

Supplementary Report to the Section 21 Notice issued on 25 January 2017 in relation to **St. Columba's College Largs**, addressing any update in the position relating to the period 28 July 2017 to 29 March 2019.

Part D – Abuse and Response

5. Abuse

5.1 Nature

- i. What was the nature of abuse and/or alleged abuse of children cared for at the establishment, for example, sexual abuse, physical abuse, emotional abuse? There are allegations of sexual, physical and emotional abuse.

There are allegations of sexual, physical, and emotional abuse which were received after December 2014

5.2 Extent

- i. What is the organisation/establishment's assessment of the scale and extent of abuse of children cared for at the establishment? *The Marist Brothers received two new allegations: (1) The lawyers for the Marist Brothers received a letter from Thomsons' solicitors on 20th August 1918 with an allegation by Mr [REDACTED] stating that he was sexually abused by multiple Marist Brothers. The only Brother whom he named was Brother David Germanus. In a phone conversation he made allegations against Mr Peter Toner. (2) In December 2016 The Marist Brothers were informed by Police Scotland about allegations against former Brother Peter Toner. These allegations related to sexual and emotional abuse during the time that he was a member of staff at St. Columba's College, Largs, from May 1980 until June 1982. Allegations were made by six former students who attended the College during that time.*
- ii. What is the basis of that assessment? *This assessment is based on the reports in newspapers after Mr Toner's conviction for child sexual abuse at Glasgow High Court on 8th February 2019. He was found guilty on five counts of sexual abuse and one account of assault. The allegations include emotional abuse.*
- iii. Against how many staff have complaints been made in relation to alleged abuse of children cared for at the establishment? *There have been allegations against Brother Germanus and Mr Peter Toner during the period covered by the supplementary report.*
- iv. How many staff have been convicted of, or admitted to, abuse of children cared for at the establishment? *Mr Peter Toner has been convicted of sexual abuse.*
- v. How many staff have been found by the organisation/establishment to have abused children cared for at the establishment? *See above 5.2.i.*

- vi. In relation to questions iii – v above, what role did/do those members of staff had/have within the organisation/establishment? *The members of staff were teachers and / or responsible for boarding supervision. Mr Toner was the prefect in charge of the students and also the community and school bursar.*
- vii. To what extent did abuse and/or alleged abuse of children cared for at the establishment take place during off-site activities, trips and holidays? *Unknown.*
- viii. To what extent was abuse and/or alleged abuse of children cared for at the establishment carried out by visitors and/or volunteers to the establishment? *There are no reported allegations against visitors or volunteers at St. Columba's College, Largs.*
- ix. Have there been allegations of peer abuse? *There are no reported allegations of peer abuse at St. Columba's College, Largs.*

5.3 Timing of Disclosure/Complaint

- i. When were disclosures and complaints of abuse and/or alleged abuse of children cared for at the establishment made to the organisation or establishment? *The first complaint of abuse against Mr Toner was received on 28th November 2016 in an Email sent by Detective Constable Colin Jones. The allegation against Brother Germanus was received on 25th December 2016 and was repeated in a letter from his solicitors which was received on 20th August 2018. Mr [REDACTED] allegation against Mr Toner was received in a phone conversation on 2nd February 2017.*
- ii. To what extent were complaints and disclosures made while the abuse or alleged abuse was on-going or recent? *The allegations referred to above were received after those making the allegations had left St. Columba's College. Brother David Germanus is deceased and Mr Peter Toner left the Marist Brothers in June or July 1983.*
- iii. To what extent were/are complaints made many years after the alleged abuse i.e. about non-recent abuse? *The most recent allegations relate to events alleged to have taken place between 1979 and 1982, which is between 37 – 40 years after the abuse was alleged to have taken place.*
- iv. Are there any patterns of note in terms of the timing/disclosure of abuse and/or alleged abuse? *All allegations have been received from adults who allege that they were abused as children.*

5.4. External Inspections

- i. What external inspections have been conducted relating to children cared for at establishment which considered issues relating to abuse and/or alleged abuse of children? *There is no information about any inspections that took place at St. Joseph's Columba's College, Largs, apart from the annual visitation by the Brother Provincial and visitations (once every 4 – 5 years) from a member of the General Council in Rome.*
- ii. Who conducted the inspection? *See above.*
- iii. Why was the inspection conducted? *See above.*

- iv. When was the inspection conducted? *See above.*
- v. What was the outcome of the inspection in respect of any issues relating to abuse or alleged abuse of children? *Not known.*
- vi. What was the organisation/establishment's response to the inspection and its outcome? *Not known.*
- vii. Were recommendations made following the inspection? *Not known.*
- viii. If so, what were the recommendations and were they implemented? *Not known.*
- ix. If recommendations were not implemented, why not? *Not known.*

5.5 External Investigations

- i. What external investigations have been conducted relating to children cared for at the establishment which have considered issues relating to abuse and/or alleged abuse of children? *In all cases we have co-operated fully with the police in their investigations. There was a Police investigation by Police Scotland for St. Columba's College, Largs, in order to contact former pupils. This investigation led to the trial and prosecution of Mr Peter Toner in January – February 2019. He was sentenced on 7th March 2019.*
- i. For each such external investigation please answer the following:
 - ii. Who conducted the investigation? *Police Scotland*
 - x. Why was the investigation conducted? *As a result of allegations of abuse against Mr Peter Toner.*
 - iii. When was the investigation conducted? *November 2016 onwards.*
 - iv. What was the outcome of the investigation in respect of any issues relating to abuse or alleged abuse of children? *The Marist Brothers co-operated fully with the statutory authorities, and Brother Brendan Geary rearranged his travel schedule to be present as a witness in Mr Toner's trial on 24th January 2019. The Safeguarding Committee of the Marist Brothers followed developments closely to ensure full co-operation with any investigations.*
 - v. What was the organisation/establishment's response to the investigation and its outcome? *See 5.5.v. above.*
 - vi. Were recommendations made following the investigation? *These allegations were dealt with in line with our current policies and procedures.*
 - xi. If so, what were the recommendations and were they implemented? *Due to the historic nature of the allegations, and the fact that St. Columba's College, Largs, closed in June 1982, there was no need to state recommendations or ensure implementation. The Marist Brothers began a process of preparing a Safeguarding Policy document for the Province in 1990, which was last updated in September 2016.*
 - xii. If recommendations were not implemented, why not? *St. Columba's College, Largs, closed in 1982.*

5.6 Response to External Inspections/Investigations

- i. What was the organisation's procedure/process for dealing with external inspections and/or investigations relating to abuse, and/or alleged abuse, of children cared for at the establishment? *The investigations were undertaken by the Police. Due to the fact that St. Columba's was no longer in existence we were not in a position to have any role in investigations beyond providing any documentary material in our position that related to St. Columba's College.*
- ii. What was the organisation's procedure/process for responding to the outcomes of such external inspections and/or investigations? *There were no external inspections and the Police did not share information from their investigations. The Marist Brothers co-operated fully with all investigations conducted by the police.*
- iii. What was the organisation's procedure/process for implementing recommendations which followed from such external inspections and/or investigations? *There were no recommendations as a result of the police investigation.*

5.7 Impact

- i. What is known about the impact of abuse on those children cared for at the establishment who were abused, or alleged to have been abused? *The impact of abuse has varied from those who need reassurance that the perpetrator was dead and that the Marist Brothers now had procedures for responding to abuse. Victims reported distress and that their lives were negatively impacted as a result of the abuse. According to a report in the Herald on Sunday on 10th February 2019, victims of Mr Toner said that they felt abused, manipulated, terrified and brainwashed.*
- ii. Where does the organisation/establishment's knowledge/assessment of that impact come from? *This knowledge comes from the Police, from the media reports of those making allegations and from our contact with victims. Records of these allegations, contacts and meetings can be found in the Marist Safeguarding archive. Information from the trial of Mr Toner is held by the Crown.*
- iii. What is known about the impact of abuse on the families of those children cared for at the establishment who were abused, or alleged to have been abused? *A number of people who made allegations of abuse have informed us about the negative impact on their families as a result of the abuse and how it affected their own behaviour and life choices.*
- iv. Where does the organisation/establishment's knowledge/assessment of that impact come from? *See above 5.7. 1, and the Marist Safeguarding archive.*

5.8 Known Abusers at Establishment

- i. Does the organisation/establishment know of specific abusers, or alleged abusers, of children cared for at the establishment? *The Marist Brothers' Safeguarding archive contains the names of Brothers against whom allegations of abuse have been made.*
- ii. If so, what are the names of the abusers, and/or alleged abusers? *During the period under review for the Supplementary report The Marist*

Brothers have received allegations against Brother David Germanus and Mr Peter Toner.

- iii. For each of these persons, please provide as much as possible of the following information: *Please see Appendix A*

- the period (dates) during which they are known or alleged to have abused children cared for at the establishment: 1979 – 82.
- the role they had in the organisation/establishment during the period of abuse and/or alleged abuse. *Brother Germanus was the Director of the Brothers' community, a teacher, and boarding master. Mr Toner was a teacher, prefect of the students (boarding care), and House and School Bursar.*

where they worked prior to, and following, their time at the organisation/establishment. (1) *Mr Toner was born in [REDACTED] 1957 and joined the Marist Brothers in August 1974. He spent one month in St. Columba's College in Largs in February 1976, after which he moved to St. Joseph's College, Dumfries, until July 1976. He began studies at Glasgow University in October 1976. He was appointed to St. Columba's College in Largs after completing his university studies at Glasgow University, (M.A. Soc. Sci.), in May 1980, where he remained until June 1982. He spent one year as a member of the retreat team at Kinharvie house, Dumfries. He left the Marist Brothers in June or July, 1983. He then worked at St. Mary's School, Beaumont, and at various times in preparatory schools in the Middle East and in Peru (August 2014 for one year). He worked at the Pepponi School in Nairobi between 2000 – 2013.*

(2) *Brother David Germanus was born in [REDACTED] 1916 and joined the Marist Brothers 1932.*

Dumfries (1935-56)

Largs (1957-1973)

Dumfries (1973 – 1975)

Largs (1976-80)

Glasgow (1980-82)

Lebanon (1982-83)

Glasgow (1983-89)

Largs (1989-92)

London (1992-94)

Manziana (1994-95)

Dumfries –Director (1995-1999)

He died in Carrick house, Dumfries on [REDACTED] 1999.

- the knowledge sought or received about them by the organisation/establishment at the point of recruitment, and while they were at the establishment. *Not known.*
- any information sought by, or provided to, future employers or third parties after they left the establishment, including regarding abuse or alleged abuse. *Not known.*

- iv. Were known abusers, or alleged abusers, of children cared for at the establishment moved from one establishment run by the organisation, to another establishment run by the organisation? *It was policy to routinely*

arrange for the Brothers to move between the different Marist establishments, as can be seen from the data provided above. We have no knowledge that Brother Germanus or Mr Toner were moved as the result of an allegation of abuse.

- v. If so, why was this considered to be appropriate? *The policy of moving Brothers to different establishments was part of the policy of Marist religious life related to the need to provide leadership in different schools and communities, and to ensure vitality in community life and ministry.*
- vi. If so, what process of monitoring/supervision followed at the new establishment? *The Brothers had an interview with the Provincial at least once a year. The local superior was expected to ensure compliance with correct Marist behaviour and the Head Teacher was responsible for professional conduct.*

5.9 Specific Complaints

- i. How many specific complaints of abuse of children cared for at the establishment have been made to the establishment/organisation? *One complaint was received about Brother David Germanus and two complaints were received about Mr Peter Toner.*

For each specific complaint, please answer the following: See *Appendices A, B and C.*

- ii. Who made the complaint?
- iii. When was the complaint made?
- iv. Against whom was the complaint made?
- v. What was the nature of the complaint?
- vi. When/over what period was the abuse alleged to have taken place?
- vii. What was the organisation/establishment's process and approach in dealing with the complaint?
- viii. What was the organisation/establishment's process and approach for investigating the complaint?
- ix. What was the outcome of the complaint following that investigation?
- x. Did the organisation/establishment provide a specific response to the complaint?
- xi. If so, what was the form of response e.g. apology, redress, pastoral response or any other type of response?
- xii. If there was no response, why not?
- xiii. Was the information/content of the complaint passed to police?
- xiv. If not, why not?

5.10 Civil Actions

- i. How many civil actions have been brought against the organisation and/or establishment relating to abuse, or alleged abuse, of children cared for at the establishment? *There has been a reclaiming motion against the Marist Brothers which was heard on 10th January 2017.*

- ii. Who brought the action? *Mr [REDACTED]*
- iii. When was the action brought? *10th January 2017.*
- iv. Against whom was the action brought? *The Marist Brothers.*
- v. What was the nature of the abuse, or alleged abuse, to which the action related? *Sexual abuse by Brother David Germanus.*
- vi. What were the names of the persons said to have, or alleged to have, committed abuse? *Brother David Germanus.*
- vii. When/over what period was the abuse said, or alleged, to have taken place? *1962 – 1964 or 1965.*
- viii. How did the action progress?
- ix. What was the outcome? *Lady Dorrian, the Justice Clerk, did not find merit in the arguments and evidence put forward to support the reclaiming motion.*
- x. Was the action settled on a conditional basis of confidentiality? *No.*
- xi. Who was/were the organisation/establishment's legal representative(s) in relation to the civil action? *Levy & McRae, Solicitors, and Mr Jonathan Brown, Advocate.*
- xii. Did the organisation/establishment carry insurance for meeting civil claims at the time the action was live? *Not known.*
- xiii. How/where can copies of the court papers relating to the civil action be made available to the Inquiry? *See attachment.*

5.11 Criminal Injuries Compensation Awards

- i. Has any criminal injuries compensation been awarded in respect of abuse, or alleged abuse, of children cared for at the establishment? *Not known.*
- ii. If so, please provide details if known. *As above.*

5.12 Police

- i. How many complaints of abuse of children cared for at the establishment have been made to the police? *5 cases of sexual abuse and one case of assault (Based on media reports of the trial of Mr Peter Toner).*

In relation to each known complaint to the police, please answer the following questions: *This information is held by The Crown.*

- ii. Who was the alleged abuser? *Mr Peter Toner, and, in one instance, Brother David Germanus.*
- iii. Did the police conduct an investigation in relation to the complaint? *Yes.*
- iv. If so, who conducted the investigation and when? *D.C. Jones of Police Scotland, between November 2016 and January 2019.*
- v. What was the outcome of the police investigation? *Mr Peter Toner was found guilty of five counts of sexual abuse and one case of assault at the High Court in Glasgow on 8th February 2019.*
- vi. What was the organisation/establishment's response? *The Marist Brothers co-operated fully with the statutory authorities in their investigations.*

5.13 Crown

- i. To what extent has the Crown raised proceedings in respect of allegations of abuse of children cared for at the establishment? See 5.12.1. above.

In relation to each time the Crown has raised proceedings, please answer the following questions:

- ii. What is the name of the person(s) against whom the proceedings were raised? *Mr Peter Toner.*
- iii. What was the nature of the charges? *Five counts of sexual abuse and one count of assault.*
- iv. What was the outcome of the proceedings, including disposal/sentence if there was a conviction? *Mr Peter Toner was found guilty of five counts of sexual abuse and one counts of assault at the High Court in Glasgow on 8th February 2019.*
- v. What was the organisation/establishment's response to the proceedings and outcome? *The Marist Brothers co-operated fully with the statutory authorities in their investigations.*