add to that that the
18 bishop has brought his case to the attention of the
19 Holy See and further reports will be made following the
20 evidence heard in this case study.

21 LADY SMITH: Are you able to give me a time frame for that
22 as to when the bishop communicated with the Holy See on
23 this matter and when they expect the Holy See's views to
24 be known or any decisions that they have to make to be
25 known?

1 MR ANDERSON: I understand, my Lady -- I don't have the
2 information in front of me but I understand it was at
3 the stage of his conviction that it was relayed to the
4 Holy See and the matters of further detail which have
5 become known to those instructing me are to be relayed
6 imminently.

7 LADY SMITH: It still seems to be taking quite a long time,
8 Mr Anderson, if it's from the time of his conviction.

9 MR ANDERSON: Well, yes, I take my Lady's point.

10 Turning to the evidence in general, my Lady, in the
11 view of those instructing me, the inquiry has been
12 provided with many credible testimonies by the
13 applicants who came to tell their stories. Findings in
14 fact are, of course, for my Lady, but to those
15 instructing me it may be that in consideration of the
16 body of evidence, findings consistent with the terms of
17 reference that abuse of children took place within
18 St Ninian's, and that there were systemic failings which
19 led to or failed to prevent such abuse are open to the
20 inquiry to make. If those findings were made, those
21 instructing me would of course accept them, my Lady.

22 On the first day of evidence, my Lady, a witness
23 gave evidence that a priest was or could have been aware
24 of an assault on him by a brother. I'm advised that had
25 any diocesan priest known of such behaviour at that

1 time -- the evidence was that this took place between
2 some time between 1955 and 1957 -- had any diocesan
3 priest known of such behaviour at that time, he would
4 have been expected to ensure the safety of the young
5 person and to have reported the matter to the brother's
6 superior and, in more recent times, he would have been
7 expected to report the allegation directly to the
8 police.

9 Turning, my Lady, to the relationship between the
10 order of the Christian Brothers and the Archdiocese of
11 Edinburgh and St Andrews. That was touched upon in
12 evidence in relation to the setting-up of St Ninian's
13 and it was seen that the archbishop had suggested that
14 there was an opportunity for a teaching order to set up
15 an establishment.

16 During the evidence of Brothers Burke and Garvey,
17 Brother Garvey stated that there had been a presumption
18 that the order could manage an institution such as
19 St Ninian's and that the presumption turned out to be
20 hopeless and a misplaced ideal. The Bishops' Conference
21 has no reason to doubt the brother's judgement in that
22 regard.

23 I'm advised that the invitation was made to the
24 brothers by the archdiocese on the basis of their good
25 reputation as providers of education. The invitation

1 was made out of a desire to assist the state in what was
2 thought to be a difficult area of education.

3 A diocese or archdiocese would not be involved in
4 the establishment of a school in the same manner today.
5 But if it were, of course modern approaches would be
6 applied and invitations wouldn't be made on the basis of
7 reputation alone.

8 I would conclude, my Lady, by simply seeking to
9 highlight again the Catholic Safeguarding Scheme,
10 details of which are available online for anyone who
11 wishes to access that system and the services provided.

12 I would also add my thanks to my Lady and to counsel
13 to the inquiry and to the legal team for their
14 assistance to me and those instructing me over the
15 course of this and other case studies.

16 LADY SMITH: Thank you, Mr Anderson.

17 Let me turn now to Mr Duncan who's here to present
18 the closing submissions on behalf of the Congregation of
19 Christian Brothers.

20 Closing submissions by MR DUNCAN

21 MR DUNCAN: Thank you, my Lady.

22 Your Ladyship has before her a fairly lengthy
23 written submission. It is the product of reflection and
24 recognition, even after they gave their evidence, that
25 more really needed to be said by the Congregation.

1 Given the length of the submission, my Lady, my
2 intention is not to read through the whole document but
3 simply to focus upon certain parts.

4 If I can begin by taking my Lady to paragraph 3.
5 I do that simply to emphasise that while it is
6 acknowledged that the focus of your Ladyship's findings
7 in fact are bound to be around issues of sexual and
8 physical abuse, the Congregation, as I say here,
9 my Lady, considers that it is necessary to look to the
10 background to these incidents.

11 That's so for two reasons. First, it is clear that,
12 quite apart from the serious abuse perpetrated upon each
13 applicant, they each recalled a life within St Ninian's
14 that fell far short of what the Congregation should have
15 provided.

16 Secondly, while the abuse suffered by boys within
17 St Ninian's was the result of the deliberate acts of
18 individual men who lived and worked there, it is
19 possible to see within the wider context a set of
20 circumstances, a framework, within which these men were
21 able to give vent to their appetite for abuse.

22 So against that background, my Lady, I do now turn
23 then to consider these more contextual matters, and that
24 takes me to page 3 of the written submission. I begin
25 with the status of St Ninian's. Mr MacAulay has already

1 made submissions on that issue and I think what he says
2 aligns with what I say. It is obvious that no one had
3 at the forefront of their mind what St Ninian's actually
4 was.

5 But what I say in paragraph 7 is that what should
6 have been beyond doubt for the brothers was what was
7 said within their own constitutional writings, that they
8 were in the position of parents and that every effort
9 should be made to make the residential school as much as
10 possible resemble a home.

11 It is clear from the evidence that we have heard
12 that at least some, if not all, brothers in the home
13 could not possibly have had that at the forefront of
14 their thinking.

15 LADY SMITH: Of course, as was I think touched on in the
16 very useful essay that we looked at, there was this
17 challenge of them recognising they had to be brother as
18 teacher and brother as parent, so two roles, different
19 roles --

20 MR DUNCAN: Yes.

21 LADY SMITH: -- and that children needed both.

22 MR DUNCAN: Yes, and that already has one starting to think
23 about one of the other important ingredients here, which
24 is training, and also experience, and I'll come to that
25 in a minute. But yes, there is a sense, I think,

1 overall, conceptually and physically, that St Ninian's
2 was far away and it just wasn't clearly understood where
3 it was and what it was.

4 That then takes me logically to think about who was
5 there in terms of which brothers were there. I don't
6 mean to re-invent the wheel by going through the
7 timeline again.

8 If I take my Lady to paragraph 9 of the submission,
9 I think, as is clear, a large number of brothers who
10 joined the Congregation joined as children: John at
11 age 12 -- the two Johns, 12 and 13 -- and Tom at age 14.
12 Your Ladyship made the point to Brother Edmund that
13 in addition to all of the other problems, they couldn't
14 possibly have known what it would be to have a vow of
15 chastity, for example.

16 But overall, as I say at paragraph 10, my Lady, it
17 seems to me impossible to see how the lives that those
18 men would have lived from that childhood into early
19 adulthood could have equipped them for what was to
20 follow in St Ninian's. So again, it has one thinking
21 about training.

22 That takes me, I think, to paragraph 12, where I set
23 out in one or two paragraphs the position such as it was
24 in relation to training. But I think the short point is
25 simply this: that with one possible exception -- and

1 underlining the word "possible" -- no brother looking
2 after the boys had been trained to do so.

3 So I think there is force -- and it has already been
4 touched on today -- at paragraph 14, my Lady, in
5 Michael Madigan's pithy observation that the idea that
6 the brothers were equipped to provide residential care
7 was a facile presumption. I go on to say that no doubt
8 the phrase will be justifiably emphasised, but it's
9 worth dwelling on just a little. In particular, it may
10 be of interest to consider why there was such
11 a presumption. It could be again that in those days
12 there was less thought by care providers or by the state
13 about the matters that would have called into question
14 the presumption.

15 But in the particular case of religious orders, it
16 could also be that certain assumptions were made about
17 the calling and motivation of their members, that that
18 was all the qualification that was needed, and that
19 thinking, as has already been touched on today, and as
20 Brother Edmund said, was the product of a misplaced
21 ideal.

22 It seems to me also that that somewhat aspirational
23 thinking, as we will see in a moment, is also relevant
24 to the way that allegations of sexual abuse were dealt
25 with at the time.

1 LADY SMITH: I think there may be much force in what you
2 suggest, Mr Duncan, as if being a member of the order
3 gave them a certificate of goodness.

4 MR DUNCAN: Indeed.

5 So overall, my Lady, at paragraph 15, it seems
6 tolerably clear that a number of brothers within
7 St Ninian's paid little heed to how one, as it were,
8 observes that certificate of goodness and to the
9 constitution and rules that they were supposed to sign
10 up to.

11 Again, my Lady, it seems to me that this is all part
12 of this faraway aspect of things that perhaps a more
13 casual approach was taken.

14 As I say in the submissions, serial infractions of
15 the rule against being alone with a child are
16 demonstrated in the evidence. Those infractions were
17 not secret, yet nothing seems to have been done. Each
18 of Brother Edmund and Brother John struggled to accept
19 that brothers could have been unaware of the contents of
20 the Congregation's constitutional writings, but that was
21 the evidence.

22 So in short, my Lady, there was plenty of evidence
23 at a general level, and there was also the evidence
24 about brothers drinking, that brothers within the home
25 were not living a religious life. There was specific

1 evidence too that, as Mr MacAulay brought out during the
2 evidence, Brother LNA disengagement was there for all
3 to see.

4 That leads me to the observation I make at the end
5 of that paragraph that in these circumstances, the
6 facile presumption had no chance, especially in the
7 untrained, overworked, under-resourced environment of
8 St Ninian's.

9 So what then of the children who came to live in
10 St Ninian's? Who were these children? And what did the
11 brothers know of them? Again, the point can be taken
12 quite quickly. "Not a great deal" is the answer. As
13 I say I paragraph 18, it's by no means clear that there
14 was much enquiry of this sort of issues about the
15 brothers at this time. The means to find out the
16 information was there and it seems clear enough that
17 brothers were not in the habit of availing themselves of
18 this and that there was no system for communicating it.

19 As Brother Edmund said, this was a specialised
20 situation, you had to know the background, but perhaps
21 in the absence of training you wouldn't even know to
22 ask.

23 I'm now going on to paragraph 20. Adding to what
24 I have said there, no doubt the backgrounds and the
25 circumstances of these boys brought difficult

1 challenges, but as I hope is clear, the Congregation
2 does not consider such considerations go anywhere to
3 lessening the criticism of their treatment of the boys
4 in their care. The Congregation recognises that in fact
5 the correct conclusion to be drawn is to precisely the
6 opposite effect. The poor circumstances of the boys
7 only underlined the need for proper care. The point is
8 perhaps best captured by one of the applicants, Alex,
9 who said they had all been kids from a hard background
10 and a rough life, but it was two lost years. That comes
11 to something that we heard a lot of evidence about and
12 that is education.

13 I really say two things in relation to that in
14 paragraphs 21 and 22. The first is the notable
15 intelligence of many of the applicants who gave
16 evidence. We saw that from what they say and we can see
17 it from what they've then gone on to do in their lives.
18 It is depressing to see references to them being
19 described as "intellectually dull" or "usually of low
20 IQ".

21 Then paragraph 22, my Lady. The matter can again be
22 dealt with quite shortly. The Congregation agrees with
23 what has been said on behalf of INCAS in relation to
24 this. The education, whether for those who were
25 achievers or those who would struggle to achieve, was

1 inadequate. The question of where that issue sits in
2 your Ladyship's terms of reference I think is not one
3 I need to trouble myself with. It's unrealistic to
4 think that your Ladyship should not make findings about
5 that sort of thing.

6 LADY SMITH: Thank you.

7 MR DUNCAN: That takes me then, my Lady, to the day-to-day
8 life within St Ninian's. Again I acknowledge that this
9 is a snapshot of the evidence and it doesn't cover all
10 of the issues. Some of the, as it were, systemic issues
11 or the day-to-day issues that your Ladyship has heard
12 evidence about in other orders, I have not dealt with
13 because, given other issues, they are less important.

14 I think it's important to emphasise, though, that
15 possibly, and perhaps probably, there may have been some
16 boys who had good memories but among the men who we
17 heard evidence from, the positive experiences were
18 despite rather than because of the regime within the
19 home.

20 The impression at times was that, as Barry said, it
21 was very much down to what each boy made of it himself.
22 Frank McCue said that the boys were able to be happy
23 only when they were with each other.

24 I was very struck by the humility of much of what
25 was said. James, whose evidence was striking in many

1 respects, said he recognised that he would not have been
2 able to do half the things he did within St Ninian's if
3 he had been elsewhere, but based on their life
4 experiences before they came to St Ninian's, the
5 expectations of these boys are likely to have been very
6 low. Whatever positives they eked out for themselves
7 are to be seen in that context, in the context that the
8 predominant evidence was clearly that the negatives
9 outweighed the positives and in the context of the
10 obligation upon brothers to help improve the lives of
11 these boys.

12 My Lady, I wasn't planning to go over at
13 paragraph 25 the evidence about running away in any
14 great detail. Suffice to say, I agree with the
15 submission Mr MacAulay made this morning.

16 Similarly when I go to paragraph 27, my Lady will
17 see that the discussion on governance, oversight and
18 records is somewhat slight. The focus is on records,
19 which in a sense really discloses the whole problem.
20 There is a stark contrast between the hard and careful
21 work of Karen Johnson and the approach that was taken
22 at the time.

23 That finally takes me to what will inevitably be the
24 focus of your Ladyship's findings. I begin with sexual
25 abuse. As Mr MacAulay reminded us this morning, the

1 Congregation acknowledges that intolerable and
2 reprehensible sexual abuse took place within
3 St Ninian's. It is not intended in this submission or
4 in the written submission, my Lady, to cover every
5 detail of that. As my Lady will have seen, I hope, I do
6 mention a number of abusers. I do not mention everybody
7 who has had allegations made against them.

8 I come here, as my Lady knows, not to challenge any
9 account, but I do think there is force in Mr MacAulay's
10 warning about possible misidentification. In
11 particular, I do notice that allegations that are made
12 against the witness who we refer to as Peter are
13 allegations that are also made against other brothers,
14 and I do wonder, particularly looking at other evidence
15 about Peter, whether it is realistic that he was one of
16 the abusers.

17 But having said all of that, my Lady -- I'm going
18 now to paragraph 31 of the submission -- I think it is
19 important that people hear the Congregation saying this,
20 that it can be fairly said of Brother LNA that
21 he was a habitual predatory paedophile. He appears to
22 have had entirely unrestricted access to boys for the
23 whole of his time within St Ninian's. While his
24 activities may not have been known to everyone within
25 the home at the time he appears to have made little

1 attempt to disguise them.

2 Compare that with the evidence of Derek and Steve.
3 The evidence of former residents indicates that he
4 preyed upon boys with impunity. His abuse could be
5 clandestine in the case of Jack. It could be violent,
6 as in the case of James and Alex. Or it could involve
7 grooming, and more than one applicant said that as a boy
8 he had considered himself to be in a relationship with
9 Brother [REDACTED] LNA evidence that is quite frankly
10 unbelievable.

11 It is clear that Brother [REDACTED] BHD and Paul Kelly
12 indulged in similar behaviour to that of Brother [REDACTED] LNA
13 and as to the first of these it is difficult -- and it
14 will be difficult -- to forget the quiet dignity of
15 James. A number of long silences were eloquent of the
16 turmoil within him as he struggled to say what
17 Brother [REDACTED] BHD had done.

18 Brother John was correct to say that at times there
19 was a culture of abuse within St Ninian's. Mr MacAulay
20 is correct when he tries to indicate the timeline on
21 that.

22 Certain features of life within the home were
23 arranged in a way that, whether by design or accident,
24 helped provide men like [REDACTED] LNA with opportunities to
25 abuse. The two most significant of those were,

1 of course, the showers and the sleeping arrangements.

2 My Lady, I'm not proposing to say any more about
3 what I've already said in writing about the showers and
4 about the sleeping arrangements. All of that is
5 accepted. That evidence is accepted.

6 But I do want to say a bit more about one aspect of
7 the sleeping arrangements and in particular the checking
8 for bed-wetting. It's paragraph 35, my Lady where
9 I say:

10 "Nor is it easy to think that there could ever have
11 been any real need for a brother to check for wet beds
12 during the night."

13 The evidence about the management of bed-wetting
14 disclosed no reason why that would ever be necessary.
15 But there is no requirement to speculate upon this. The
16 evidence clearly shows that any concern expressed about
17 bed-wetting was simply a pretext.

18 If my Lady wanted to test that, not that I think
19 there's any need, she could consider the evidence of
20 Peter, in fact, the brother we've already discussed
21 today. It is interesting that he did not consider that
22 it was necessary, as he had been told to do, to check
23 boys twice a night. He checked them once a night and
24 checking involved putting on the light, shouting at them
25 to get up and asking if any of them needed the toilet or

1 they needed a sheet.

2 To me that demonstrates two things: that absolutely
3 what Brother **LNA** was doing was unnecessary and,
4 secondly, that it was always possible to challenge
5 things. But nobody did apart from this brother.

6 LADY SMITH: That is a fair comment. The whole idea of
7 checking for bed-wetting does seem a little strange. If
8 a child has wet the bed, it's too late. We've heard in
9 other case studies of practices of getting children up
10 at a particular time of night to get them to the toilet
11 in the hope that they won't wet the bed. Fair enough,
12 wake the child to get them there, but not this fumbling
13 around in the bed to see if the sheets are wet,
14 supposedly.

15 MR DUNCAN: I agree, my Lady.

16 The other aspect that I think does require to be
17 emphasised is the evidence, again to do with oversight
18 and the surrounding Congregation, as it were. There are
19 two aspects of that. Paragraph 36 is the fact that
20 nobody was doing anything about the sleeping
21 arrangements or about Brother **LNA** disengagement. But
22 also the evidence about John Farrell and Brother **MCE**
23 in particular. In paragraph 37 I deal with
24 John Farrell, not Brother **MCE**

25 I just want to perhaps say two further things about

1 that matter. I don't propose to go through the detail
2 of all of the evidence. But I do agree with what
3 I think Mr Scott and Mr Collins are saying. I think
4 they're saying that it is less likely that, in the case
5 of Mr Farrell, there was any, as it were, sinister and
6 deliberate covered up, and that possibly what happened
7 here was, as my Lady and I touched on earlier, this kind
8 of wilful unthinking.

9 It was interesting that the brother who spoke to the
10 history constantly throughout his evidence referred to
11 "the moral transgressions of John Farrell" --

12 LADY SMITH: Yes.

13 MR DUNCAN: -- as if just with a bit of determination he
14 could put it all behind him.

15 But the focus was all wrong. It was not
16 victim-focused, and the language was all wrong and there
17 just seems to be an unwillingness to actually see it for
18 what it was.

19 LADY SMITH: I'm reminded of how striking it was. I think
20 it was the provincial who said he would take
21 responsibility for Farrell being placed at St Ninian's.
22 That's all well and good, but what he is saying is, "If
23 something goes wrong, I will accept responsibility", by
24 which time children have been harmed.

25 MR DUNCAN: Absolutely, my Lady. It's quite a story and we

1 see at the very end there having been failed attempts to
2 speak to the Superior General, ultimately, at a meeting.
3 We see there's a record of the Superior General having
4 said that, as Brother John said, that thus having
5 overruled the concerns of Colman Curran, which he
6 described as shocking, and as to what my Lady has just
7 said about the results, again one thinks of
8 Brother John's evidence. He gestured. He said:

9 "This [meaning the inquiry] is the result of
10 decisions like that".

11 LADY SMITH: Yes.

12 MR DUNCAN: He was referring in that case in relation to
13 Brother **MCE** but it's just as true in relation to
14 Mr Farrell as well.

15 The second thing I wanted to say was just to be
16 clear that I absolutely accept that the same issue
17 arises in relation to Brother **MCE** and again, my Lady,
18 I think it is interesting when one looks at the
19 evidence -- and thinking again about the former
20 Brother Peter -- that's the only reason that
21 Brother **MCE** ended up being moved from St Ninian's was
22 because he and others got together and said this had to
23 happen. The initial response from within the home was,
24 no, and it was only when, in fact, Colman Curran became
25 involved that eventually he was taken away.

1 So I move then to consider -- sorry, I should also
2 add that I absolutely accept there are plainly issues
3 about the question of moving on Brother **BHD** and
4 Brother **MIC**

5 Physical abuse. At paragraph 38, my Lady, I say
6 that corporal punishment was used within the home. It's
7 not proposed in this submission to engage in
8 consideration of what would or wouldn't have been
9 permissible. As I say, there doesn't seem to be any
10 sort of standardised approach at the time and there's
11 the complete absence of proper records. But moreover,
12 we have clear evidence of things happening that would be
13 well beyond reasonable chastisement on any view. Not
14 everybody spoke to that sort of thing happening on
15 a widespread basis and one might ask just how widespread
16 it was, but that, it seems to me, is nothing to the
17 point.

18 A substantial amount of evidence indicates that
19 a number of brothers and staff engaged in punishment to
20 the point of brutality and that a number of children are
21 likely to have lived in fear. Brother John referred to
22 the evidence of Jim and he emphasised in particular the
23 beating to the soles of his feet. Jim's evidence was
24 replete with references to such assaults. One could
25 just as easily emphasise a number of other incidents and

1 Mr MacAulay has already mentioned today the incident in
2 the wash house.

3 As a result, a report of this incident at the local
4 school and to welfare officers appears to have elicited
5 no response, and it says a great deal about Jim that,
6 notwithstanding his treatment at St Ninian's, he has
7 gone on to lead such an impressive life.

8 My Lady, I think, although it has been touched upon
9 already, the inquiry should also hear the Congregation
10 saying what we set out at paragraph 40, that of all the
11 evidence about physical mistreatment of boys, one
12 incident stands out: the assault upon Frank McCue. Such
13 is the extent of the evidence about this incident that
14 there can be little doubt about the key facts.

15 Frank was attacked by an enraged Brother **BHD**
16 and severely beaten. This resulted in significant, or
17 as Mr MacAulay says, serious injury. Quite apart from
18 Frank's own evidence, this is clear from the evidence of
19 Jim and, in a rather sad image that captured the
20 severity of what had occurred, he described how some
21 days after the incident, he helped the injured boy walk
22 slowly through the grounds. Thereafter, I go on to
23 mention what Mr MacAulay has already mentioned, that the
24 author of the almost certainly erroneous note was indeed
25 Brother **BHD**

1 So all of that, my Lady, finally takes me to the
2 Congregation's reflections on everything that has been
3 seen and heard. They say this:

4 "That while it has no ongoing involvement in
5 Scotland, the events in St Ninian's are part of
6 a broader worldwide story that has had a devastating
7 effect upon the Congregation."

8 The evidence of Brother Edmund and William was
9 aligned on this point: the Congregation has in a real
10 sense lost everything, certainly its reputation.

11 As a result for some years now it has not been
12 involved in the running of residential schools. It
13 strove to follow the One Church approach in relation to
14 safeguarding. So for example, where allegations of
15 abuse are made, the Congregation advises the former
16 resident or pupil to report the matter to the police and
17 advises that it will be doing so the same.

18 Shortly after he gave evidence to the inquiry,
19 Brother Edmund wrote a letter to members of the
20 leadership groups across the world. His purpose in
21 writing that letter was to highlight the failures that
22 led to the abuses within St Ninian's and to emphasise
23 the requirement for vigilance and care to ensure that
24 such things can never happen again. He emphasised that
25 the willingness to do good is never enough and that

1 proper regard to matters such as training, screening and
2 oversight are fundamental if a repeat of what occurred
3 at St Ninian's is to be prevented. Brother Edmund
4 expressed a hope that the legacy inquiry and the courage
5 of the men who gave evidence of their experiences as
6 residents within St Ninian's, it will be that no person
7 will ever again suffer abuse from a Christian Brother.

8 But my Lady, the Congregation is realistic. It does
9 not expect that the foregoing statements of what the
10 Congregation is doing and saying now will provide any
11 great comfort or reassurance to former residents of
12 St Ninian's.

13 Like other organisations, the Congregation has
14 apologised to those who were abused while in its care.
15 It continues to do so, but it seems unlikely judging by
16 the opening remarks made on behalf of survivors and
17 judging by their evidence that that apology has provided
18 much by way of comfort.

19 The weeks of listening to the evidence reveals why
20 that should be so. The word "sorry" has very little
21 content of itself and survivors are entitled to see it
22 as having no content at all, not accompanied by what
23 really matters, which is admission and recognition of
24 what happened and that what happened was wrong.

25 It is hoped that the evidence of Brother Edmund and

1 Brother John, together with these written reflections,
2 go some way to providing that content.

3 Where they fail to do so, where there remains room
4 for the charge of weasel words, the fault lies in the
5 drafting because it was surely evident from the evidence
6 of Brother Edmund and Brother John that a cautious
7 legalistic approach would not be their wish.

8 Rather, as Brother John observed, their approach
9 reflected a recognition that a light required to be
10 shone upon what happened within St Ninian's. Even those
11 words, which are borrowed from Yeats, are still just
12 words. The Congregation has no right to expect that
13 anything that its current representatives or indeed its
14 legal representatives have said these past few weeks
15 will change anything for the boys who were robbed of so
16 much within St Ninian's.

17 Time will tell whether the work of the inquiry
18 brings with it the prospect of peace for the boys of
19 St Ninian's, but in the final words of Jack when he
20 said, "It is time to move on", there may be room to
21 hope.

22 My Lady, those are the submissions for the
23 Congregation, unless there's anything further that
24 we can usefully add.

25 LADY SMITH: There is nothing else that I would ask of you,

1 Mr Duncan. Thank you very much.

2 All I would say is I wish to extend my thanks to the
3 Congregation. It is certainly noted by me -- and I had
4 read your written submissions before this morning --
5 that what we now see is a remarkably frank, open, honest
6 and constructive piece of work presented on behalf of
7 the Christian Brothers, which I accept is indicative of
8 their current thinking and their current approach to
9 their responsibilities in this world. It may well be --
10 and I hope this is the case -- that their willingness to
11 do all they can to reflect on the past and seek to see
12 to it that mistakes of the past are not repeated in the
13 future is such as to revive their order and reinvigorate
14 their work.

15 From what we've heard from the two men who came to
16 the inquiry and what we hear from the submissions that
17 you've written on their instructions and presented
18 today, there does seem to be some hope at least of that,
19 so thank you very much.

20 I think that completes the written submissions for
21 the Christian Brothers, Mr MacAulay, and that takes us
22 to closing this case study, but noting that of course we
23 start the next case study on Thursday; am I right?

24 MR MacAULAY: Indeed so, my Lady, and I think we're due to
25 start at 9.30.

1 LADY SMITH: Yes. That will be the Benedictines and we're
2 going to start at 9.30, just to ensure that witness
3 management, after we've heard opening submissions at
4 9.30, is managed according to the arrangements we know
5 need to be made.

6 So I hope it won't inconvenience people starting at
7 9.30 on Thursday and that by giving that intimation
8 today that helps them make the appropriate arrangements.

9 Thank you all for your contributions to this case
10 study. It has been of enormous assistance to me to hear
11 from all of you today and, of course, your contributions
12 that I know have been fed to Mr MacAulay and Ms MacLeod
13 during the evidence.

14 That's all for this case study and I'm going to
15 adjourn.

16 (12.35 pm)

17 (The inquiry adjourned until
18 Thursday, 18 July 2019 at 9.30 am)

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