

# Scottish Child Abuse Inquiry

## **Case Study no. 4**

The provision of residential care for children in Scotland by **The Christian Brothers** between 1953 and 1983 at St Ninian's Residential Care Home, Falkland, Fife

Evidential Hearings: 4 June 2019 to 16 July 2019

## OGL

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## Foreword

These are the fourth of my published case study findings and they relate to the provision of residential care for children by the Christian Brothers at St Ninian's school and residential institution in Falkland House, Fife. They are the first in a series of three case study sets of findings in which the residential care of children provided by male religious orders in Scotland is examined.

During the hearings, I heard about many aspects of St Ninian's that were shocking and distressing. I appreciate how challenging it will have been for all witnesses—applicants, Brothers and former Brothers, members of staff, and others—to engage with and provide evidence to the Inquiry. I am very grateful to them for their assistance and co-operation and for their valuable contributions.

In reaching the stage of publication of these findings—from detailed analysis to the final document—I have had the benefit of being supported and assisted by some quite exceptional teamwork. I would like to record my gratitude to the Inquiry counsel who led in this case study and the members of staff involved at each stage; their diligence and commitment has been remarkable.

Applicants and other witnesses continue to come forward to the Inquiry with relevant evidence about the care provided by the Christian Brothers and this will be considered as part of the continuing process.

I would encourage anyone who has relevant information on any aspect of our work to get in touch with our witness support team. We want to hear from you.



A handwritten signature in black ink, appearing to read 'Anne Smith', written in a cursive style.

**Lady Smith**

# Preface

## The Scottish Child Abuse Inquiry (“SCAI”)

SCAI’s Terms of Reference (“ToR”) require it to “investigate the nature and extent of abuse of children in care in Scotland” during the period from within living memory to 17 December 2014 and to create a national public record and commentary on abuse of children in care in Scotland during that period.

The requirement is to investigate sexual, physical, psychological, and emotional abuse and, at my discretion, other types of abuse including unacceptable practices (such as deprivation of contact with siblings) and neglect. There is also a requirement to make findings about the impact of abuse.

SCAI is also to consider the extent to which any form of abuse arose from failures in duty by those with responsibility for the protection of children in care. In particular, SCAI requires to consider whether any abuse arose from systemic failures and the extent to which any such failures have been addressed. I am to make findings and recommendations for the effective protection of children in care now and in the future.

A copy of SCAI’s ToR is at [Appendix A](#).

An “applicant” is the term SCAI uses for a person who tells SCAI that he/she was abused in circumstances that fall within the ToR.

## Public hearings

In common with other public inquiries, the work of SCAI includes public hearings. They take place after detailed investigations, research, analysis, and preparation have been completed by SCAI counsel and SCAI staff. That stage can take a long time. The public hearings of SCAI include—importantly—the taking of oral evidence from individuals about their experiences as children in care and the reading of a selection of evidence from some of their written statements. The evidence also includes accounts of the impact of their having been abused as children in care. During and following the evidential hearings into case studies, applicants and other witnesses may come forward with further relevant evidence and such evidence will be taken into account.

I am aware that children were abused in a substantial number of institutions in Scotland and were the subjects of migration programmes that involved an outcome of abuse. It is not realistic to present every institution and instance of abuse at a public hearing; were SCAI to do so, an Inquiry, which will of necessity in any event be lengthy, would be unduly prolonged. Accordingly, with the assistance of SCAI counsel, I will continue to identify particular institutions and matters that are representative of the issues being explored by SCAI and thus appropriate for presentation at a public hearing in “case studies.”



## Section 21 Responses

Under section 21 of the 2005 Act, as Chair of this Inquiry, I have the power to require persons to provide evidence to SCAI. Institutions targeted by SCAI as part of its investigations have been issued with various section 21 notices, including requiring them to respond in writing to questions posed by the SCAI team. These questions were divided into parts–A, B, C, and D (hereinafter referred to as the “Parts A-D section 21 notice”). The Christian Brothers were asked to respond and they did so. Their response to Parts A and B is dated 26 April 2017<sup>1</sup> and their response to Parts C and D is dated 25 May 2017<sup>2</sup> and supplemented on 28 March 2019<sup>3</sup> (hereinafter referred to as the “Parts A-D section 21 response”).

The Parts A-D section 21 response predates the commencement of the oral hearings in the case study and the Christian Brothers, having considered the evidence provided at the hearings, submitted some significant revisions to Parts A-D of their response. The revisions are contained in two letters dated 1 July 2019.<sup>4</sup>

## Private sessions

Applicants and other witnesses can tell members of the SCAI team about their experiences as children in care and any other relevant evidence at a “private session.” They are supported throughout this process by SCAI’s witness support team. After the private session, a statement is prepared covering

those matters spoken about that are relevant to the ToR. The applicant or other witness is asked to check the statement carefully and to sign it if they are satisfied that it accurately records their evidence, but only if and when they feel ready to do so.

## This case study

The scope and purpose of this case study was to consider evidence about:

- The nature and extent of any relevant abuse at St Ninian’s, Falkland, a voluntary home established and run by the Christian Brothers (“the Order”),
- Any systems, policies and procedures of that institution, their application and effectiveness, and
- Any related matters.

## Leave to appear

Leave to appear was granted to the following in relation to this case study, in whole or in part:

- The Christian Brothers
- In Care Abuse Survivors (INCAS)
- Bishops’ Conference of Scotland
- Police Scotland
- The Lord Advocate
- The Scottish Ministers
- Paul Vincent Kelly
- Brother “Peter” (1959-66)
- Brother “John” (1982-83)

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1 Congregation of Christian Brothers, [Parts A and B response to section 21 notice](#): CBR.001.001.0001.

2 Congregation of Christian Brothers, [Parts C and D response to section 21 notice](#): CBR.001.001.0087.

3 Congregation of Christian Brothers, [Part D supplementary response to section 21 notice](#): CBR.001.001.5905.

4 Congregation of Christian Brothers, [Addendum to Parts A and B response to section 21 notice](#): CBR.001.001.9141-9146.  
Congregation of Christian Brothers, [Addendum to Parts C and D response to section 21 notice](#): CBR.001.001.9147-9151.

## Numbers

The applicants who have provided evidence to SCAI in relation to their time in St Ninian's do not represent every person who has made a complaint over the years relating to their experiences in that establishment. It must also be appreciated that many applicants have described not only what happened to them, but also the treatment they witnessed being afforded to other children. Appendices B-D set out, in relation to St Ninian's, the numbers of:

- Children who appear to have been cared for by the Order,
- Complaints of alleged abuse received by the Order,
- Civil actions raised against the Order, and
- Relevant SCAI applicants to the date specified in [Appendix C](#).

The evidence of any applicants and other witnesses who have come forward since the evidential hearings began is not referred to in these findings, but it will be carefully considered by SCAI as part of a continuing process.

## The Order in Scotland

Although there were children who had some positive experiences at St Ninian's, I find that the Order's contribution to childcare in Scotland was one that exposed children in their care to risks of sexual, physical, and psychological danger. For many children, those risks materialised.

## This case study as compared to my findings in relation to the findings of Case Studies nos 1, 2, and 3

The abuse that I find to have taken place at St Ninian's is, in many respects, similar to the abuse I found to have taken place at the establishments run by the female religious orders examined in case studies 1 and 2; and at voluntary homes run by Quarriers, Aberlour Child Care Trust, and Barnardo's examined in case study 3. There are also similarities in relation to causative factors such as: the undue autonomy afforded to the institution; Brothers and staff who lacked appropriate qualifications and/or training; Brothers and staff who lacked anger management skills; inappropriate or no recruitment policies; and inadequate supervision of Brothers and staff. I will, accordingly, at times, use language in these findings similar to the language I used in previous findings.

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**The overall view I formed of St Ninian's was depressing. The institution was established in naivety, on the basis of facile assumptions and burdensome borrowings.**

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## Overview

The overall view I formed of St Ninian's was depressing.

The institution was established in naivety, on the basis of facile assumptions and burdensome borrowings. Brothers and staff (and visitors) included paedophiles, violent men, and inadequate teachers. It was an undesirable outpost, remote from the Order's centre of operations in Great Britain. Causes for concern were known about, noted in reports, but not acted upon. There was confusion over its own status. It was a place that immersed some children in a culture of physical, sexual, and/or emotional abuse, a place where—during its limited life (1951-83)—the positives were achieved more by good luck than by good management. The latter was absent and was, instead, characterised by remarkable ineptitude.

Such was St Ninian's.

## Summary

Children were abused while in the care of the Christian Brothers at St Ninian's, Scotland.

- St Ninian's was a place of abuse and deprivation. Children were sexually abused, physically abused, and emotionally abused. Paedophilia, brutality, and ignorance of how to care for children created an environment that conspired to make children's lives a misery and, in many cases, caused a lasting impact.
- The sexual abuse of children was endemic throughout the whole period of St Ninian's existence. In particular, during the period from late 1969 to its closure in 1983, many children at St Ninian's were sexually abused by three sexual predators, namely Brother William Gerard Ryan, former Brother Paul Vincent Kelly, and former Brother John Bernard Mark Farrell. The environment was such as to allow Brothers to select their victims without any fear of discovery or disclosure. The sexual abuse of children became normalised.
- The sexual abuse inflicted on children was of the most depraved kind.
- Children were induced to engage in sexual activity with each other in groups and in the presence of Brothers.
- The showering areas were locations where the sexual abuse of children ranged from voyeuristic practices to more direct sexual contact, including rape.
- Two former Brothers (Paul Kelly and John Farrell) have been convicted of serious offences against children in their care in the period from 1979 to 1983. These offences included sodomy and serious sexual assault (see [Appendix D](#)).
- The transfer to St Ninian's of two Brothers against whom allegations of sexual impropriety with children had been made (Brother Raphael Gavin and former Brother John Farrell) was a systemic failure at the organisational level. It allowed these Brothers to sexually abuse children at St Ninian's. A clear warning that John Farrell should not be placed in a residential school was ignored; this was another systemic failure that resulted in children being sexually abused by a sexual predator.
- Children were physically abused. The physical abuse included punching, belting, hitting with implements, kicking, beating on the soles of feet, and being beaten while naked. To increase a child's humiliation, some beatings were carried out in public.
- Children suffered a catalogue of injuries as a result of brutal treatment and rapes, including severe bruising and anal bleeding.
- Children regularly ran away individually or in groups. Runaways were beaten upon their return. On occasions these beatings involved several Brothers. No serious attempt was made to discover why a particular child had run away.

- Abusive punishments were inflicted on children by the Brothers. Children were made to stand in isolation for lengthy periods of time. Children were locked in a basement room that had a toilet and a makeshift bed.
- Children who wet the bed were humiliated; their treatment included them having to publicly remove their wet sheets and stand naked in the corridor holding them. These practices added to the emotional trauma experienced by children. Bedwetting practices were also used as a cover for sexual abuse.
- The Brothers were not trained to provide the children in their care with appropriate emotional support. Nor did they have the natural aptitude to do so. Further, for a significant part of St Ninian's existence, information about the children's background was neither provided nor sought. Some Brothers thought it better to take the children as they found them, but the Order now accepts it would have been beneficial for the Brothers to have known the background of the children.<sup>5</sup>
- Children were used as unpaid labour in a manner that was not age-appropriate.
- The education provided for children at St Ninian's was poor and inadequate. This was a serious failure that blighted the adult lives of some.
- In clear contravention of their stated aims, the Brothers missed a real opportunity to improve the lives of children.
- In the main, children were unable to complain for fear of reprisals, but also because the abusive environment was seen as the norm. If they did complain, they were not believed.
- Some of the children who were abused at St Ninian's also have some positive memories of their time there.
- The Order now recognises and accepts that there was widespread abuse of children at St Ninian's including "intolerable and reprehensible sexual abuse"<sup>6</sup> perpetrated by Brothers Gerard Ryan and Christopher McNamara, and former Brothers Paul Kelly and John Farrell.
- The Order offered a genuine apology to survivors of abuse at St Ninian's while recognising that "sorry" has very little content of itself, and that what really matters is admission and recognition of what happened and that what happened was wrong.<sup>7</sup>

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5 Congregation of Christian Brothers, [Addendum to Parts C and D response to section 21 notice](#): CBR.001.001.9147-9151.

6 [Transcript, day 141](#): Congregation of Christian Brothers, Closing Submissions, at TRN.001.006.2012-2013; Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 37, at CBR-000000002, p.10.

7 Congregation of Christian Brothers, [Written Closing Submissions](#), at CBR-000000002, p.13.

# 1

## Introduction

At the close of the case study, I undertook to publish my findings as soon as was practicable. Whilst these findings will, in due course, be taken into account when I analyse systemic failures and decide what recommendations I should make, I am not, at this stage, making any recommendations. It is too soon to do so.

The findings that I am able to make on the evidence presented in the case study are set out in this document. I am doing so to make applicants, witnesses, and members of the public aware, as soon as possible, that I am satisfied that children were abused when in the care of the Order, and the nature and extent of that abuse.

Where applicants waived anonymity, I have normally used their real names. Otherwise, in accordance with my restriction order, they are referred to by their chosen pseudonyms.

In this case study I have decided to preserve the anonymity of most living persons against whom findings of abuse have been established, unless that person has been convicted of abuse. The norm will be that when a person against whom findings of abuse have been established is deceased, they will be named.

When a former resident, Brother, or staff member is mentioned, the likely dates they were at St Ninian's, based on the evidence, are usually provided.

### Children were abused

I find that children were abused whilst in the care of the Christian Brothers at St Ninian's.

### Evidence

In these findings, reference is made to some parts of the evidence of individual witnesses where I have found them to be particularly illustrative of the main aspects of what was happening. They are, however, of necessity, a limited selection, and the fact that a particular piece of evidence is not referred to or discussed does not mean that it has not been accepted or that it has not helped to build the overall picture of the substance of the experiences of many children in the care of the Order over the period of investigation.

In making these findings, I have applied the standard of proof explained in my decision of 30 January 2018, namely that:

*"...when determining what facts have been established in the course of this Inquiry, it is appropriate that I do so by reference to the civil standard of proof, namely balance of probabilities. I will not, however, consider myself constrained from making findings about, for example, what may possibly have happened or about the strength of particular evidence, where I consider it would be helpful to do so."*<sup>8</sup>

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8 Standard of Proof - Lady Smith's Decision.

For the avoidance of doubt, I have not applied the criminal standard of proof in making these findings. The criminal standard of proof is a higher standard of proof, namely proof beyond reasonable doubt.

The period covered in evidence ranged from about 1953<sup>9</sup> to the closure of St Ninian's in 1983.<sup>10</sup> All oral evidence was given on oath or under affirmation. Where the evidence relied on is drawn from a written statement, the statement has been signed by the witness after having been reviewed by them and they having confirmed it as a true account.

In describing what happened in this establishment, I have quoted from some of the applicants' evidence that I have accepted as establishing what happened. I do this so as, amongst other things, to ensure that their voices are now heard.

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<sup>9</sup> [Transcript, day 28](#): "John", at TRN.001.006.0028-0082.

<sup>10</sup> [Transcript, day 133](#): "Max", at TRN.001.006.0901-0954.

# 2 The Christian Brothers

## History and ethos

The Congregation of the Brothers of the Christian Schools of Ireland, usually called the Christian Brothers, is a worldwide religious community within the Catholic Church. It was founded by Edmund Rice in 1802 and was recognised as a canonical congregation in 1820. Its original purpose was the education of poor Catholic boys in the Waterford area of Ireland, where Rice opened a school for poor and underprivileged Catholic boys. The Order went on to establish several schools and religious communities in Ireland. Members of the Order take vows of poverty, chastity, and obedience.

## Directory and Rules and Constitutions of the Congregation

The “Directory and Rules of the Congregation” dated 1927<sup>11</sup> contains some relevant passages:

*“In Residential Schools, for prudential reasons, the Brothers will need to be extremely reserved in their dealings with the boys; never, unless in very rare circumstances and in case of necessity should a Brother be alone with a boy.”<sup>12</sup>*

*“It must be the aim of the Brothers to reduce corporal punishment to a minimum in their schools in those countries in which it is still tolerated. If corporal punishment is deemed necessary, it should not be administered, save in accordance with the regulations in the Capitular Acts.*

*If a Brother considers exceptional punishment necessary, or the imposition of some penance of a serious nature desirable, in special cases, the matter shall be referred to the Superior.*

*Pupils shall not be detained after school-hours unless with permission of the Superior; and detention of pupils in school during the time for play is not permitted.*

*The regulations regarding corporal punishment in Day Schools are equally binding in the Residential Schools. As the Brothers hold the position of parents in regard to the children in these schools, every effort should be made to make the school as much as possible resemble a home; in this way a nice family tone and spirit will be cultivated and much good thereby effected.*

*[The Brothers] shall never apply a contemptuous or injurious name to any of the pupils, nor allow them to do so to one another. They shall call them by their Christian names.*

*The Brothers shall be ever watchful that in correcting the pupils, they be never promoted by any emotion of passion or impatience, so that the pupils may always see that if punishment is given, it is because they deserve it, because it is necessary for their amendment, and to deter others from following their example.*

11 Directory and Rules of the Congregation of the Brothers of the Christian School of Ireland, 1927, at CBR.001.001.0767.

12 Directory and Rules of the Congregation of the Brothers of the Christian School of Ireland, 1927, Chapter L, The Schools, paragraph 34, Regulation 16, at CBR.001.001.0919.



*In their necessary corrections of the children [the Brothers] shall comport themselves in a discreet and recollected manner, watching carefully over themselves during the time of correction, that they may act with becoming gravity and propriety.”<sup>13</sup>*

*“Unless duty or necessity require it, a Brother must never be alone with a pupil. The Brothers should avoid taking a pupil by the hand, touching the face or otherwise fondling him.*

*Whilst [the Brothers] should cherish a tender affection for all their pupils, especially the poorest, out of love for our Lord Jesus Christ Whom they more closely resemble, they shall not manifest a particular friendship or inclination for certain pupils, for such affections are most dangerous snares of the devil, and might easily be followed by fatal consequences, which would bring dishonour on Religion, and even render the guilty one liable to severe penalties under the civil law. How awe-inspiring are the words of Holy Scripture: ‘He that shall scandalize one of these little ones that believe in Me, it were better for him that a millstone should be hanged about his*

*neck, and that he should be drowned in the depths of the sea.”<sup>14</sup>*

The Order has made available to SCAI a number of other documents entitled “Constitutions of the Congregation.” The earliest of these, for present purposes, is dated 2 February 1946.<sup>15</sup> That document promotes the aim of the Order to be that “its members labour for their own sanctification”.<sup>16</sup> The secondary aim is that its members “endeavour to promote the spiritual good of the neighbour by the instruction of youth, especially the poor”.<sup>17</sup> This is repeated in the 1962 version.<sup>18</sup>

The following passages from the Constitutions of 1962 and 1978 are also of particular relevance:

*“26 – The Brother must always be aware of the dangers to chastity that he will meet. He must also be able to live a life of consecrated celibacy in such a way that it will assist in the full development of his personality.”<sup>19</sup>*

*“81 – The vow of chastity not only obliges the Brothers to celibacy, but also imposes upon them the consequent obligation of avoiding everything contrary to the sixth and ninth commandments of God.”<sup>20</sup>*

13 Directory and Rules of the Congregation of the Brothers of the Christian School of Ireland, 1927, Chapter LI, Conduct the Brothers are to Observe in Correcting the Pupils, paragraphs 1-3, 5, and 9-11, at CBR.001.001.0919-0920.

14 Directory and Rules of the Congregation of the Brothers of the Christian School of Ireland, 1927, Chapter XX, On Chastity, paragraphs 12 and 13, at CBR.001.001.0854-0855.

15 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1946, at CBR.001.001.0722.

16 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1946, at CBR.001.001.0725.

17 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1946, at CBR.001.001.0725.

18 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1962, at CBR.001.001.0673.

19 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1978, Part 1, Section 1, Chapter 3, On Chastity, paragraph 26, at CBR.001.001.1246.

20 The Book of Exodus, Chapter 20, verses 1-17, where the Old Testament describes how God issued His divine laws to Moses and directed him to tell them to the people of Israel. Under the numbering used by the Catholic Church, the sixth commandment is “Thou shalt not commit adultery” and the ninth commandment includes “Thou shalt not covet thy neighbour’s wife”. The Ten Commandments are a set of principles relating to how to treat God and how to treat fellow human beings. The reference to these commandments in this way and in the context of celibacy clearly seems to stress those aspects relating to sexual behaviour.

85 - Whilst the Brothers should cherish an affection for all their pupils, especially the poor, they are forbidden to manifest a particular friendship for any of them. They must not fondle their pupils; and unless duty and necessity should require it, a Brother must never be alone with a pupil.

173 - During the play hours they are to guard the pupils, as far as they can, from moral as well as from physical danger. In residential schools special vigilance is required in guarding the morals of the pupils.

174 - Should it be considered necessary to punish a pupil it must be done calmly and with great moderation. Boys should be induced to act rightly from a sense of duty rather than through servile fear.<sup>21</sup>

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**...the fact and import of these instructions fell on deaf ears. Instead, a culture of abuse, including sexual and physical abuse, developed and subsisted throughout the establishment's relatively short existence from 1951-83.**

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The context for a number of the instructions was the vow of chastity taken by every Brother. The reason for those in paragraph 173 was to ensure that members of the Order were aware of the possibility of homosexual practices occurring. The Order plainly recognised that there was a real risk of boys being sexually abused at a residential school. The instruction in

paragraph 174 indicates that the Order also recognised that children ought not to be excessively chastised. As far as some members of the Order who worked at St Ninian's were concerned, however, the fact and import of these instructions fell on deaf ears. Instead, a culture of abuse, including sexual and physical abuse, developed and subsisted throughout the establishment's relatively short existence from 1951-83.

## Structure

The Order is led by the Superior General, elected by its General Chapter, and appointed by the congregation of religious in the Holy See in Rome, subject to the approval of the Holy See itself. Whilst the Superior General was originally based in Marino, Dublin, during the period of investigation, at present both he and his council were and are based in Rome.

The outreach of the Order is divided into provinces; each province has its own Provincial, nominated by its Chapter, and is supported by a Provincial Council, including superiors of communities in its membership. One of the provinces is St Mary's English province, established in 1945 to assume responsibility for Christian Brothers Schools that already existed in England. Its Provincial was based in Liverpool, and it was responsible for St Ninian's School in Fife—the subject of this case study. In 2007, the English Province of the Christian Brothers was subsumed into the European Province of the Christian Brothers. The organisation now responsible for the Christian Brothers educational enterprise in the United Kingdom is the Congregation of Christian Brothers Trustees based in Altrincham, Cheshire.

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21 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1962, Chapter VII, Chastity, paragraphs 81 and 85 at CBR.001.001.0680 and Chapter XVII, The Schools, paragraphs 173 and 174, at CBR.001.001.0688.

## Visitations

Under canonical requirement, the Provincial or a member of his council would carry out visitations of the establishment. The focus of these visitations was on the community of Brothers, to observe whether or not they were living in accordance with the rules of the Christian Brothers, particularly in relation to prayer and meditation. Compliance with the Order's rules of religious observance was the priority. It was thought that if that happened, then "everything would come right"<sup>22</sup> so far as their work at St Ninian's was concerned. The person carrying out the visitation did not speak to children individually nor, it seems, make any specific checks on their welfare. Nevertheless the visitation reports do contain important information about what the Order knew about aspects of problems at St Ninian's. Later in these findings I will look in more detail at those visitation reports.<sup>23</sup>

## Presence in Scotland: St Ninian's

### How St Ninian's was established

In 1947, the Archbishop of St Andrews and Edinburgh invited the Christian Brothers to set up a school in Scotland. According to Brother "Peter" (1959-66), the Archbishop kept asking the Brothers to start a home for orphaned and neglected children, "but we didn't have enough brothers in the English province to take on a new foundation".<sup>24</sup> Nonetheless, in 1947, the Brothers decided to establish a day or boarding school in Edinburgh. The outcome was the establishment of Scotus Academy, a day school for boys. Shortly thereafter, the vice-provincial and Major Michael Crichton-Stuart discussed the feasibility of the Order using a house the Major owned in Falkland, Fife—which had been lying vacant for some time—as a school and orphanage. The major agreed to lease Falkland House, Fife, to the Order for a period of 99 years.

The question of whether or not the Christian Brothers had the competence to be responsible for—and manage the care of—children on a residential basis was not discussed or otherwise addressed. It was presumed that, because they had experience of managing day schools, they were also capable of managing a residential school. The Order now acknowledges that this was a "facile presumption".<sup>25</sup>

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22 [Transcript, day 11](#): Mr Michael Madigan, at TRN.001.001.4393.

23 See [Visitation reports](#) later in this chapter.

24 [Transcript, day 134](#): Brother "Peter", at TRN.001.006.1005.

25 [Transcript, day 11](#): Mr Michael Madigan, at TRN.001.001.1306; and [Transcript, day 140](#): Brother Edmund Garvey, at TRN.001.006.1895.



- (1) ...
- (2) ...
- (3) ...
- (4) ...

ST. CLARE,

SANDFIELD PARK,

LIVERPOOL, 12.

22nd. March, 1947.

*Recd. 24/3/47.*

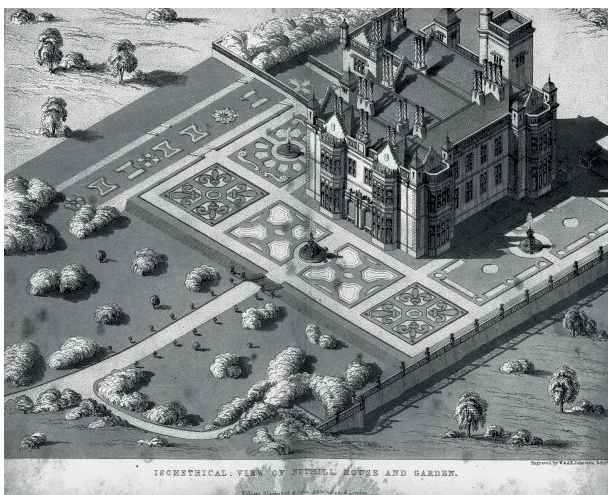
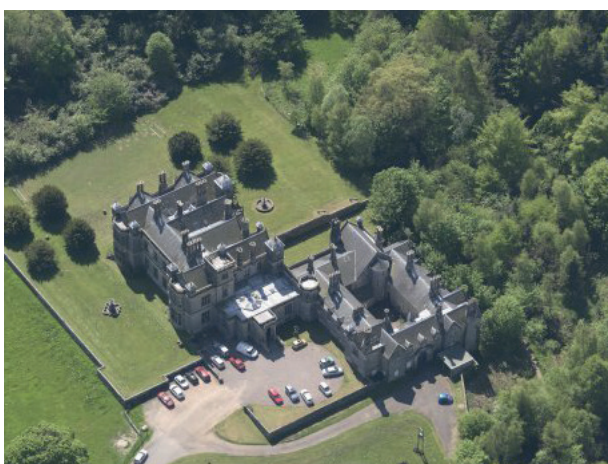
My most dear Br. Superior,

Edinburgh Orphanage.

Br. K. Nugent and I called on 18th. March on Archbishop McDonald. We are offered a very fine large mansion in good condition, with a certain amount of land, as a gift for the education of orphans and homeless boys. The owner, who up to a few years ago lived in it, is Lord Critchon-Stuart of the Bute family. Fr. Quille told me privately that the Laird will give one thousand pounds towards the alterations.

We would begin with about 50 - 60, of whom more than half would be transferred from the Sisters of Nazareth, 11 plus, 12 plus, 13 plus. The building will house 100 with only the addition of latrines and showers, the removal of some partition walls, the extension of heating system, electric lighting, and redecoration of parts of the interior. To err on the safe side I should say we should have to spend £5,000 on alterations and repairs. There are ninety nine rooms, which number includes bathrooms, lavatories, etc. Off the large central hall are five or six gorgeous rooms, too good for the proposed school, but the rest of the house is mostly quite plain rooms. There is an exquisite chapel, more beautiful than that of Carlett Park; it will hold 60 - 70 boys. Fortunately there are level fields about a hundred yards in front of the building, "Falkland House", but these have been leased out to farmers; but as the matter has been raised by the Archbishop the donor might be willing to include some ten acres or more in the gift. This would supply playing

In March 1950, the Scottish Education Department made a grant towards school expenses and confirmed that Scottish local authorities would pay maintenance fees for children referred to the Brothers. The Order intended that the school would cater for boys of secondary school age (not less than 11 years of age) who were in need of care and protection, whether they were orphaned, neglected, or out of control. Falkland House was opened as St Ninian's School on 23 January 1951. It was registered as a voluntary home at about that time.<sup>26</sup>



From above: Aerial view of Falkland House (DP 134042 © Crown Copyright: HES); 'Isometrical view of Nuthill House and Garden' (also known as Falkland House) Copied from the Book of the Garden Vol I, plate 29, by C McIntosh 1853, Blackwoods, Edinburgh (SC 395535 © Courtesy of HES).

## The building

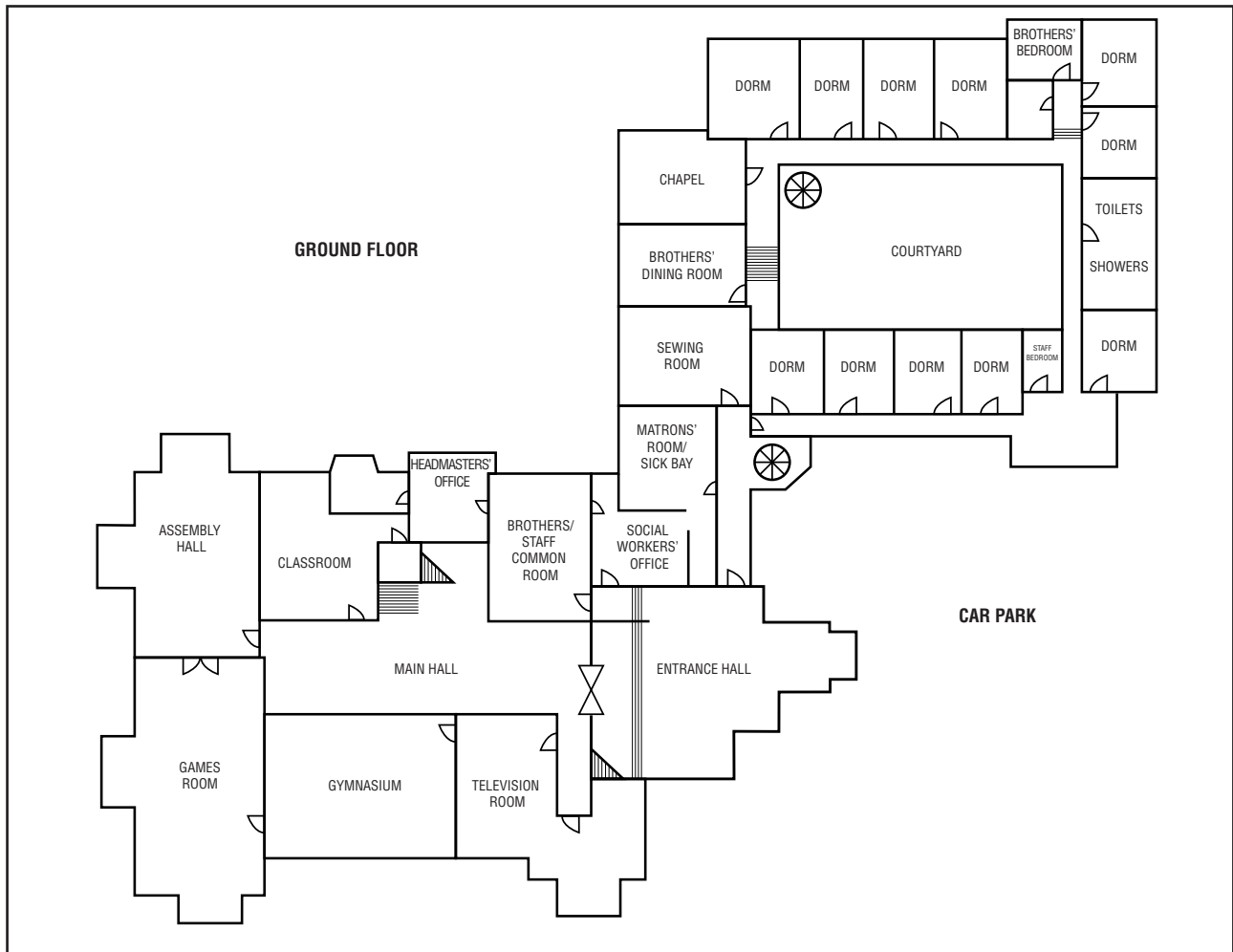
Falkland House, was a large, mid-19th century building in the style of a Jacobean manor house set in substantial grounds in the countryside, in a relatively isolated location close to the village of Falkland.

The floor plan, prepared in connection with the High Court trial of John Farrell and Paul Kelly in 2016, is useful in showing the main ground floor area and in particular the dormitory area where much of the sexual abuse of children took place.



Interior of Falkland House.

26 [Transcript, day 11](#): Mr Michael Madigan, at TRN.001.001.1305; see also Congregation of Christian Brothers, [Parts A and B response to section 21 notice](#), at CBR.001.001.0004.



Floor plan prepared in connection with the High Court trial in 2016.

The identification of the precise location of the Brothers' rooms in the dormitory area on the plan may not be absolutely accurate, but it does serve to highlight the close proximity between the Brothers' rooms and the children. The dormitories themselves were small with only a few beds in each one. There was a broad division between the junior and senior dormitories, with the junior dormitories located in the top section shown in the floor plan above.

### The school roll

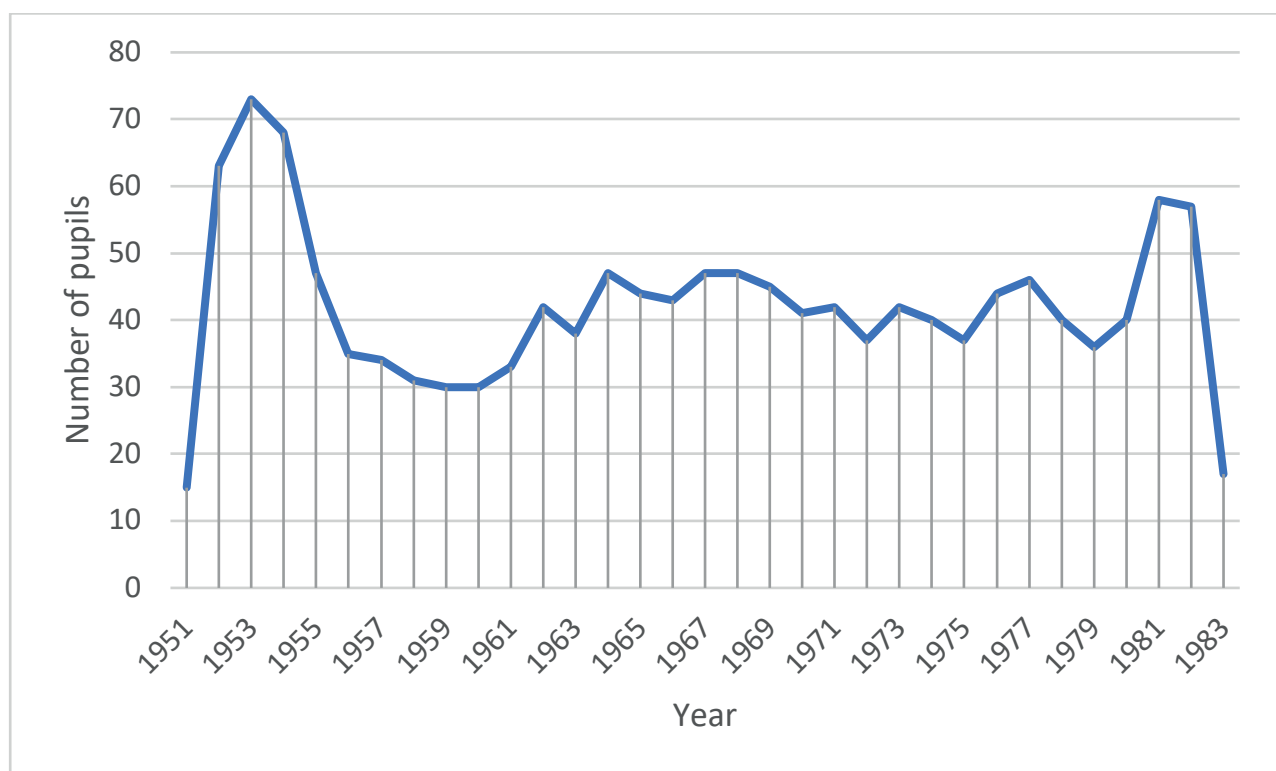
St Ninian's obtained its first 15 pupils by way of transfer from Nazareth House,

Lasswade and subsequently from other Catholic children's homes, including Smyllum Orphanage. Otherwise, children were placed there by local authorities.

The maximum capacity roll at inception was 80 pupils, although for much of the period explored in this case study, the roll was fewer than 50 pupils (see [Appendix B](#)). The highest number of pupils in any one year was 73 (in 1953), but between then and closure in 1983, the number as of 31 January each year was around 30 to 50. By 1983, the roll had dropped to 17. In total, around 858 children were accommodated in St Ninian's between 1951 and 1983.<sup>27</sup>

27 Christian Brothers, Response to request from the Scottish Child Abuse Inquiry, Statistical Information, at CBR.001.001.0056.

Figure 1: Number of pupils at St Ninian's from 1951 to 1983<sup>28</sup>



## Finance

It certainly seems to have been the case that, at least in the first decade or so of its existence, St Ninian's experienced financial difficulties. Falkland House needed substantial refurbishment. Major Michael Crichton-Stuart donated £6,000 to assist with the refurbishing and repairs but, as of December 1951, there was a debt of £10,500. By 1958, there was a bank deficit approaching £10,000.

The Scottish Education Authority was prepared to pay the salaries of two Brothers who had appropriate teaching qualifications. Money was derived from per capita grants paid by local authorities. A consequence of the establishment's inability to attract the

anticipated number of children was that the income from the per capita grants was lower than expected. It was accepted that these difficulties would have imposed quite a burden on the establishment, and limited the ability of the superior to take on necessary staff.<sup>29</sup>

There were financial records kept at St Ninian's by the Brother who was appointed as the bursar. These records should have been delivered to the Order's archives upon the closure of St Ninian's, but it appears that "some material was disposed of".<sup>30</sup> Very little survived to provide any real insight into the financial position after the first decade or so of St Ninian's.

28 No official number was given for 1978 so an estimate was used based on admission/discharge information. For the years 1982 and 1983 the Order estimated that around 40 and 40+ pupils respectively were resident at St Ninian's. Figures calculated by SCAI based on admission and discharge dates suggest however that the number of pupils on those years could be as high as 57 and 58 respectively. See Christian Brothers, Response to request from the Scottish Child Abuse Inquiry, Statistical Information, at CBR.001.001.0056.

29 [Transcript, day 11](#): Mr Michael Madigan, at TRN.001.001.1354.

30 [Written statement of Karen Johnson](#), archivist for the Christian Brothers, at WIT.001.002.6819.

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## There were obvious deficiencies at St Ninian's from the outset. Those responsible for the care of children in this residential setting were ill equipped for the task.

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### Staffing

Only a small group of Brothers lived in the St Ninian's community at any one time, usually five of them. Not all were teachers. Others resided as visitors from time to time. The Brothers were assisted by two or three lay teaching staff, residential and non-residential. As regards domestic staff, whilst the position is not entirely clear, it seems that there were normally two women working in the kitchen, with a matron and a seamstress. There was also a gardener.<sup>31</sup> For many of the years that St Ninian's was in operation, it lacked cleaning staff. As a result, heavy chores such as cleaning Falkland House, including the showers and toilets, were done by the children.<sup>32</sup>

In 1978, St Ninian's employed a former Brother as a 'social worker'. However, whilst he had completed the one-year course in residential childcare at Langside College, Glasgow, he was not a qualified social worker. He had joined the Order in the 1950s, but left it whilst studying at Langside in 1971-72. He had previous experience of St Ninian's, having been assigned to the post of teacher/houseparent between 1968 and 1971 while a Brother there. He was known to Brother Ryan, the headmaster who appointed him as school social worker.<sup>33</sup>

Throughout its existence, St Ninian's had staffing problems—both in terms of sufficiency and competence—problems that were well recognised by the Order. For example, in the visitation report dated 4-7 June 1965 the following description was provided in relation to a particular Brother: "He is overworked, is up late at night because of his duties and has drugs to help him to sleep: the consequence is that in the morning he cannot rise".<sup>34</sup>

### Training and qualifications

There were obvious deficiencies at St Ninian's from the outset. Those responsible for the care of children in this residential setting were ill-equipped for the task. The Brothers lacked life experience, a significant number of them having joined the Congregation when they were themselves children. For example, Brother "John" (1960 and 1982-83) had joined at age 12,<sup>35</sup> former Brother and then staff member "John" (1968-72 and 1978-83) had joined at age 13,<sup>36</sup> and former Brother "Tom" (1970-71) had joined at age 14.<sup>37</sup> Some of the Brothers who gave evidence displayed quite marked naïveté. None had prior training in childcare, let alone residential childcare.

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31 Congregation of Christian Brothers, [Parts A and B response to section 21 notice](#), at CBR.001.001.0031.

32 See for example [Transcript, day 128](#): "John", at TRN.001.006.0048, [Transcript, day 130](#), Frank McCue, at TRN.001.006.0408-0409, [Transcript, day 130](#): "Barry", at TRN.001.006.0408-0409 and [Transcript, day 131](#): "James", at TRN.001.006.0548-0549.

33 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1511-1515, 1522 and 1533.

34 Visitations report of St Ninian's, Falkland, 4-7 June 1965, at CBR.001.001.2289-2290.

35 [Transcript, day 137](#): former Brother "John", at TRN.001.006.1462.

36 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1510.

37 [Transcript, day 139](#): former Brother "Tom", at TRN.001.006.1764.



There was no evidence that a Brother's calling and the good intentions of the Order were regarded as equivalent to training or qualification. But even if that was so, it was woefully misguided. Whatever the Brothers' thought processes, they did not include any recognition of the need for a sense of vocation in relation to caring for children, let alone for children with backgrounds like those experienced by many who were placed at St Ninian's.

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**“...the idea that a religious community of celibate men were well placed to care for and look after children was a very misplaced idea”.**

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These deficiencies were even more acute in the context of St Ninian's, where many children came from troubled backgrounds, and some needed additional educational support. Brother Edmund Garvey, Province Leader of the European Province, agreed that it was indeed a “facile presumption” that the Christian Brothers could manage a school like St Ninian's. He was right to recognise that “the idea that a religious community of celibate men were well placed to care for and look after children was a very misplaced idea”.<sup>38</sup>

The failure to ensure appropriate training was a very significant failure. That was also recognised by Brother Garvey, although he went on to qualify that admission under reference to the benefit of hindsight.<sup>39</sup> However, it is apparent from the visitation reports, that the deficiencies in the regime were well recognised by the Order. And they were not acted upon.

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38 [Transcript, day 140](#): Brother Edmund Garvey, at TRN.001.006.1895.

39 [Transcript, day 140](#): Brother Edmund Garvey, at TRN.001.006.1895.

40 See [Transcript, day 128](#): “John” at TRN.001.006.0031. “John”, who was transferred from Smyllum, where he had been the target of abuse by Sister Magdalene said: “Mary Magdalene told me she was getting rid of me and that's how she done it.”

41 [Transcript, day 133](#): read in statement of “William”, at TRN.001.006.0863-0864.

## The Children

The majority of children in the early years of the establishment were from Glasgow, and were transferred from residential care elsewhere, such as the Nazareth Houses and Smyllum, so as to populate St Ninian's with Catholic children. Some transfers appear to have occurred because the transferring institution wanted to get rid of the child.<sup>40</sup> After 1968, a number of the children were placed at St Ninian's following Children's Hearing referrals. Throughout St Ninian's existence, many of the children, before being placed there, had been neglected. Many had been abused. Some had been failing to attend school. Poignantly, one boy had been failing to do so because of having help to care for his paralysed father, do chores, and run errands to help his mother.<sup>41</sup> There were other children with similar background circumstances.

A significant number of the children had additional support needs, but there was not an adequate provision of teaching staff with appropriate qualifications relevant to that important work. The staff also lacked the support of an educational psychologist.

## Closure

St Ninian's continued in operation until 1983, when it closed due to a combination of problems and a distinct shift in local authority policy. In particular, the policy adopted by Strathclyde Regional Council in relation to their responsibilities towards children in need of care shifted away from using placements in institutions such as St Ninian's, to favouring community placements and supervision instead. Placement numbers fell quickly.

Some 10 years before its closure, the author of an HMI Inspection report dated 26 September 1972 observed, after inspecting St Ninian's: "It is at least arguable that this isolated establishment – isolated in every possible way – is a basic administrative anomaly and mistake. It is the only establishment of its kind in Scotland."<sup>42</sup>

### The Order's witnesses

Three witnesses gave evidence on behalf of the Order.

Michael Madigan, a former Christian Brother, gave evidence on 26 June 2017.<sup>43</sup> He had been commissioned by the Order to look at records held in connection with St Ninian's in order to respond to Parts A-D section 21 notice. He gave evidence in connection with aspects of the Parts A-D section 21 response.

At the end of the case study oral evidential hearings on 3 July 2019, Brothers John Burke and Edmund Garvey gave evidence addressing, in particular, the allegations of abuse made by applicants and of other failures that had emerged during the case study.<sup>44</sup> At the time of the hearings, Brother Burke was the Child Safeguarding Director for the Order and a former member of the European Province Leadership Team. Brother Garvey was the Province Leader of the European Province, a position he has held since 2014.<sup>45</sup>

### Visitation reports

Under canonical requirement, visitations were carried out in connection with St Ninian's broadly on an annual basis. Visitation reports available to SCAI provide clear indications that the Order did in fact recognise that there were problems and inadequacies at St Ninian's.<sup>46</sup> Below are some examples.

The Report for 25-28 April 1969 contains the following:

*"The departure of Br. Power, who had a nervous breakdown last October, put a severe strain on the remaining five Brothers here. This is the problem—to provide sufficient staff to do justice to (i) the boys, and (ii) the Brothers in order to give them time for common prayer and recreation. It is absolutely necessary that Br. Power be replaced for the next school-year. Another necessity is that a Brother be qualified in 'Child Care'."*<sup>47</sup>

The visitation report of March 1970 also recognised that "there should be some form of training for the proper handling and care of the children".<sup>48</sup>

An undated visitation report, for the period 1974/75, describes staff and the regime in the following way:

*"[Brothers] protest that little or nothing has been done over the past twenty-five years in the way of constructive development. The few men interested in the work are sent up and promptly forgotten. They are left to 'get on with it' as best they can.*

42 NRS ED28/360: Report on School by H.M. Inspectors, at SGV.001.005.9031.

43 Transcript, day 11: Mr Michael Madigan, at TRN.001.001.4343-4438.

44 Transcript, day 140: Brothers John Burke and Edmund Garvey, at TRN.001.006.1886-1933.

45 Transcript, day 140: Edmund Garvey, at TRN.001.006.1892.

46 Visitations Reports, 1951-1982, at CBR.001.001.2244-2381.

47 Visitation Report of St Ninian's, Falkland, 25-28 April 1969, at CBR.001.001.2300.

48 Visitation Report of St Ninian's, Falkland, 12-15 March 1970, at CBR.001.001.2304.

*No new ideas have been tried out, there has been no forward planning, no young brothers being professionally prepared for this work. They are sent to Falkland on a trial and error basis. Some brothers should be trained in remedial work in Moray House to fit them for work in Scotland.*<sup>49</sup>

That report goes on to say that an educational psychologist at St Ninian's was "essential" and not a "luxury".<sup>50</sup> The Brothers' attitudes are described as that of men who had "a grievance because they consider themselves overworked".<sup>51</sup> The author of the report himself describes the environment as being "a large single unit—with a few overworked frustrated brothers".<sup>52</sup>

By the time of the visitation report dated 26-30 April 1980, the conclusion was reached that "[t]he community is on a starvation diet, spiritually".<sup>53</sup> The lay staff were described as inadequate. In addition, Brother Paul Kelly (1979-83) is described as feeling "inadequate in trying to help the difficult boys at St Ninian's" and "his qualifications do not meet the requirements of the Government."<sup>54</sup> Brother Kelly reported that he was "going downhill spiritually" and the report's author noted that he would "need further help and support."<sup>55</sup>

Although the visitation reports also contain positive comments about St Ninian's, the inadequacies inherent in the regime and the Brothers themselves were clearly recognised.

In their evidence, Brothers Burke and Garvey addressed the issues raised in the visitation reports. Brother Burke saw the failure to implement the recommendation for psychological input to be one of the "biggest faults".<sup>56</sup> More generally, Brother Garvey acknowledged that the "leadership of the Congregation...should have tried to find people who would be...suitable". His position was that the problems identified were not "transferred into actions".<sup>57</sup>

Brother Burke accepted on behalf of the Order that the Brothers did not have the training necessary to manage St Ninian's or care for the children.<sup>58</sup>

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49 Visitation Report of St Ninian's, Falkland, 22-29 February 1974/75, at CBR.001.001.2326.

50 Visitation Report of St Ninian's, Falkland, 22-29 February 1974/75, at CBR.001.001.2326.

51 Visitation Report of St Ninian's, Falkland, 22-29 February 1974/75, at CBR.001.001.2324.

52 Visitation Report of St Ninian's, Falkland, 22-29 February 1974/75, at CBR.001.001.2326.

53 Visitation Report of St Ninian's, Falkland, 26-30 April 1980, at CBR.001.001.2362.

54 Visitation Report of St Ninian's, Falkland, 26-30 April 1980, at CBR.001.001.2365.

55 Visitation Report of St Ninian's, Falkland, 26-30 April 1980, at CBR.001.001.2365.

56 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1902.

57 [Transcript, day 140](#): Brother Edmund Garvey, at TRN.001.006.1903.

58 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1910.

# 3 The regime

## Introduction

I find that children were abused at St Ninian's. The regime was an abusive one and the abuse took different forms. The abuse of children at St Ninian's persisted throughout its existence.

Children were sexually abused. The nature and scale of that abuse in the period from 1969 to the closure of St Ninian's in 1983 was particularly extreme.

During that period, the children's lives were dominated by the presence of three serial sexual predators: Brother Gerard Ryan (1969-74 and 1975-81), and former Brothers John Farrell (1978-79 and 1980-83) and Paul Kelly (1979-83). On 22 July 2016, John Farrell and Paul Kelly were convicted of serious sexual offences committed during their time as Brothers at St Ninian's, covering the period from 1979 to 1983. Gerard Ryan died on 6 July 2013.<sup>59</sup>

Children were physically abused. They were cruelly beaten and injured.

Children were emotionally abused. They were belittled. They were humiliated if they wet the bed. Isolation was used as a form of punishment. There was an atmosphere of fear.

The abuse was pervasive, and it became normalised. For example, "James" (1973-76), who was repeatedly raped by Gerard Ryan, thought that such treatment was normal punishment. Before going to St Ninian's, "James" had "never heard about abuse...I didn't know what it was".<sup>60</sup> "James" was also "unaware of sexual abuse".<sup>61</sup> He blamed himself for what was happening to him.

## Home

The abnormal became the normal in what was the "home" of children in the care of the Christian Brothers at St Ninian's. But such an environment was far removed from what a home should be—a safe place where children could find kindness and unconditional loving care from adults that could be trusted; a place where a child could find light if life outside has grown dark; a place that did not fill the child with fear; a place where abuse did not exist.

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59 List of Christian Brothers on staff at Ninian's, CBR.001.001.1415-1420. In their response to the Inquiry the Order noted that the dates cited in this list "were transcribed from the Brothers' Register pages (Provincialate). These dates may differ from those on the Generalate Register pages or in the Annals. It is difficult to be sure which dates are correct, as a good section of the Annals were written retrospectively dates therein may not be accurate."

60 Transcript, day 131: "James", at TRN.001.006.0579.

61 Transcript, day 131: "James", at TRN.001.006.0591.

The Order's Constitutions described how children ought to have been cared for in the following way:

*"The example of our Lord Jesus Christ, the Divine Teacher, Who so loved the young and acted so gently with them, should be the model for each Brother in the discharge of his duties to his pupils."<sup>62</sup>*

I have already set out the aims of the Christian Brothers; the passage above was a reinforcement of those aims. However, the abuse of children at St Ninian's was its antithesis.

## Collusion

In his evidence, John Farrell maintained that some of those who made allegations of abuse against him had colluded to invent the allegations.<sup>63</sup> I reject this. There is no evidence of collusion having occurred. The organisational witnesses who gave evidence, Brothers Burke and Garvey, did not, to any extent, support the notion that former St Ninian's children in adulthood had colluded to invent allegations of abuse. Nor was it suggested to any of those applicants who gave oral evidence that they had done so. Furthermore, their evidence was supported by the convictions of John Farrell and Paul Kelly, and the Order's acknowledgment that abuse did occur.

## Positive aspects

A number of witnesses who provided evidence of abuse made it clear that not all the Brothers they encountered were bad. Some were good and kind and they were grateful for that.<sup>64</sup> Sport provided a positive outlet for many of the children, with skiing trips being a happy memory.<sup>65</sup> A number of witnesses saw the scope provided by the outdoor areas as a major asset, and the "grounds" provided "good memories".<sup>66</sup> However, even when positive experiences were being described, there were usually qualifications. For example, "Alan" (1979-82) described Brother Brown as supportive and caring, but "[h]e was the only one...probably the only one that I really felt safe about".<sup>67</sup>

Others had mixed feelings about their time at St Ninian's. "William" (1981-82), in a telling observation, said that there was a lot about St Ninian's that he liked, but he was still glad to leave because: "I think I chose not to remember a lot of the dark things".<sup>68</sup> "Jack" (1980), likewise, felt that "[a]lthough good things were happening in St Ninian's the bad things outweighed the good".<sup>69</sup>

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**"Although good things were happening in St Ninian's the bad things outweighed the good".**

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62 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1946, para 161, at CBR.001.001.0687.

63 Transcript, day 139: John Bernard Farrell, at TRN.001.006.1710.

64 Transcript, day 128: "John", at TRN.001.006.0035-0036.

65 Transcript, day 130: read in statement of "Barry", at TRN.001.006.0409.

66 Transcript, day 133: "Jack", at TRN.001.006.0813; Transcript, day 129: "Steve", at TRN.001.006.0208-0209; Transcript, day 132: "Alan", at TRN.001.006.0687-0688.

67 Transcript, day 132: "Alan", at TRN.001.006.0715.

68 Transcript, day 133: read in statement of "William", at TRN.001.006.0875-0876.

69 Transcript, day 133: "Jack", at TRN.01.006.0845.

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## **“The Brothers used to shout and scream constantly, like maniacs. They lost their tempers so quickly. They ruled by fear.”**

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I consider that it is highly likely that any positives that emerged were achieved more by good luck—and due to the fortitude of some children—than by good management, which was absent. The management of St Ninian’s was characterised by remarkable ineptitude.

### **Atmosphere of fear**

“John’s” (1971-72) first impression when he arrived at St Ninian’s was that it had a bad atmosphere “like a fear”.<sup>70</sup> For him, and for many others, his first impression proved to be correct: “The Brothers used to shout and scream constantly, like maniacs. They lost their tempers so quickly. They ruled by fear”.<sup>71</sup>

### **Sleeping arrangements**

Brothers who acted as housemasters also had rooms in the dormitory area and had ready access to children. It was well known that children had access to some Brothers’ rooms. As such, Paul Kelly explained that he adopted an “open door policy” whereby junior boys would be present in his room after they had changed into their pyjamas.<sup>72</sup> He said that he was following Gerard Ryan’s example. Gerard Ryan had indeed adopted

a similar open door policy and he was regularly seen in his room sexually abusing boys. Paul Kelly also accepted that boys slept in his room. It is apparent that he and Gerard Ryan had ready access to children, and the opportunity to perpetrate the sexual abuse that I describe later in these findings.

On behalf of the Order, Brother Burke said that such arrangements were a “complete breaking of boundaries” and represented inexcusable behaviour.<sup>73</sup> What he found “frightening” was that such behaviour took place in the open.<sup>74</sup> Paul Kelly sought to defend the practice, and denied knowledge of any provisions in the Constitutions that forbade such behaviour. The suggestion that a Brother would not be aware of such provisions was one that Brother Garvey said “really baffles [him]”.<sup>75</sup>

I reject Paul Kelly’s evidence that he was not aware of what were, in effect, fundamental safeguarding provisions central to the Order’s vow of chastity. I consider it was no more than an attempt to defend indefensible behaviour. As explained by Brothers Burke and Garvey, the provisions of the Constitutions had a prominent profile in the lives of the Brothers.<sup>76</sup>

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70 Transcript, day 129: “John”, at TRN.001.006.0233-0234.

71 Transcript, day 129: “John”, at TRN.001.006.0238.

72 Transcript, day 137: Paul Kelly, at TRN.001.006.1420.

73 Transcript, day 140: Brother John Burke, at TRN001.006.1915.

74 Transcript, day 140: Brother John Burke, at TRN.001.006.1915.

75 Transcript, day 140: Brother Edmund Garvey, at TRN001.006.1912.

76 Transcript, day 140: Brother John Burke, at TRN.001.006.1912-1913.

## Lack of knowledge of children's background circumstances

Many of the children admitted to St Ninian's were from troubled backgrounds, and had early and significant experiences of trauma. For example, "Jim" (1955-57) had a vivid recollection of his mother collapsing and dying when he was aged four, leaving his father unable to cope with several children.<sup>77</sup> "John" (1953-55) was one of three children sent to St Ninian's from Smyllum in August 1953 because Sister Mary Magdalene told him she was getting "rid" of him. "John" had a background of trauma, including an abusive home and parental abandonment.<sup>78</sup> "Derek" (1969-71) had been abandoned as a baby and sexually abused in foster care before going to St Ninian's in January 1969.<sup>79</sup>

Evidence suggests that individual Brothers were given very little, if any, information about children's backgrounds. Brother "Peter" (1959-66) thought that the headmasters may have had background information on the children,<sup>80</sup> but he himself did not—even when he was a housemaster.<sup>81</sup> According to John Farrell, who was the headmaster at St Ninian's from about autumn 1980 until its closure in 1983,<sup>82</sup> information about children's backgrounds was available then, particularly from social workers.<sup>83</sup> However, the Order now acknowledges that that may not have

been the case.<sup>84</sup> Brother Garvey's position was that he would have expected that the Brothers would be "well-informed" about the children's backgrounds rather than taking "everybody on their merits" as had been suggested in evidence.<sup>85</sup> He acknowledged that, had the system provided information about the children's backgrounds to allow for the provision of "more tailored care", it would have been of greater benefit to the children.<sup>86</sup> There is evidence in the inspection reports that some personal records regarding children's background did exist, but those records do not appear to have survived.

## Education

The education of children was, supposedly, at the heart of the Christian Brother's existence. As Brother Garvey explained, if the Order "had a reputation for anything... it was for the quality of schooling and the quality of education, and...the quality of achievement within most of the schools."<sup>87</sup> However, I accept what was a clear message from applicants, namely that the education provided was wholly inadequate. For example, when "James" (1969-72) was aged 12 to 14, he was being taught what he had already been taught when he was nine to 10 years old. As "Barry" (1971-73) put it: "you were basically in the classroom to put the hours in".<sup>88</sup> Alexander Shannon (1979-80/81)

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77 Transcript, day 128: "Jim", at TRN.001.006.0085-86.

78 Transcript, day 128: "John", at TRN.001.006.0030-31 and Written Statement of "John", at WIT.001.001.2659-2660.

79 Transcript, day 129: "Derek", at TRN.001.006.0167-0168.

80 Transcript, day 134: Brother "Peter", at TRN.001.006.0991-0991.

81 Transcript, day 134: Brother "Peter", at TRN.001.006.1000-1001.

82 Transcript, day 139: John Farrell, at TRN.001.006.1676.

83 Transcript, day 139: John Farrell, at TRN.001.006.1681.

84 Congregation of Christian Brothers, [Addendum to Parts C and D section 21 notice](#), at CBR.001.001.9149.

85 Transcript, day 140: Brother John Burke, at TRN.001.006.1921.

86 Congregation of Christian Brothers, [Addendum to Parts C and D section 21 notice](#), at CBR.001.001.9149.

87 Transcript, day 140: Brother Edmund Garvey, at TRN.001.006.1923.

88 Transcript, day 130: "Barry", at TRN.001.006.0406-0407.

was left feeling that there was no education, and echoed “Barry”: “We kind of just done our own thing”.<sup>89</sup>

Furthermore, the lack of appropriate teaching for children with additional support needs during much of St Ninian’s existence—a failing that was fully recognised in the visitation reports—was a serious systemic failure.

Overall the Order accepted that the level of education was deficient and recognised that that was “appalling for [them] as a Congregation”.<sup>90</sup>

### **Transfer of Brothers**

The Order transferred two Brothers to St Ninian’s with the knowledge that allegations of sexual impropriety with children had been made against them previously.

#### **Brother Michael Bernard Raphael Gavin**

The first was Brother Raphael Gavin. Raphael Gavin was removed from a school run by the Order in Gibraltar in 1960 for reasons that included “interference with boys.”<sup>91</sup> The Order did not investigate, nor report, the allegations at the time. Raphael Gavin was transferred to St Ninian’s in early 1960—without any warning to the Brothers there about his past record. In 1962, the Order became aware of similar accusations being made against him in relation to his conduct at St Ninian’s.<sup>92</sup> Brother “Peter” (1959-66) recalled being informed by another staff member at St Ninian’s that a young boy had made an allegation of sexual abuse against

Raphael Gavin, and that the allegation was discussed by a group of Brothers who came to the conclusion that “the boy’s statement had credence”.<sup>93</sup> The Provincial at the time, Brother Colman Curran, became involved, and ultimately Raphael Gavin was moved to Liverpool in September 1962. In 1963 he was sent to see a psychiatrist. Brother “Peter” was never made aware that allegations of sexual abuse had been made against Raphael Gavin in Gibraltar in 1960; he became aware of the allegations for the first time during his oral evidence to SCAI in 2019. His response was: “This is the first I’ve become aware of that... I think it’s shocking”.<sup>94</sup> Brother John Burke, the current Child Safeguarding Director for the Order, who gave evidence on behalf of the Order, readily accepted that the transfer “shouldn’t have happened, but it happened and this [inquiry] is the consequence.”<sup>95</sup>

#### **John Bernard Mark Farrell**

John Farrell was also transferred to St Ninian’s against a background of allegations having been made against him. Between 1967 and 1977, John Farrell was placed in the Order’s South African Province. In 1972, allegations of sexual abuse of a boy or boys at Christian Brothers College—the boarding school in Pretoria where he was at that time—were made against him. The Provincial of the South African Province in 1972, Brother Joseph O’Neill, explained: “Brother Kelleher brought the notice to the [provincial] council that [John Farrell] had interfered with a boy or boys in the boarding school”.<sup>96</sup> As a result,

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89 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0757.

90 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1923.

91 Congregation of Christian Brothers, Allegations between 1950-83, at CBR.001.001.5621.

92 Congregation of Christian Brothers, Allegations between 1950-83, at CBR.001.001.5262-5263.

93 [Transcript, day 134](#): Brother “Peter”, at TRN.001.006.1065.

94 [Transcript, day 134](#): Brother “Peter”, at TRN.001.006.1065-1067; see also report provided by the Order, including excerpts of a letter from the then Provincial to the Superior General dated 13 October 1965, at CBR.001.001.5621-5623.

95 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1925.

96 [Transcript, day 138](#): Brother Joseph O’Neill, at TRN.001.006.1573.



John Farrell was transferred mid-school year in 1972, to a school for day pupils only, in Cape Town. No external report was made, and the school he was moved to in Cape Town was not informed of the allegations: “They wouldn’t know about it at all. It was all very much kept as an internal matter”.<sup>97</sup>

In 1977, John Farrell was transferred to the English Province. Brother Kelty, the Superior General of the Order in Rome, was aware of the allegations made in Pretoria, as was Brother Colman Curran, a member of the General Council in Rome. Brother Colman Curran wrote to a member of the English Provincial Council, Brother Placidus Hooper, on 10 December 1977, with the following warning relating to John Farrell: “I would urge you not to place your most recent addition to the province in a boarding school situation...I presumed the South African [provincial] had explained the entire background and the urgent need to move brother from Pretoria.”<sup>98</sup> Brother Joseph O’Neill accepted in evidence that he had not told the English Province at the time about the allegations, and that is something he regrets.<sup>99</sup>

In addition to his letter to Brother Placidus Hooper, Brother Colman Curran sent a private confidential note to the Provincial of the English Province, Brother Fergal O’Neill, indicating that John Farrell should not be placed in a boarding school.<sup>100</sup> At a meeting of the English Provincial Council on 17 December 1977, it was agreed that

the Provincial, Brother Fergal O’Neill, would telephone the Superior General, Brother Kelty, in Rome for further information. At the next meeting of the English Provincial Council on 30 December 1977, Brother Fergal O’Neill reported that he had successfully contacted Brother Kelty and indicated to him the intention to post John Farrell to St Ninian’s. He described Brother Kelty’s response as follows: “The General raised no query on this transfer and went as far as to state that he would accept responsibility for this posting”.<sup>101</sup> Accordingly, the Superior General of the Order—despite having knowledge of the allegations made against John Farrell in South Africa—authorised his posting to St Ninian’s and appears to have thought it was acceptable to do so because he would accept responsibility for the posting. By 5 January 1978 John Farrell was “safely ensconced” at St Ninian’s.<sup>102</sup>

It is now readily accepted by the Order that the transfer of these two Brothers to St Ninian’s should not have happened, and that they resulted in children being abused. Brother John Burke, the current Child Safeguarding Director for the Order said: “One of the things that makes me sad, actually, is that the Superior General, Brother Kelty, he didn’t act on the advice of Brother Colman Curran and said ‘I will take responsibility and put [John Farrell] in a boarding school.’ That is shocking. Just shocking.”<sup>103</sup> He is right. It is indeed shocking

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97 [Transcript, day 138](#): Brother Joseph O’Neill, at TRN.001.006.1582.

98 Letter dated 10 December 1977 from Brother Colman Curran to Brother Placidus Hooper, at CBR.001.001.5693; Report provided by the Order, at CBR.001.001.5621.

99 [Transcript, day 138](#): Brother Joseph O’Neill, at TRN.001.006.1563-1635.

100 See report provided by the Order, at CBR.001.001.5626-5627.

101 See report provided by the Order, at CBR.001.001.5626.

102 Minutes of meeting of English Provincial Council held on 17 December 1977, at CBR.001.001.5695; Minutes of meeting of English Provincial Council held on 30 December 1977, at CBR.001.001.5698; [Transcript, day 138](#): Brother Joseph O’Neill, at TRN.001.006.1563-1635; Letter from John Farrell, dated 5 January 1978, at CBR.001.001.5666.

103 [Transcript, day 141](#): Brother John Burke, at TRN.001.006.1925.

that John Farrell was sent to precisely where he should never have been sent, namely a boys' boarding school.

In a letter to SCAI dated 1 July 2019, it was stated on behalf of the Order that "[t]he Congregation accepts that the movements of Brother Gavin and Brother Farrell were inappropriate and wrong...The Congregation accepts the evidence of Brother O'Neill... that the 'victim was the first one that should have been looked after, not the one who had caused the trouble.'"<sup>104</sup> It was also stated that the transfer of two Brothers "with previous allegations of inappropriate behaviour" to work at St Ninian's was a "basis for accepting there were systemic failures at an organisational level."<sup>105</sup>

In closing submissions on behalf of the Order, "the shocking story disclosed in the evidence of Brother Joe O'Neill" was referred to, and it was submitted that there were too many examples of things that should have been said, not being said. It was accepted that it was "simply impossible to understand" how the warnings of Brother Colman Curran could have been ignored.<sup>106</sup> In oral submissions on behalf of the Order, it was highlighted—correctly—that what was "striking" about the Superior General saying that he would take responsibility for John Farrell being placed at St Ninian's, was that by the time there could have been any question of him having to take such responsibility, children would already have been harmed.<sup>107</sup>

## Systemic failures

I find that the transfers of Raphael Gavin and John Farrell to St Ninian's, despite the Order being aware of the previous allegations against them, constitute serious systemic failures at an organisational level. The Order, very properly, did not seek to excuse them. These failures allowed Raphael Gavin and John Farrell to sexually abuse children at St Ninian's. The clear warning that John Farrell should not be in a residential school was ignored; this was an incomprehensible systemic failure that resulted in children being sexually abused by a known sexual predator.

## Findings of other inquiries

These findings of abuse of children at a Christian Brothers' institution are not isolated. Similar findings have been made by public inquiries in other parts of the world in relation to establishments run by the Order within their jurisdictions.

For example, in Ireland, the Commission to Inquire into Child Abuse ("The Ryan Commission") considered the experiences of former residents of seven establishments run by the Order in Ireland.<sup>108</sup> The Commission's findings included that sexual abuse of boys had been a "chronic problem", in particular at Artane Industrial School in Dublin and Letterfrack Industrial School in County Galway, and that physical punishment in these schools was excessive and pervasive.<sup>109</sup>

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104 Congregation of Christian Brothers, [Addendum to Parts C and D response section 21 notice](#), at CBR.001.001.9147-9151, [Transcript, day 138](#): Brother Joseph O'Neill, at TRN.001.006.1609.

105 Congregation of Christian Brothers, [Addendum to Parts A and B response to section 21 notice](#), at CBR.001.001.9145.

106 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 37, at CBR-000000002, p.11.

107 [Transcript, day 141](#): Closing Submissions, at TRN.001.006.2018-2019.

108 Artane Industrial School in Dublin, Letterfrack Industrial School in County Galway, St Joseph's Industrial School in Tralee, Carriglea Park Industrial School in Dun Laoghaire, St Joseph's Industrial School in Glin, St Joseph's Industrial School in Salthill, and St Joseph's School for the Deaf in Cabra.

109 The Commission to Inquire into Child Abuse, Final Report, 2009, Executive Summary, pp.2-6.

The Australian Royal Commission into Institutional Responses to Child Sexual Abuse considered the experiences of former residents of four homes run by the Order in Western Australia.<sup>110</sup> The Commission's findings included that the relevant Provincial Council of the Order knew of certain allegations of sexual abuse against Brothers and for periods of time failed to manage the institutions so as to prevent the sexual abuse of children.<sup>111</sup>

It is accepted on behalf of the Order that "the events in St Ninian's are part of a broader worldwide story that has had a devastating effect upon the Congregation."<sup>112</sup> It is accepted that "the Congregation has in a real sense lost everything, and certainly its reputation" and that "[a]s a result, for some years now, it has not been involved in the running of residential schools."<sup>113</sup>

### **The position of the Order**

Some aspects of the Order's position as voiced by Brothers Burke and Garvey have already been referred to in these findings. Broadly, the Order accepts that "the extent of the abuse was intolerable, unacceptable and reprehensible".<sup>114</sup> The Order accepts that children were physically, emotionally, and sexually abused. It accepts that there were serious systemic and management failures.

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**"The purpose of this inquiry is to shine the light on the shadow, to the dark, abusive side of St Ninian's and the truth, it is said, will set you free. Then and only then can the full story of St Ninian's be told of the night, the light and the half light, as Yeats puts it."**

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At the end of his evidence in what was tantamount to an act of contrition, Brother Burke said this: "The purpose of this inquiry is to shine the light on the shadow, to the dark, abusive side of St Ninian's and the truth, it is said, will set you free. Then and only then can the full story of St Ninian's be told of the night, the light and the half light, as Yeats puts it...To the former pupils of St Ninian's, may I say thank you for coming to the inquiry to tell of your experience while you were in our care."<sup>115</sup>

Further, in the letter to SCAI dated 1 July 2019, it was confirmed on behalf of the Order that "the congregation accepts the convictions of John Farrell and Paul Kelly" and that "it is the Congregation's position... that survivors of abuse are to be believed".<sup>116</sup>

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110 Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun, and Bindoon Farm School.

111 Royal Commission into Institutional Responses to Child Sexual Abuse, Report of Case Study No. 11: Congregation of Christian Brothers in Western Australia response to child sexual abuse at Castledare Junior Orphanage, St Vincent's Orphanage Clontarf, St Mary's Agricultural School Tardun and Bindoon Farm School, Executive summary pp.5-6.

112 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 41, at CBR-000000002, p.12.

113 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 41, at CBR-000000002, p.12. See also Congregation of Christian Brothers, [Addendum to Parts A and B response to section 21 notice](#), at CBR.001.001.9142.

114 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1929.

115 [Transcript, day 140](#): Brother John Burke, at TRN.001.006.1932.

116 Congregation of Christian Brothers, [Addendum to Parts C and D response section 21 notice](#): CBR.001.001.9147-9151.

## Conclusions about regime

In a very frank and powerful closing submission, A J Duncan QC, on behalf of the Order, recognised that the regime at St Ninian's had been seriously flawed. He was right to do so. St Ninian's was a place where the Brothers who were perpetrators of abuse could pursue their abusive practices with impunity. Abusive Brothers had unrestrained access to the vulnerable children they wished to target. That such abuse was possible for virtually the entire existence of St Ninian's existence represents serious failures in oversight, management, and governance.

Fundamental deficiencies in training, and a serious lack of relevant life experiences, conspired to enable dreadful abuse of children, who were supposedly being cared for by the Order, to occur.

Children were betrayed by serious breaches of trust and, for many, it caused lasting damage.

# 4 Sexual Abuse

I find that children were sexually abused in the care of the Christian Brothers. They were sexually abused by a number of Brothers, mainly at St Ninian's itself, but also at other locations. The abuse included voyeuristic practices, indecent assaults, lewd practices, oral sex, and forcible anal penetration. As a result of the violence associated with some sexual abuse, some children suffered injuries including anal bleeding. Children were induced to engage in group sexual activities with each other and with Brothers. The sexual abuse was designed to corrupt.

## The early years

### Abuse by unknown men

The earliest account of an attack involving a sexual motive was provided by "John" (1953-55). As with some of the other sexual abuse perpetrated at St Ninian's, this attack took place after "John" had showered and was alone. The lights in the shower area were switched off and the area was plunged into darkness. "John" was attacked from behind by a "big and powerful" adult male who took hold of him and put a hand over his nose and mouth.<sup>117</sup> "John" fought back before passing out, later recovering in a freezing cold state lying on the shower room floor.

"Jim" (1955-57) was sexually abused by an unknown visiting Brother. He had the presence of mind, however, to extricate himself from a situation that could have become even more serious, when the Brother began touching him inappropriately.<sup>118</sup>

### Regular sexual abuse

"Jack" (1963-64) was sexually abused by a Brother who spent many years at St Ninian's. The sexual abuse was the culmination of a grooming process, and included "Jack" being made to remove his clothes and masturbate both himself and the Brother in the Brother's room. This became a regular occurrence and only ended after "Jack" stole money from the Brother.<sup>119</sup>

"Jack" was aware of another Brother, whose name he could not remember, who would "creep around the boys' rooms at night checking for wet beds".<sup>120</sup> This Brother would also wake children up in the middle of the night saying that he was "checking for impure thoughts".<sup>121</sup> This was a pretence for sexual abuse.

"John" (1965-66), who was at St Ninian's just after "Jack" (1963-64), became a target of a Brother who frequented the dormitory area at night. This Brother entered "John's" bed and sexually abused him. "John" said he

117 Transcript, day 128: "John", at TRN.001.006.0070-0071.

118 Transcript, day 128: "Jim", at TRN.001.006.0131-0132.

119 Transcript, day 129: read in statement of "Jack", at TRN.001.006.0196-0197.

120 Transcript, day 129: read in statement of "Jack", at TRN.001.006.0198.

121 Transcript, day 129: read in statement of "Jack", at TRN.001.006.0198.

“froze” when this happened.<sup>122</sup> This abuse began very early on during his time at St Ninian’s and became a regular occurrence.

“John” (1965-66) also saw Brothers watching naked boys while the boys were showering. I am satisfied that this was voyeuristic, sexually-motivated behaviour that persisted throughout much of St Ninian’s existence and was pursued by several Brothers. I return to the topic of showering below.

### **Bullying sexual activity by older boys**

Brother “Peter” (1959-66) acted as housemaster. He was aware that senior boys were wrongfully perpetrating a form of bullying on “very junior boys” that involved sexual activity. Fifteen-year-olds were engaging 11 and 12-year-olds—including pre-pubescent boys—in sexual conduct.<sup>123</sup> It was known that this serious sexual behaviour took place “quite often... amongst the bushes.”<sup>124</sup> His position was that it was to be expected that such behaviour would occur because the older boys “had no other outlet”.<sup>125</sup> The other “outlet” that he had in mind was contact with the opposite sex. That overlooked the fact that sexual behaviour between children, under any circumstances—particularly where older boys were using it as a means of bullying younger boys—was not acceptable at all. Indeed, according to Brother “Peter”, it could merit the older boys being given the strap.

Brother “Peter” explained that the “most serious” action that he took was to have the bushes removed.<sup>126</sup> The strapping of some children was also how that sort of problem was “managed” and expulsion was not an option because it was “no good throwing them out when they showed that they needed care...there’s no place to move them to”.<sup>127</sup> In the log book, a reference to “[f]our [strokes] behind for immorality”<sup>128</sup> was, according to Brother “Peter”, for some form of sexual misconduct.<sup>129</sup>

The evidence of Brother “Peter” indicates that Brother Blake, the headmaster, was also aware of this behaviour, and that the four main culprits who, in his words, were “molesting” younger children were readily identifiable.<sup>130</sup> Still, no direct action, such as the removal of the culprits, was taken. What was clearly a serious problem was tolerated, leaving the younger children at the mercy of the older boys.

### **Abuse by former Brother and staff member “John” (Born 1939)**

Former Brother and staff member “John” was a Brother at St Ninian’s between 1968-72 and a staff member between 1978-83.

“John” (1969-71), who passed away in April 2015,<sup>131</sup> provided a statement to the police in September 2014<sup>132</sup> in which he stated that he had been abused at St Ninian’s by former

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122 Transcript, day 129: “John”, at TRN.001.006.0155.

123 Transcript, day 134: Brother “Peter”, at TRN.001.006.1044-1045.

124 Transcript, day 134: Brother “Peter”, at TRN.001.006.1042.

125 Transcript, day 134: Brother “Peter”, at TRN.001.006.1043.

126 Transcript, day 134: Brother “Peter”, at TRN.001.006.1048.

127 Transcript, day 134: Brother “Peter”, at TRN.001.006.1050.

128 Transcript of day book for St Ninian’s, 23 January 1951 to 31 December 1968, at CBR.001.001.1791.

129 Transcript, day 134: Brother “Peter”, at TRN.001.006.1046.

130 Transcript, day 134: Brother “Peter”, at TRN.001.006.1043 and TRN.001.006.1049.

131 Death Certificate of “John”, at PSS.001.001.1818.

132 See Police Statement dated 29 September 2014, at CFS.001.004.6022.

Brother and staff member "John". The abuse occurred mainly in the shower area and involved "John" being made to masturbate and perform oral sex on the Brother.<sup>133</sup>

"Stewart" (1968-71), who passed away in 2016,<sup>134</sup> provided evidence recorded in statements to the police in September and October 2014 that was to a similar effect.<sup>135</sup> He also gave evidence on commission in October 2015<sup>136</sup> for the purposes of the High Court trial of John Farrell and Paul Kelly. "Stewart" said he had been sexually abused by former Brother and staff member "John" in the Brother's room, abuse that involved mutual masturbation.<sup>137</sup> "Stewart" also gave evidence that shortly after he left St Ninian's in 1970, former Brother and staff member "John" took him and another St Ninian's boy to Plymouth. While in Plymouth, "Stewart" was sexually abused by former Brother and staff member "John" in a similar manner to that which had previously taken place. I am satisfied, on the evidence, that the trip to Plymouth and the abuse described took place.<sup>138</sup>

Former Brother and staff member "John" also abused Alexander Shannon (1979-80/81). In his oral evidence, Alexander Shannon

described a severe beating he had received from him.<sup>139</sup> It resulted in a bruised eye and a swollen lip. Furthermore, former Brother and staff member "John" had not singled out Alexander Shannon; he behaved in a similar way towards other children.<sup>140</sup> Alexander Shannon gave his evidence clearly and I found him to be a particularly convincing witness.

Former Brother and staff member "John" gave evidence to SCAI. He denied he had severely beaten Alexander Shannon, or that his treatment of children at St Ninian's could be in any way characterised as abusive. He said he did not recognise "John's" (1969-71) real name and denied that any abuse had taken place.<sup>141</sup> He did recognise "Stewart's" (1968-71) real name.<sup>142</sup> He accepted that the trip to Plymouth had happened, but denied that any abuse had taken place.<sup>143</sup> However, his selection of "Stewart" to join him on a trip to Plymouth was, I considered, rather telling. On the whole, I was not impressed with his evidence and formed the clear impression that former Brother and staff member "John" adopted a highly defensive attitude in an effort to protect his own position. I reject his denials.

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133 [Transcript, day 134](#): read in statement of "John", at TRN.001.006.0960-0962.

134 Death certificate of "Stewart", at NRS.001.001.1629.

135 See Police Statement dated 28 September 2014, at PSS.001.006.8524 and Police Statement dated 8 October 2014, at PSS.001.006.8520.

136 Evidence on Commission to Edinburgh High Court, at CFS.001.004.0855-0910.

137 [Transcript, day 134](#): read in statement of "Stewart", at TRN.001.006.0967-0968.

138 Extract from Social Work Files, at PSS.001.007.5254.

139 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0765-0766.

140 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0766-0767.

141 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1550-1552.

142 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1552.

143 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1554.

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**“I woke up with Brother McNamara he was touching me, and...when I pushed him away, he just - he was bigger than me, so he just done what he wanted to do.”**

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### **The post-1970 period**

The period after 1969 was dominated by the presence at St Ninian’s of a number of known sexual abusers: Brothers McNamara, Ryan, Farrell, and Kelly. The evidence of sexual abuse in the period from 1969 to St Ninian’s closure in 1983 is more extensive than the evidence in relation to the earlier period, probably because of there being more surviving witnesses for the later period.

### **Brother Christopher Urban McNamara (Born 16 June 1927)**

Christopher McNamara was at St Ninian’s from September 1970 to August 1974. During that time he was the superior.<sup>144</sup> He died in 2005.<sup>145</sup>

### **Showering practices**

As was the practice of other Brothers throughout the lifespan of St Ninian’s, Christopher McNamara engaged in abusive sexual practices while boys showered. He was regularly present during shower time, looking at naked boys and, on occasion, handling their genital areas.<sup>146</sup>

### **Sodomy**

There was evidence, which I accept, that Christopher McNamara sodomised children under his care.

“James” (1969-72) was taken from St Ninian’s to Christian Brothers’ establishments in Liverpool and Manchester by Christopher McNamara where he was repeatedly sexually abused. The abuse occurred in rooms where “James” was sleeping alone. When giving evidence “James” struggled, in a highly dignified way, to express the extent of the abuse he had to endure, as he fought against evident inner turmoil provoked by recalling the experiences. His evidence was utterly compelling. In Liverpool “James”: “woke up with Brother McNamara he was touching me, and...when I pushed him away, he just-he was bigger than me, so he just done what he wanted to do...anything you can imagine he done.”<sup>147</sup> Similar abuse occurred in Manchester.<sup>148</sup>

In the course of that trip, “James” was also taken to Christopher McNamara’s brother’s private house in London, and again sexually abused by Christopher McNamara in a similar way.<sup>149</sup> Significantly, “James” remembered the

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144 He was superior from 1970-73. See superior of St Ninian’s and authors of the log books, 1951-68 and 1969-76, at CBR.001.001.9153.

145 See List of Christian Brothers on staff in St Ninian’s Falkland, 1950-83, at CBR.001.001.1419.

146 Transcript, day 130: “James”, at TRN.001.006.0375.

147 Transcript, day 130: “James”, at TRN.001.006.0378.

148 Transcript, day 130: “James”, at TRN.001.006.0379.

149 Transcript, day 130: “James”, at TRN.001.006.0380-0381.



name of the street in London where the house was located and there is an entry in the St Ninian’s log book connecting Christopher McNamara with that street.<sup>150</sup>

There is clear support for the evidence given by “James”. On an occasion when “John” (1971-72) had been given a can of beer by Christopher McNamara before bedtime,<sup>151</sup> he woke up being sodomised by Christopher McNamara. “John” reacted by screaming and kicking out and running naked out of the room. The commotion attracted Brother Nugent, who provided “John” with a blanket and said that he would deal with what had happened. No action appears to have been taken, although “John” had no further contact with Christopher McNamara. Christopher McNamara remained at St Ninian’s until 1974.

### Brothers Ryan, Farrell, and Kelly

Christopher McNamara’s time at St Ninian’s coincided, in part, with that of Brother Gerard Ryan. Gerard Ryan was a habitual predatory paedophile. Two others, Brothers Farrell and Kelly, joined him in those predatory pursuits. Those three Brothers conspired to make St Ninian’s into a haven for paedophiles and to promote a culture of abuse designed to corrupt and destroy childhoods.

### Brother William Gerard Ryan (Born 9 April 1928)

Gerard Ryan spent different periods at St Ninian’s in different roles. He was there from September 1969 to May 1974, becoming the acting headmaster in 1974. He returned to St Ninian’s in February 1975, where he was headmaster from September 1976 to late 1980 or early 1981. He left in January 1981. He died on 6 July 2013.<sup>152</sup>

### Brother John Bernard Farrell (Born 13 September 1942)

John Farrell was at St Ninian’s from January 1978 to September 1978. He returned for a period from September 1980 to July 1983. He was the headmaster from late 1980 or early 1981, succeeding Gerard Ryan in that role. He left the Order in March 1987 and became a Catholic priest.

### Brother Paul Vincent Kelly (Born 22 July 1952)

Paul Kelly was at St Ninian’s from September 1979 to July 1983. Paul Kelly was a teacher at St Ninian’s and succeeded Gerard Ryan as the housemaster in charge of the junior boys. He left the Order in May 1993.

### Overlap

There was overlap at St Ninian’s between Gerard Ryan, John Farrell, and Paul Kelly. Gerard Ryan was there until early 1981. Therefore, these three sexual predators spent a significant period there at the same time. Also, John Farrell and Paul Kelly were at St Ninian’s together for a period of just under three years leading up to its closure in July 1983.

**Table 1:**  
**Overlap of Brothers Ryan, Farrell, and Kelly**

1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983
Brother Ryan														
												Brother Farrell		
											Brother Kelly			

150 Transcript of day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2165.

151 [Transcript, day 129](#): read in statement of “John”, at TRN.001.006.0239-0240.

152 See List of Christian Brothers on staff in St Ninian’s Falkland, 1950-83, at CBR.001.001.1420.

## The Ryan era

As set out above, Gerard Ryan spent more than a decade at St Ninian's, from about 1969 to 1981, with a short absence in 1974-75. For much of that time he was the headmaster.<sup>153</sup>

Gerard Ryan was a serial sexual abuser of children throughout his time at St Ninian's. This is now accepted by the Order.<sup>154</sup>

Visitation reports highlight the nature and extent of his access to the children in his care.

The visitation report dated 12-15 March 1970 referred to Gerard Ryan's involvement with the dormitories in the following way:

*"He is in charge of the dormitories and is frequently up to all hours at night attending these very disturbed children. He does not proffer this as an excuse for failure in the morning. He says it is just a weakness that he cannot control."*<sup>155</sup>

The reference to "a weakness that he cannot control" may have been designed to underline his diligence, but curiously, it in fact reflects his paedophilia.

The visitation report dated 11-15 November 1971 described Gerard Ryan as having a non-existent religious and prayer life.<sup>156</sup>

The visitation report of 8-12 February 1974 recommended that Gerard Ryan should retire "from the scene".<sup>157</sup> There is no clear explanation of the reason for that recommendation in the report. Gerard Ryan

did not retire; he worked at St Ninian's for many years beyond 1974.

The visitation report for 4-8 June 1977 described Gerard Ryan as being committed to the children and having "the welfare of the boys at heart at all times."<sup>158</sup> The report goes on to note that Gerard Ryan kept the school "open at Christmas and Easter for the boys who have no home to go to".<sup>159</sup> The visitation report dated 21-24 November 1977 once again commented on Gerard Ryan's commitment to the welfare of the boys—exemplified by him keeping the school open during the holidays for the boys benefit, with the exception of two weeks during the summer holidays.<sup>160</sup>

## Showering practices

Gerard Ryan watched boys in the showering area. According to "James" (1973-76) Brother Ryan was there to "ogle boys"<sup>161</sup> and I accept that that is a fair inference to draw. "Derek" (1969-71) saw Gerard Ryan "staring" at boys in the showers. He would watch "Derek" washing himself and then go to the next person and watch him: "There would be a cycle. It would be non-stop".<sup>162</sup>

In one of the shower areas the batwing doors to the shower cubicles, which would have allowed for some privacy, had been quite deliberately removed. Frank McCue (1971-72) found the showering experience "really degrading", with several Brothers involved in

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153 As acting headmaster in 1974, and headmaster from 1976-81. See List of Christian Brothers on staff in St Ninian's Falkland, 1950-83, at CBR.001.001.1420.

154 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 31, at CBR-000000002, p.10.

155 Visitation Report of St Ninian's, Falkland, 12-15 March 1970, at CBR.001.001.2302.

156 Visitation Report of St Ninian's, Falkland, 11-15 November 1971, at CBR.001.001.2312.

157 Visitation Report of St Ninian's, Falkland, 8-12 February 1974, at CBR.001.001.2323.

158 Visitation Report of St Ninian's, Falkland, 4-8 June 1977, at CBR.001.001.2341.

159 Visitation Report of St Ninian's, Falkland, 4-8 June 1977, at CBR.001.001.2341.

160 Visitation Report of St Ninian's, Falkland, 21-24 November 1977, at CBR.001.001.2347.

161 [Transcript, day 131](#): "James", at TRN.001.006.0576.

162 [Transcript, day 129](#): "Derek", at TRN.001.006.0187-0188.

what he described as “inspections”.<sup>163</sup> Gerard Ryan was an enthusiastic participant in this practice. On one occasion Gerard Ryan appeared with a visiting Brother and instructed Frank to wash his genital area in their presence; he was 14 at the time. Even now, when Frank takes a shower, he cannot do so without hearing Gerard Ryan’s voice telling him: “Don’t forget the nooks and crannies.’ It’s horrible.”<sup>164</sup>

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**“...he would move your genitals out of the way on the pretence that he was seeing if you’d washed your legs or your knees or whatever”.**

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“James” (1969-72) also experienced some of Gerard Ryan’s predatory behaviour in the shower area, including asking him to turn around to see if he had washed properly. Gerard Ryan engaged in inappropriate touching, where “he would move your genitals out of the way on the pretence that he was seeing if you’d washed your legs or your knees or whatever”.<sup>165</sup>

Gerard Ryan masturbated in front of “Barry” (1971-73) at shower time, “on many occasions...through his trousers.”<sup>166</sup> Dave Sharp (1971-75) saw that Gerard Ryan would

sometimes “pull at his penis and play with it” in front of children at shower time.<sup>167</sup> Similar evidence was provided by “Jack” (1980), who said that Gerard Ryan would be watching with his hands in his pockets whilst “playing with himself”.<sup>168</sup>

There was evidence that Gerard Ryan and other Brothers applied soap on to children in the showers.<sup>169</sup> These were children who were perfectly capable of washing themselves.

### **Boys in Gerard Ryan’s room**

Gerard Ryan had ready access to children both in his role as housemaster and as headmaster.

Harry Harrington is a former Christian Brother who was at St Ninian’s from 1976 to 1980.<sup>170</sup> He gave evidence about the dormitory rota system and how—even as headmaster—Gerard Ryan dominated the dormitory duties.<sup>171</sup>

At bedtime Gerard Ryan openly had boys in his room in pyjama bottoms, bare-chested, and with “a lot of the boys’ privates... hanging out”.<sup>172</sup> There could be up to eight boys at the start of the evening, but it would whittle down as the evening went on.<sup>173</sup> Boys were sexually abused in different ways. Their genitals were fondled in front of other children whilst Gerard Ryan had a visible erection.<sup>174</sup> He masturbated in front of the boys. He was “like the Pied Piper”.<sup>175</sup>

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163 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0262 and TRN.001.006.0271.

164 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0273.

165 [Transcript, day 130](#): “James”, at TRN.001.006.0370-0371.

166 [Transcript, day 130](#): read in statement of “Barry”, at TRN.001.006.0421.

167 [Transcript, day 131](#): Dave Sharp, at TRN.001.006.0457.

168 [Transcript, day 133](#): “Jack”, at TRN.001.006.0828.

169 [Transcript, day 132](#): “Alec”, at TRN.001.006.0619-0621.

170 [Transcript, day 134](#): Harry Harrington, at TRN.001.006.1084.

171 [Transcript, day 135](#): Harry Harrington, at TRN.001.006.1133-1139.

172 [Transcript, day 129](#): “Derek”, at TRN.001.006.0186.

173 [Transcript, day 130](#): “James”, at TRN.001.006.0383-0385.

174 [Transcript, day 130](#): read in statement of “Barry”, at TRN.001.006.0421-0422; [Transcript, day 131](#): Dave Sharp, at TRN.001.006.0569.

175 [Transcript, day 131](#): Dave Sharp, at TRN.001.006.0460.

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## “It was bad sexual abuse.”

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Sometimes, “James” (1969-73) was the last boy left in the room.<sup>176</sup> He was then sexually abused: “It was bad sexual abuse”.<sup>177</sup>

Some children regarded these “communal” events as friendly occasions where boys would be tickled by Gerard Ryan, bounced on his knee, and allowed to watch television or listen to the radio.<sup>178</sup> It became a nightly “ritual”<sup>179</sup> with the younger boys targeted.<sup>180</sup>

### Boys abused in their beds

The practice of children being abused in their own beds at night that had been prevalent in the early period of St Ninian’s existence, persisted during the Ryan era. He prowled the dormitories. At night these children were readily accessible and especially vulnerable; predators like Gerard Ryan took regular advantage of that vulnerability.

Frank McCue (1971-72) was targeted by Gerard Ryan on his first night: “I got woke up about 2 o’clock in the morning, and it was Gerard Ryan and he was under me, he was kneeling at the side of the bed... touching under my backside”.<sup>181</sup> Gerard Ryan pretended he was testing to see if the bed was wet.

“Barry” (1971-73) woke up one night to discover that he was being masturbated by Gerard Ryan and that he had his “first ejaculation at the hands of that man.”<sup>182</sup>

Gerard Ryan would “creep around” the younger boys’ dormitories at night.<sup>183</sup> “Alan” (1979-82) was targeted and sexually abused. If he sought to rebuff these advances he would be punished the following day by “getting the knuckle on the head...I can still feel the pain when he smashed you with that knuckle.”<sup>184</sup> He was aware of other boys also being targeted. On one occasion, a boy was screaming because of what was happening to him and other children shouted “[l]eave him, leave him you dirty bastard”.<sup>185</sup>

### Boys removed from beds

Gerard Ryan’s unfettered access to children in the dormitories at night facilitated the easy removal of boys from their beds to be taken to his room: “You’d see him walking along and you’d just kid on you were sleeping because he would look in each dorm and if you were awake it’d give him an excuse to pull you out”.<sup>186</sup> This was a regular occurrence. Children were upset on their return.<sup>187</sup>

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176 Transcript, day 130: “James”, at TRN.001.006.0383-0385.

177 Transcript, day 130: “James”, at TRN.001.006.0385; Written statement of “James”, at WIT.001.002.2386.

178 Transcript, day 130: read in statement of “Barry”, at TRN.001.006.0420-0421.

179 Transcript, day 133: “Jack”, at TRN.001.006.0830.

180 Transcript, day 129: “Derek”, at TRN.001.006.0186.

181 Transcript, day 130: Frank McCue, at TRN.001.006.0274-0275.

182 Transcript, day 130: read in statement of “Barry”, at TRN.001.006.0421-0422.

183 Transcript, day 132: “Alan”, at TRN.001.006.0726.

184 Transcript, day 132: “Alan”, at TRN.001.006.0727-0728.

185 Transcript, day 132: “Alan”, at TRN.001.006.0728.

186 Transcript, day 129: “Steve”, at TRN.001.006.0219.

187 Transcript, day 129: “Steve”, at TRN.001.006.0227.

“James” (1969-72) was targeted in this way throughout his time at St Ninian’s: “You could be sleeping, maybe...1 or 2 o’clock in the morning, and he’d come in and waken you and take you through to his room... It was always something sexual.”<sup>188</sup> James witnessed other children being taken away from their beds during this period, with children being chosen “at random”.<sup>189</sup>

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**“You could be sleeping, maybe...1 or 2 o’clock in the morning, and he’d come in and waken you and take you through to his room...It was always something sexual.”**

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“John” (1971-73), was given some beer at Christmas. He went to sleep in his own bed, but woke up in Gerard Ryan’s bed. He knew he had been raped because he was bleeding: “I was painful, bleeding and confused.”<sup>190</sup>

Dave Sharp’s (1971-75) earliest memory of St Ninian’s was of being woken up by Gerard Ryan, taken to his room, and waking up in his bed with both of them naked.<sup>191</sup> He saw other children being removed from their beds: “Sometimes you were picked, sometimes other boys were picked. Many

times you heard screams. Sometimes I used to pray that the boy in the next bed got picked before me. Sometimes my prayers got answered and sometimes they didn’t”.<sup>192</sup>

### Penetration

It is clear that “John” (1971-73) was raped by Gerard Ryan. Whilst the precise nature of the abuse inflicted by Gerard Ryan on some boys who were taken to his room is not known (because many are not SCAI applicants), the evidence overall is compelling—he was a violent sexual abuser and rapist.

“James” (1973-76) was held back by Gerard Ryan after a rugby match and locked in the shower area. Gerard Ryan told him to remove his towel, which he did. Gerard Ryan then grabbed him “by the hair and he threw me over the sink, which I was big enough to go over, and he sexually abused me...He sodomised me.”<sup>193</sup> This attack resulted in anal bleeding and, as a result, “James” had difficulty in walking. He was no older than 13 at the time. Gerard Ryan told him that this was a “way of turning a bad boy into a good boy.”<sup>194</sup> He also threatened that “James” would not see his parents again if he spoke about what happened. That threat left a lasting impact on him: “I remember that and I’ll remember that until I go to the grave.”<sup>195</sup>

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188 Transcript, day 130: “James”, at TRN.001.006.0385.

189 Transcript, day 130: “James”, at TRN.001.006.0386.

190 Transcript, day 129: read in statement of “John”, at TRN.001.006.0239.

191 Transcript, day 131: Dave Sharp, at TRN.001.006.0455.

192 Transcript, day 131: Dave Sharp, at TRN.001.006.0461.

193 Transcript, day 131: “James”, at TRN.001.006.0578-0579.

194 Transcript, day 131: “James”, at TRN.001.006.0580. Written statement of “James”, paragraph 42, at WIT.001.002.2736.

195 Transcript, day 131: “James”, at TRN.001.006.0580.

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## “[Gerard Ryan] made me feel loved, he made me feel wanted...nobody...had ever done this before.”

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A similar attack in the same location happened later. On this occasion “James” was “leathered over” his “buttocks and... back with [Gerard Ryan’s] belt into submission”, before being raped while held over the sink.<sup>196</sup> There was a third attack in similar circumstances. What is particularly tragic about these assaults is that, at the time, “James” viewed them as normal punishment and blamed himself because he had been “bad”.<sup>197</sup>

Dave Sharp (1971-75) described how initially Gerard Ryan groomed him: “he made me feel loved, he made me feel wanted”.<sup>198</sup> Gerard Ryan told Dave Sharp that he loved him and “nobody, as far as I know, had ever done this before”.<sup>199</sup> That did not last, and Dave Sharp described how he “very, very quickly became involved in an abusive relationship, sexual relationship, with Ryan, and from that moment, for the rest of my time in St Ninian’s...this man ruled every section of my life.”<sup>200</sup> Gerard Ryan terrorised Dave Sharp and subjected him to violence and rape.<sup>201</sup>

Gerard Ryan took a different approach to grooming Alexander Shannon (1979-80/81).

Instead, he began by inflicting a severe punishment. Having caned him, causing injury to Alexander Shannon’s bottom, Gerard Ryan offered to soothe the injuries with cream.<sup>202</sup> Later, after having noticed a rash on Alexander Shannon’s bottom and legs whilst watching him showering, Gerard Ryan again used the cream application tactic as a pretence for sexual abuse.<sup>203</sup> Alexander Shannon was made to lie naked face down on Gerard Ryan’s bed, and was sexually abused. He suffered anal bleeding, caused by finger penetration. Sadly, like “James” (1973-76), he also blamed himself for the abuse he suffered.<sup>204</sup> This particular episode appears to have happened shortly before Gerard Ryan left St Ninian’s.<sup>205</sup>

### Incident at Scotus Academy

During the existence of St Ninian’s, the Christian Brothers also had a presence at Scotus Academy in Edinburgh, a boys’ day school. The St Ninian’s log books disclose that there was regular contact between St Ninian’s and Scotus Academy. That was to be expected since both establishments were managed by the same Order.

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196 Transcript, day 131: “James”, at TRN.001.006.0582.

197 Transcript, day 131: “James”, at TRN.001.006.0591-0592.

198 Transcript, day 131: Dave Sharp, at TRN.001.006.0455.

199 Transcript, day 131: Dave Sharp, at TRN.001.006.0455.

200 Transcript, day 131: Dave Sharp, at TRN.001.006.0449.

201 Transcript, day 131: Dave Sharp, at TRN.001.006.0462.

202 Transcript, day 132: Alexander Shannon, at TRN.001.006.0771.

203 Transcript, day 132: Alexander Shannon, at TRN.001.006.0772-0773.

204 Transcript, day 132: Alexander Shannon, at TRN.001.006.0776.

205 Transcript, day 132: Alexander Shannon, at TRN.001.006.0778.

Gerard Ryan took “James” (1969-72) to Scotus Academy, ostensibly to help him paint the walls of a building. There were four or five other Brothers present. Brother Ryan told “James” that he had forgotten to take overalls for him so he had to strip down to his underpants to do the work. Gerard Ryan then removed those underpants and “James” was forced to perform sexual acts, including oral sex, on all of the Brothers. After his return to St Ninian’s “James” continued to be subjected to sexual abuse by Gerard Ryan.<sup>206</sup>

### Responses to the abuse

The Order now accepts that Gerard Ryan sexually abused children throughout his time at St Ninian’s.<sup>207</sup> His abuse of children ranged from the voyeuristic to rape. He preyed upon children with impunity, the culture at St Ninian’s being one where the sexual abuse of children thrived. He was a sexual predator who groomed his victims by being friendly to them or by dominating them by means of physical violence. His abuse of children must have been known to others, and I do not accept any evidence to the contrary. Indeed, as accepted in the submissions made on behalf of the Order, Gerard Ryan made little effort to disguise his activities.<sup>208</sup>

### The Farrell/Kelly era

As Table 1 illustrates, Gerard Ryan, John Farrell, and Paul Kelly were, for periods, all at St Ninian’s at the same time. On the evidence, I am satisfied that they were well aware of each other’s sexual abuse of children in their care.

The sexual abuse of children by John Farrell and Paul Kelly—and the way they encouraged children to engage in inappropriate sexual behaviour with each other—created a corrupting environment. John Farrell, who succeeded Gerard Ryan as headmaster, and had a track record of child sexual abuse, ought never to have been allowed to have access to children at all.

### A Gerard Ryan/John Farrell episode

“Alec” (1979) only spent a few months at St Ninian’s, and during that period ran away on several occasions. He was sexually abused by Gerard Ryan in his office and that prompted him to run away.<sup>209</sup> On another occasion he was caught drinking some communion wine in the St Ninian’s chapel by Gerard Ryan and John Farrell. Later that day he was removed from his bed by Gerard Ryan and taken to his room, where another Brother was sitting on a chair. “Alec” was sexually abused by Gerard Ryan while the other Brother masturbated. John Farrell then appeared and participated in the abuse. John Farrell tried to insert his penis into “Alec’s” mouth.<sup>210</sup> “Alec” absconded the following day and did not return to St Ninian’s.

### Voyeuristic practices

The showering practices established in the early years of St Ninian’s existence and throughout the Gerard Ryan era continued during the John Farrell/Paul Kelly era. When Gerard Ryan was still at St Ninian’s, him, John Farrell and Paul Kelly would be present in the shower area. That made boys, such as

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206 [Transcript, day 130](#): “James”, at TRN.001.006.0386-0389.

207 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 31, at CBR-000000002, p.10.

208 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 31, at CBR-000000002, p.10.

209 [Transcript, day 132](#): “Alec”, at TRN.001.006.0624.

210 [Transcript, day 132](#): “Alec”, at TRN.001.006.0629-35.

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## **“They would reach out for this affection as if they needed it. You wanted to be the favourite boy as such and you wanted the kiss, the cuddles and all the rest of it off these brothers.”**

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Alexander Shannon (1979-80/81), felt “uncomfortable”;<sup>211</sup> others felt that the practice was “degrading”.<sup>212</sup> Paul Kelly did not deny that at least on one occasion, whilst Gerard Ryan was still at St Ninian’s, he was present in the showers “just to see the routine”.<sup>213</sup>

These boys did not need to be told how to wash themselves. I am satisfied that what was in fact happening was a continuation of the voyeuristic behaviour that persisted throughout St Ninian’s existence.

“Michael” (1978-82) was taken on a two-week trip to Leitcham House in Stoke to play rugby. Money was stolen. As punishment, a number of children were “made to stand naked in a corridor while the [B]rothers walked around [them] as if they were doing an identity parade.”<sup>214</sup> This was degrading. I am satisfied that it had sexual overtones.

### **Favourite boys**

There was a body of evidence that John Farrell and Paul Kelly each had a group of favourite boys. One of the dormitories was known as the “favourite boys room”.<sup>215</sup> These were boys who John Farrell and Paul Kelly particularly identified as targets for sexual abuse. At night the practice was for one

group to go to John Farrell’s room and for the other group to go to Paul Kelly’s room to engage in sexual activities.

Alexander Shannon (1979-80/81) thought that some children misinterpreted the sexual abuse they were subjected to as the affection that, as children, they craved: “They would reach out for this affection as if they needed it. You wanted to be the favourite boy as such and you wanted the kiss, the cuddles and all the rest of it off these brothers.”<sup>216</sup> That seemed to me to be an astute observation.

### **Brother Paul Kelly**

Paul Kelly succeeded Gerard Ryan as the housemaster in charge of the junior boys and took over Gerard Ryan’s room, in close proximity to the junior dormitories. Paul Kelly regularly had boys sleeping with him in his room. This was well known; Paul Kelly accepted that boys were in his room after changing for bed and that boys also slept in his room.<sup>217</sup>

“Michael” (1978-82) was one of the boys who was sexually abused by Paul Kelly in his room. He witnessed other boys being abused. There could be six or eight boys in the room at any given time “and he would go round us all fondling us in turn.”<sup>218</sup>

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211 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0755.

212 [Transcript, day 133](#): read in statement of “Michael”, at TRN.001.006.0884.

213 [Transcript, day 137](#): Paul Kelly, at TRN.001.006.1437.

214 [Transcript, day 133](#): read in statement of “Michael”, at TRN.001.006.0893.

215 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0750.

216 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0783.

217 [Transcript, day 137](#): Paul Kelly, at TRN.001.006.1420.

218 [Transcript, day 133](#): read in statement of “Michael”, at TRN.001.006.0892.



“Edward” (1981-82) died in 2018, but had previously provided detailed statements to the police in 2014.<sup>219</sup> He described being sexually abused by Paul Kelly in the showering area and in the dormitory on numerous occasions. His abuse was similar to that perpetrated on other boys. It included Paul Kelly forcing “Edward” to masturbate him and to perform oral sex on him. It also included Paul Kelly masturbating “Edward” and trying to anally penetrate him.<sup>220</sup>

“Max” (1981-83) was in John Farrell’s group, but on one occasion, not long after “Max” had arrived at St Ninian’s, he was invited to Paul Kelly’s room.<sup>221</sup> Other boys were also present. Someone shouted “get him”, at which point he was attacked by the group of boys, placed on the bed, and his trousers were pulled down. Paul Kelly straddled him and engaged in sexual activity. One of the boys advised him not to struggle.<sup>222</sup> “Max” returned to Paul Kelly’s room on subsequent occasions when further sexual activity took place involving Paul Kelly, “Max”, and other boys.<sup>223</sup>

### **Criminal convictions**

After trial, Paul Kelly was convicted, on indictment, in relation to six charges involving the sexual abuse of children, including the sexual abuse of “Max” and “Edward”. He was sentenced to ten years imprisonment.

These convictions confirm that Paul Kelly engaged in mutual masturbation with children, oral and anal penetration, and induced children to carry out such acts. These were grossly corrupt practices. The details of the charges are set out in [Appendix D](#).

### **Brother John Farrell**

John Farrell succeeded Gerard Ryan as headmaster and perpetuated the abusive culture of his predecessor.

John Farrell sexually abused “Max” (1981-83) for most of the time “Max” was at St Ninian’s. He became one of John Farrell’s favourite boys and had a “close relationship” with him.<sup>224</sup> “Max” was groomed: “He used to give me cuddles and stuff and say to me, ‘Everything will be okay, don’t worry about it’...I liked it because I was getting attention... It was the first time in a long time that somebody actually showed me affection, I would say, because I never got it at home.”<sup>225</sup>

The practice of having a group of boys in their rooms followed by Gerard Ryan and Paul Kelly was also pursued by John Farrell. John Farrell would instruct “Max” to bring boys to his room.<sup>226</sup> Seven or eight boys would be in John Farrell’s room at a given time: “Basically, we would just sit around talking and then we would take our clothes off and sit in our underwear and he’d give us sweets.”<sup>227</sup> On these occasions John Farrell would also engage in sexual activity with boys.<sup>228</sup>

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219 Email from the National Records of Scotland confirming the date of “Edward’s” death, at NRS-000000001.

220 Police statement dated 1 April 2014, at PSS.001.006.4123.

221 [Transcript, day 133](#): “Max”, at TRN.001.006.0932.

222 [Transcript, day 133](#): “Max”, at TRN.001.006.0933-0935.

223 [Transcript, day 133](#): “Max”, at TRN0010060935.

224 [Transcript, day 133](#): “Max”, at TRN.001.006.0924.

225 [Transcript, day 133](#): “Max”, at TRN.001.006.0922.

226 [Transcript, day 133](#): “Max”, at TRN.001.006.0927.

227 [Transcript, day 133](#): “Max”, at TRN.001.006.0928.

228 [Transcript, day 133](#): “Max”, at TRN.001.006.0928.

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## “...the Congregation acknowledges that intolerable and reprehensible sexual abuse took place within St Ninian’s.”

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### Criminal convictions

In 2016, John Farrell was convicted, on indictment, in relation to three charges involving the sexual abuse of children, including “Max”. He was sentenced to five years imprisonment. These convictions reflect the fact that he forced children to masturbate him. The details of the charges are set out in [Appendix D](#).

### The Order’s response

At the conclusion of the case study, it was accepted on behalf of the Order that children were seriously sexually abused at St Ninian’s. Alistair Duncan QC said, on their behalf, that “the Congregation acknowledges that intolerable and reprehensible sexual abuse took place within St Ninian’s.”<sup>229</sup> In relation to Gerard Ryan, he said: “It can fairly be said of Brother Gerry Ryan that he was a habitual predatory paedophile. He appears to have had entirely unrestricted access to boys for the whole of his time within St Ninian’s... The evidence of former residents indicates that he preyed upon boys with impunity. His abuse could be clandestine...it could be violent...or it could involve grooming”.<sup>230</sup> The Order accepted that Gerard Ryan had “a significant influence and power over the management of the home.”<sup>231</sup> The Order accepted that Christopher McNamara, Gerard Ryan, Paul Kelly, and John Farrell were guilty of serious sexual abuse of boys and that the environment at St Ninian’s facilitated such abuse. This included the abuse of which Paul Kelly and John Farrell were convicted.

### Conclusions about sexual abuse

Having reviewed the evidence, I am satisfied that children were sexually abused at St Ninian’s throughout its 32-year lifespan. St Ninian’s became a haven for paedophiles and they were able to sexually abuse children with impunity. The abuse was disgusting, depraved, and degrading. It blighted the lives of many children in the long term. Children at St Ninian’s were particularly vulnerable and that made them easy targets. Serial sexual predators were able to abuse the children who should have been properly and responsibly cared for and protected.

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229 [Transcript, day 141](#): Closing submissions on behalf of the Congregation of Christian Brothers, at TRN.001.006.2012-2013. See also Congregation of Christian Brothers, [Written Closing Submissions](#), at CBR-000000002.

230 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 31, at CBR-000000002, p.10.

231 Congregation of Christian Brothers, [Addendum to Parts A and B response to section 21 notice](#), at CBR.001.001.9145.

# 5 Physical Abuse

Throughout the three decades covered in this case study, boys aged from 11 to 16 suffered physical abuse at St Ninian's. This included boys being hit with a cane, a golf club, a block of wood, and a ruler, along with an excessive use of the "Lochgelly" tawse. The abuse included boys being hit, punched, and kicked. Children were subjected to violent and sustained attacks and suffered injuries. Although it was Brothers who perpetrated most of the physical abuse, lay staff also participated.



Lochgelly Tawse

I find that the physical abuse described by applicants took place. Their evidence exemplifies what happened to many boys

during the relevant periods. The regime was one in which the use of violence towards children was acceptable and commonplace—despite clear guidance from the Constitutions of the Congregation that the use of physical punishment should be minimised:

*"Should it be considered necessary to punish a pupil it must be done calmly and with great moderation. Boys should be induced to act rightly from a sense of duty rather than through servile fear."*<sup>232</sup>

Furthermore, a letter from the Provincial dated 16 January 1961 included regulations on the use of corporal punishment in Christian Brothers schools in the English Province, of which St Ninian's was a part.<sup>233</sup> The Provincial wrote that "[t]here is now little need for corporal punishment. I wish we could eliminate it altogether. I am sending you a copy of the regulations governing corporal punishment and I wish to tell you that any infringement of these rules will be considered a very serious fault."<sup>234</sup> These regulations are shown below.

232 Constitutions of the Congregation of the Brothers of the Christian Schools of Ireland, Usually Called Christian Brothers, 1962, Para 174, at CBR.001.001.0688.

233 Letter from the Provincial to Brother, 16 January 1961, at CBR.001.001.7590.

234 Letter from the Provincial to Brother, 16 January 1961, at CBR.001.001.7590.

REGULATIONS GOVERNING THE ADMINISTRATION OF CORPORAL PUNISHMENT

It must be the aim of every Brother and master to reduce corporal punishment to a minimum. Frequent recourse to corporal punishment indicates a bad tone and ineffectual discipline. It should not be administered within one half-hour from the beginning nor within one half-hour before the conclusion of school and in administering it the following rules must be strictly observed:

- (1) Corporal punishment should be administered only for grave transgressions, never for failure in lessons.
- (2) The principal teacher only, or such members of the Staff as are delegated by the Head Master, shall inflict corporal punishment.
- (3) Only the approved leather strap may be used for the purpose of inflicting corporal punishment. Not more than two strokes on the palm of the hand shall be administered. If it is considered that the occasion requires further punishment, the matter must be referred to the Head Master.
- (4) The boxing of pupils' ears, the pulling of their hair and similar ill-treatment are absolutely forbidden.

NOTE: Where detention of pupils is legal, they shall not be detained after school-hours unless with the permission of the Head Master and under supervision; detention of pupils during recess is not permitted.

Letter from the Provincial Brother, 16 January 1961.

The Acts of Chapter of 1972 required every Brother to reduce corporal punishment to a minimum, and only use it for serious misconduct. They also state that "[o]nly the approved leather strap may be used for inflicting corporal punishment. Not more than two strokes on the palm of the hand shall be administered".<sup>235</sup>

57(p). Every effort should be made to cultivate among our pupils:

- (a) A sympathetic understanding of the problems of the poor, the aged and other under-privileged groups;
- (b) a readiness to avail of opportunities to help such people especially in their own locality.

They shall be encouraged to support the foreign missions, particularly our own mission schools, by prayer, financial help and other means.

58(p). The Headmaster shall make arrangements for an annual mission for the pupils. Special consideration should be given to the format of the Sixth Form Mission or retreat.

59(p). Copies of the school rules shall be prominently displayed in each school.

60(c). During recess periods the pupils are to be guarded, as far as possible, from moral as well as from physical danger. In residential schools special vigilance is required in guarding the morals of the pupils.

61(p). It must be the aim of every Brother to reduce corporal punishment to a minimum. Frequent recourse to corporal punishment indicates a bad tone and ineffectual discipline. In administering it the following rules must be strictly observed:

- (a) Corporal punishment should be administered only for serious misconduct;
- (b) The principal teacher only, or such members of staff as are delegated by the Headmaster, shall inflict corporal punishment. In primary departments the principal teacher only may administer corporal punishment. Entry should be made in a punishment book;
- (c) Only the approved leather strap may be used for inflicting corporal punishment. Not more than two strokes on the palm of the hand shall be administered. If it is considered that the occasion requires further punishment the matter must be referred to the Headmaster;
- (d) the boxing of pupils' ears, the pulling of their hair, and similar ill-treatment are absolutely forbidden.

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Congregation of Christian Brothers Acts of Chapter, 1972.

The visitation report dated 11-15 November 1971 stated that "[c]orporal punishment is still used but within the limits laid down in the Acts of Chapter".<sup>236</sup> However, I heard much compelling evidence to the contrary. Corporal punishment was used at St Ninian's, and on many occasions used in ways that went far beyond what was provided for in the Order's Acts of Chapter and the statutory regulations in force at the time.

235 Congregation of Christian Brothers, Acts of Chapter, English Province, 1972, at CBR.001.001.0661.

236 Visitation Report of St Ninian's, Falkland, 11-15 November 1971, at CBR.001.001.2314.

## The early years

During the early years of St Ninian's existence the regime was a brutal one, where indiscriminate violence was inflicted on children. During this early period the regime was dominated by Brother Patrick Alphonsus McKenna, from St Ninian's opening in 1951 until 1959, and Brother William Ignatius Carroll, from 1954 to 1958. These men terrorised the children in their care, and evidently took some enjoyment from subjecting children to violent beatings. Patrick McKenna also received enthusiastic support from a cruel lay teacher, Mr Drew, from 1954 to 1956.<sup>237</sup>

### Brother Patrick Alphonsus McKenna (Born 25 May 1903)

Patrick McKenna was at St Ninian's from 1951 to 1959. During that time he held various roles including sub-superior in 1956 and acting headmaster in 1959.<sup>238</sup> He died on 20 February 1977.

Some insight into the nature of the abuse that children had to endure at the hands of Patrick McKenna was provided by "John" (1953-55). "John" arrived at St Ninian's from Smyllum, two years after it had opened. His principal tormentor was Patrick McKenna. "[I]f anything went wrong, you knew Brother [McKenna]... was the one that attended to it. Whether you done it or not, he attended to it."<sup>239</sup>

Two particular examples from "John's" experience capture Patrick McKenna's violent propensities.

"John" was instructed to take an overweight boy on a hike up Ben Lomond. The boy's thighs were rubbing together, bleeding, and "he was in agony."<sup>240</sup> In an effort to help him, "John" took off his own vest and made it into bandages for the boy's legs. Patrick McKenna punished "John" for having "destroyed" the vest, which, he was told, did not belong to him, but to St Ninian's.<sup>241</sup> He gave "John" "one right sore hiding".<sup>242</sup> "John" had injuries to his back and suffered genuine pain: "[t]hat was the sort of hiding they gave me."<sup>243</sup>

On another occasion Patrick McKenna struck "John" on the shoulder with a golf club, causing the golf club head to break off. "John" was blamed for breaking the golf club: "so he used the rest of it to leather me again...He just laid into me with the end of the golf club that he had in his hand...He was intending to hurt me and he was doing it."<sup>244</sup>

In his evidence, "John" highlighted the indiscriminate nature of the abuse and that any excuse resulted in a "hiding".<sup>245</sup> Patrick McKenna "dished it out all the time."<sup>246</sup> Patrick McKenna could be heard "whacking" boys with a belt in the dormitories at night.<sup>247</sup> The sound of the beatings of children in the dormitories was commonplace. "John" summarised the

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237 List of St Ninian's Falkland Lay Staff, 1950-83, at CBR.001.001.5642.

238 Falkland St Ninian's Christian Brothers, at CBR.001.001.5634.

239 Transcript, day 128: "John", at TRN.001.006.0036.

240 Transcript, day 128: "John", at TRN.001.006.0053.

241 Transcript, day 128: "John", at TRN.001.006.0053.

242 Transcript, day 128: "John", at TRN.001.006.0053.

243 Transcript, day 128: "John", at TRN.001.006.0054.

244 Transcript, day 128: "John", at TRN.001.006.0055.

245 Transcript, day 128: "John", at TRN.001.006.0046; Written Statement of "John", paragraph 199, at WIT.001.001.2688.

246 Transcript, day 128: "John", at TRN.001.006.0062.

247 Transcript, day 128: "John", at TRN.001.006.0064.

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## “There seemed to be punishment for the least little thing.”

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St Ninian’s environment as one where “[t]here were constant hammerings all the time.”<sup>248</sup>

### A cruel lay teacher

“John’s” (1953-55) life at St Ninian’s was also blighted by the treatment he suffered at the hands of Mr Drew, a lay teacher. Mr Drew used a belt described as a “Lochgelly special”.<sup>249</sup> His use of the belt was indiscriminate: “He didn’t care where he hit you...He busted my nose with it...He whacked me right across the face with it... It was always injury...it was sore.”<sup>250</sup> Often after such beatings “John” required some medical attention from the matron, including after a neck injury inflicted by Mr Drew.<sup>251</sup> This violent treatment prompted “John” to stop going to Mr Drew’s classes.<sup>252</sup> Like many other children at St Ninian’s his education was sub-standard.

Although “John” was a regular target of Mr Drew, some other children “got it a lot more” than he did.<sup>253</sup>

### Brother William Ignatius Carroll (Born 28 January 1908)

William Carroll was at St Ninian’s from 1954 to 1958. He was headmaster from 1954-56 and superior from 1956-58.<sup>254</sup> He died on 29 July 1996.

William Carroll’s time at St Ninian’s (1954-58) overlapped with that of Patrick McKenna (1951-59). They behaved sadistically towards children. Over several years they cultivated and maintained an environment where the physical abuse of children was pervasive. Whilst other Brothers also hit children, it did not involve the same level of violence.

As “Jim” (1955-57) explained: “There seemed to be punishment for the least little thing. Any perceived slight of a brother, for example, or perceived rudeness or impudence, whatever...you’d get a clout from a brother...A slap round the cheek or the ear. But the discipline went considerably beyond that on a lot of occasions.”<sup>255</sup> What “Jim” characterised as discipline was, in reality, abuse. William Carroll would put children over a chair and then beat them on their bottoms with the tawse “with such ferocity and force that he would almost come off the floor. He would jump, bring it down, and as he’s bringing it down, his body is almost jumping up with the force of it”.<sup>256</sup> The number of strokes was arbitrary.<sup>257</sup> Although this could sometimes be a public event, it was often carried out in private. Even then, other children were aware of the beatings. As “Jim” remembered, at night, when children were in bed, the slaps of the belt could be heard accompanied by screams.<sup>258</sup> Children

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248 Transcript, day 128: “John”, at TRN.001.006.0065.

249 Transcript, day 128: “John”, at TRN.001.006.0047.

250 Transcript, day 128: “John”, at TRN.001.006.0066.

251 Transcript, day 128: “John”, at TRN.001.006.0067.

252 Transcript, day 128: “John”, at TRN.001.006.0047.

253 Transcript, day 128: “John”, at TRN.001.006.0047.

254 Falkland St Ninian’s Christian Brothers, at CBR.001.001.5630.

255 Transcript, day 128: “Jim”, at TRN.001.006.0110-0111.

256 Transcript, day 128: “Jim”, at TRN.001.006.0112.

257 Transcript, day 128: “Jim”, at TRN.001.006.0112.

258 Transcript, day 128: “Jim”, at TRN.001.006.0113.

were also beaten by William Carroll on the soles of their feet whilst they were in bed.<sup>259</sup>

On two occasions, "Jim" was seriously physically abused by William Carroll. On one of them, he received about 20 strokes of the belt on his bare buttocks: "I was crying, crying quite heavily, but it seemed to make him want to hit me more. That's what I found extraordinary...he seemed to enjoy making me cry...So I felt he was hitting me more because I was crying."<sup>260</sup> "Jim" was left with injuries as a result of this prolonged and vicious assault.

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**"I was crying, crying quite heavily, but it seemed to make him want to hit me more. That's what I found extraordinary...he seemed to enjoy making me cry."**

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On another occasion, having been kicked on the face by William Carroll, "Jim" ran away.<sup>261</sup> On his return, he was taken from his bed to the basement shower area by William Carroll; Patrick McKenna and Brother John Baptist Collins were also present.<sup>262</sup> He was told to remove his pyjamas, Patrick McKenna and John Collins held his wrists and ankles as he was lying down, and William Carroll "ladled

into me with the belt. I know he hit me 13 times with that belt. I counted them."<sup>263</sup> "Jim" suffered severe bruising and the "welts were coming out like spots of blood".<sup>264</sup> The fact of "Jim" running away was recorded in the log book, dated June 1957,<sup>265</sup> but, perhaps unsurprisingly, the treatment he received upon his return was not.

### The later period

Throughout the 1960s, a regime dominated by fear, instances of brutal treatment and harsh punishments, continued. Forceful use of the belt for trivial misdemeanours was commonplace. Fear of painful repercussions pervaded the environment. Physical abuse dominated children's lives.

As "John" (1965-66) recalled, one of the Brothers "loved" giving the belt in a forceful manner and "thrived on it."<sup>266</sup> "Jack" (1963-64) was, likewise, forcefully hit with a leather strap, leaving him sore afterwards.<sup>267</sup>

"Derek" (1969-71) was bruised after being hit with a "solid" belt on his arms.<sup>268</sup> Gerard Ryan "seemed to enjoy" giving the belt.<sup>269</sup>

As "John" (1971-72) remembered: "[t]he classroom was ruled by fear. There was total silence. If you were caught speaking you got whacked big time. I witnessed physical abuse".<sup>270</sup>

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259 Transcript, day 128: "Jim", at TRN.001.006.0115-0116.

260 Transcript, day 128: "Jim", at TRN.001.006.0114.

261 Transcript, day 128: "Jim", at TRN.001.006.0120-0119.

262 Brother John Baptist Collins was at St Ninian's from 1956 to 1958. In his first year he taught English. He retired from teaching in 1957 and served as a supervisor of games, meals, and dormitories in his final year at St Ninian's. See Falkland St Ninian's Christian Brothers, at CBR.001.001.5631.

263 Transcript, day 128: "Jim", at TRN.001.006.0126.

264 Transcript, day 128: "Jim", at TRN.001.006.0126.

265 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, at CBR.001.001.1764.

266 Transcript, day 129: "John", at TRN.001.006.0154, Written statement of "John", paragraph 75, at WIT.001.001.3861.

267 Transcript, day 129: read in statement of "Jack", at TRN.001.006.0198.

268 Transcript, day 129: "Derek", at TRN.001.006.0184.

269 Transcript, day 129: "Derek", at TRN.001.006.0189.

270 Transcript, day 129: "John", at TRN.001.006.0238.

“Steve” (1971-72) explained that there were different forms of physical punishments including the cane, the ruler, and the strap.<sup>271</sup> In the classroom, he would be taken to the front and hit with a ruler along the edge of the fingers. He saw boys being caned on the bottom and legs: “Sometimes it would be over the clothing, sometimes they’d take the trousers down.”<sup>272</sup>

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**“Strict to the point of it [the discipline] being abusive. There was a threat of violence behind everything you were told to do.”**

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The discipline was “strict, really strict. Strict to the point of it being abusive. There was a threat of violence behind everything you were told to do.”<sup>273</sup>

#### **Brother Christopher Urban McNamara (Born 16 June 1927)**

Christopher McNamara was the superior at St Ninian’s from 1970-73.<sup>274</sup> He died in 2005.

Christopher McNamara “was feared by every kid in the school.”<sup>275</sup> He had an adapted Lochgelly tawse with three coins inserted to add weight and increase its capacity to inflict pain.<sup>276</sup> This was not, however, the only way he physically abused children. The following examples highlight how he terrorised them.

On one occasion he caught one of the younger boys, in breach of a rule, using the main staircase. He attacked him violently: “He punched him from the top landing all the way down...we heard the thud of the boy hitting the wooden floor...the kid was lying there with his face burst open.”<sup>277</sup>

In the classroom Christopher McNamara “was constantly hitting kids...I don’t think there’s ever been a boy in his class that hasn’t been belted with a chalk duster, which is really, really sore.”<sup>278</sup> He had a yardstick that he used as a black board pointer. If boys were, as he saw it, doing wrong, such as slouching in their chair, they got “whacked with this thing on the back or...on the hand”.<sup>279</sup>

“William” (1971-72) was badly beaten by Christopher McNamara: “Brother McNamara was a cruel and sadistic man. He had an air of violence and menace about him. All the boys knew not to get on his bad side. You didn’t want to cross him. Hindsight being what it is, he was a man who should never have been allowed near children. Brother McNamara inflicted more abuse on me than the other brothers combined.”<sup>280</sup>

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**“Brother McNamara was a cruel and sadistic man. He had an air of violence and menace about him.”**

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271 Transcript, day 129: “Steve”, at TRN.001.006.0211.

272 Transcript, day 129: “Steve”, at TRN.001.006.0213.

273 Transcript, day 130: Frank McCue, at TRN.001.006.0276.

274 See superior of St Ninian’s and authors of the log books, 1951-68 and 1969-76, at CBR.001.001.9153.

275 Transcript, day 130: Frank McCue, at TRN.001.006.0286.

276 Transcript, day 130: Frank McCue, at TRN.001.006.0278.

277 Transcript, day 130: Frank McCue, at TRN.001.006.0294.

278 Transcript, day 130: Frank McCue, at TRN.001.006.0286.

279 Transcript, day 130: Frank McCue, at TRN.001.006.0286.

280 Transcript, day 133: read in statement of “William”, at TRN.001.006.0866.



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## **“[Children] were afraid to openly offer support to [their] classmates. This wasn’t cowardly; it was because we were only children.”**

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On one occasion, when “William” was cleaning the shower area, he was attacked by Christopher McNamara. This was his “most disturbing and painful moment” at St Ninian’s: “Without warning, he came screaming at me. He said I had missed a scrubbing brush from one of the cubicles. Brother McNamara proceeded to attack me. He hit me continuously with a long-handled scrubbing brush...It seemed to last an eternity. I truly believe that he only stopped because he became tired. When he was finished I was black and blue from head to toe. I was also bleeding. It was days before I had full mobility again. It was a sad reality that all the adults in the school who saw my condition made no attempt to console me or enquire how I was. I wasn’t offered and didn’t receive any medical attention for my injuries. It was down to the children to help me and provide some solace.”<sup>281</sup> Children “were afraid to openly offer support to [their] classmates. This wasn’t cowardly; it was because we were only children.”<sup>282</sup>

Frank McCue became a particular target for Christopher McNamara’s violent outbursts. On one occasion he attacked Frank in the toilet, punching him and forcing him into a urinal: “He slammed me into [the urinal]

and I fell into the trough and the trough was always blocked, so it was swimming with the urine of 40 boys. I lay in that on my left-hand side. I was soaked from head to toe. But he started kicking me. He must have kicked me at least a dozen times...I was drenched.”<sup>283</sup> Frank then had to stand in the main hall until the early hours of the morning: “I was stinking in the morning. I was crying I smelt so bad.”<sup>284</sup> The incident led Frank to run away.<sup>285</sup>

When aged 14, Frank suffered a serious and prolonged assault by Christopher McNamara. Christopher McNamara became aware that Frank and some other boys had been speaking to a group of girls on a country path near St Ninian’s. On returning to the building, Frank could hear Christopher McNamara “hysterically screaming”.<sup>286</sup> Christopher McNamara caught Frank and “crashed” a golf club down on his head causing him to fall to the floor.<sup>287</sup> Frank tried to get up, but Christopher McNamara “walloped” him again with the golf club, snapping the metal head off the golf club with the force of his swing.<sup>288</sup> Christopher McNamara was left with just the metal shaft of the club, but continued to hit Frank.

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281 [Transcript, day 133](#): read in statement of “William”, at TRN.001.006.0873-0874.

282 [Transcript, day 133](#): read in statement of “William”, at TRN.001.006.0874.

283 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0281.

284 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0282.

285 See also the [Treatment of runaways](#).

286 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0300.

287 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0301.

288 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0301.

The extent of the violence was wild and dreadful: “he wouldn’t stop. This just seemed to go on forever and he was hitting every part of my body except my face...he dragged me by the hair along the concrete corridor...every time he stopped, he was punctuating every word with a bang...I was a dirty fucking this and that, an evil little bastard and I was going to [a] borstal, he fucking hated me. He lost it totally...I tried to protect myself when I was lying there and he managed to catch the backs of both hands and to this day I’m convinced he broke [some of my] fingers...I face-planted on to the floor [and fainted]...he gave me a hell of a kick in the chest... He was trying to get me up and make me stand. He was raining punches on me”.<sup>289</sup> A number of Brothers and staff intervened and “dragged” Christopher McNamara away from Frank.<sup>290</sup>

Although it was obvious that Frank was badly injured and required medical treatment, no such assistance was sought or provided.<sup>291</sup> Frank was put to bed, and he passed out again. When he woke up the following morning the pillow was stuck to his face with dried blood. Frank vomited, and a junior boy helped him get up and have a shower. No Brother came to assist him. A few days later, Frank was finally told to go to the matron

after lights out. Frank asked if he would be going to hospital; she said he would not. Frank then spent several days in bed.<sup>292</sup>

Frank left St Ninian’s shortly thereafter, aged 14, a year before school-leaving age. He was surprised when Gerard Ryan told him he would not be coming back after the summer term.<sup>293</sup>

This incident is referred to in the log book in an entry dated 9 June 1972.<sup>294</sup> The background to the incident as narrated there, involving the boys speaking to girls, accords broadly with Frank’s evidence. The entry continues: “The headmaster gets very angry and gives [Frank] rather severe punishment”.<sup>295</sup> There is an entry for the following day that suggests that “the headmaster”, Christopher McNamara, apologised to Frank in front of all the boys at chapel “for the angry [and] unfair punishment meted out the night before.”<sup>296</sup> There is no other evidence that such a public apology was ever given, and, in any event, Frank was not present at chapel the following day due to the extent of his injuries.<sup>297</sup> The Order’s archivist, Karen Johnston, was able to confirm that the entries in the log book relating to this incident had been written by Brother McNamara himself.<sup>298</sup>

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289 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0301-0304.

290 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0303-0305.

291 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0305.

292 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0305-0309.

293 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0312-0316.

294 Transcript of day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2148; see also the original day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2020.

295 Original day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2020; [Transcript, day 130](#): Frank McCue, at TRN.001.006.0312.

296 Original day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2020.

297 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0312.

298 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1883-1884.

unprecedented use of the phone. Frank Mc Cue  
insults a member of staff ( [REDACTED] ) & refuses  
to go into the house. He spouts forth in front  
of both girls & boys about his rights - he refuses  
to do what he is told. [REDACTED] gets very  
angry and gives him rather severe punishment.  
10. [REDACTED] apologises to Frank Mc Cue in front  
of all boys in chapel for the angry unfair  
punishment meted out the night before.

Day book for St Ninian's, entry by Christopher McNamara, 9-10 June 1972.<sup>299</sup>

### Other Brothers

Gerard Ryan's sexual abuse of children also sometimes involved the use of violence. For example, Alexander Shannon (1979-80/81) sustained a caning at the hands of Gerard Ryan that led to sexual abuse.<sup>300</sup> Alexander Shannon explained that the regime "was fairly disciplined, really disciplined...we were told that it was a strict discipline in place and [Brother Ryan] won't put up with any of our crap or where we had come from and we had to abide by the rules."<sup>301</sup> Gerard Ryan used the cane on boys' bare buttocks. More generally, Alexander Shannon was "fearful of the brothers".<sup>302</sup>

Gerard Ryan struck "James" (1973-76) as being "the alpha male" at St Ninian's.<sup>303</sup> Although he was mainly belted on the hands

by Gerard Ryan, he was also belted on other parts of his body.<sup>304</sup> On one occasion Gerard Ryan burnt "James'" arm with a cigarette as punishment for smoking: "I still carry the scar today."<sup>305</sup> On another occasion, Gerard Ryan punched "James" on the mouth and he lost two teeth. This was punishment for staying out with a group of other boys on a fine evening after the main door had been locked.<sup>306</sup>

"James" (1973-76) also witnessed a boy "getting battered...then ragdolled" by a Brother in the library.<sup>307</sup> "[H]e punched the living daylights out of him...He was accusing him of stealing cigarettes or something... Pulling him by the hair, pulling him all about, shaking him, physically...he had burst the side of his nose".<sup>308</sup>

299 Original day book for St Ninian's, 07 January 1969 to 09 July 1976, at CBR.001.001.2020.

300 See [Chapter 4: Sexual Abuse](#).

301 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0752.

302 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0765.

303 [Transcript, day 131](#): "James", at TRN.001.006.0531.

304 [Transcript, day 131](#): "James", at TRN.001.006.0559.

305 [Transcript, day 131](#): "James", at TRN.001.006.0560.

306 [Transcript, day 131](#): "James", at TRN.001.006.0560-0561.

307 [Transcript, day 131](#): "James", at TRN.001.006.0562.

308 [Transcript, day 131](#): "James", at TRN.001.006.0562-0563.

## 1980s

The final period of St Ninian's existence up to its closure in July 1983 was dominated by dreadful physical abuse: "The level of violence they used was like an adult on an adult...with clenched fists and throwing punches...I never seen anything like that happening to kids, especially from 13 down the ways, and to see that for the first time, it was really, really scary and worrying. And then to feel it for the first time, it made an impact. And if it was to teach you a lesson, it certainly got me thinking and taught me a lesson."<sup>309</sup> It was also dominated by the abusive presence of Paul Kelly and John Farrell and former Brother and staff member "John".

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**"The level of violence they used was like an adult on an adult...with clenched fists and throwing punches...I never seen anything like that happening to kids...it was really, really scary and worrying."**

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There was also an elderly staff member who had been at St Ninian's from shortly after it opened. He hit children with a piece of wood on the head, buttocks, or legs. Alexander Shannon thought that these were longstanding habits because "[h]e was just an old guy who was set in his ways".<sup>310</sup>

Physical abuse of the children, including "Alan" (1979-82) could involve: "A slap, punch, knock on the head with the knuckle. And you got the belt. [Former Brother and staff member "John"] gave you the belt. That or they would slap you or punch you...Any of the brothers. Mainly Kelly, Ryan and Farrell... It'd be the head, a slap about the head, a clout on the lug sort of thing. I used to get the knuckle on the top of my head".<sup>311</sup>

Paul Kelly allowed one of his "favourite boys" to punish "Alan" by beating him: "if I had done something [to] upset [Brother Kelly], it was like the guy would come across and smack me in front of Brother Kelly and he done nothing about it...It was done right in front of [Brother Kelly] and he wouldn't do a thing. But if I ever did anything back, I got punished."<sup>312</sup> On another occasion "Alan" was stabbed in the abdomen after a rugby game by another boy. Paul Kelly punished the other boy: "Brother Kelly came running in [to the showering area] and started belting the boy that had done this, started punching him, went mental...the punches you were seeing was like two grown-up men fighting, the punches that he was throwing."<sup>313</sup> Paul Kelly also broke the wrist of a boy who refused to play rugby: "they had a roll about on the ground, both of them were on the ground... [Brother Kelly] ended up pinning the boy...to the ground and it come about that he had a cut on his eye, he had a broken wrist."<sup>314</sup>

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309 Transcript, day 132: Alexander Shannon, at TRN.001.006.0768-0769.

310 Transcript, day 132: Alexander Shannon, at TRN.001.006.0771.

311 Transcript, day 132: "Alan", at TRN.001.006.0709.

312 Transcript, day 132: "Alan", at TRN.001.006.0718.

313 Transcript, day 132: "Alan", at TRN.001.006.0720.

314 Transcript, day 132: "Alan", at TRN.001.006.0719.

As “Max” (1981-83) explained, “[t]he Christian Brothers had organised the older boys to keep us in line...[the older boys] would deal with you, basically beat you up or slap you or kick you, whatever...Just basically, threatened or slapped or kicked or beaten.”<sup>315</sup>

The abuse was such that “[g]etting kicked and punched and slapped was regular. All the brothers did this to you and you’d get it for no reason a lot of the time...Everyone got it unless you were [a favourite boy].”<sup>316</sup>

### Treatment of runaways

Boys ran away from St Ninian’s throughout the period examined. There are numerous entries in the log book recording such events. For example, an entry dated 25 August 1959 states that boys who had run away received “six strokes...on buttocks of each in presence of boys...in refectory.”<sup>317</sup> This was a public event, perhaps in the belief it would discourage others. If so, it was not effective. Boys running away remained a perennial problem at St Ninian’s. The abusive treatment of runaways, some of which is described below, added to the atmosphere of violence and fear that was prevalent.

No effort appears to have been made on behalf of St Ninian’s to find out why boys ran away. Punishment, often physical, was more often than not the Brothers’ solution to what they considered to be a problem. Other forms of punishment included being placed

in isolation, and deprivations like no pocket money and no sport.

One exception to the use of punishment was experienced by “John” (1953-55). He ran away to try to see his brother and sister who were still in Smyllum; he had asked to see them and was told it was “impossible”.<sup>318</sup> Brother Nugent did not punish him on his return. Instead he asked “John” to promise him he would not do it again: “He was good to me, so I promised him I wouldn’t do it again and I never.”<sup>319</sup> Brother Nugent’s kind approach appears to have been effective.

When “Jim” (1955-57) returned to St Ninian’s after running away, he was beaten by William Carroll, with the assistance of Patrick McKenna and John Collins.<sup>320</sup> The violent treatment meted out to him in the shower area that night was typical of the treatment inflicted on children who ran away at that time.<sup>321</sup>

“Steve” (1971-72) ran away from St Ninian’s on a number of occasions. On the first occasion he was brought back and “got a doing” from Gerard Ryan in the courtyard: “I was pulled, punched, kicked.”<sup>322</sup> There were other Brothers present. On other occasions, upon his return from running away, “Steve” had to drop his trousers down in order to be caned by Gerard Ryan: “He would take me into his room and gave me six or seven until he saw blood...There would be welts...you’d be bleeding”.<sup>323</sup>

315 [Transcript, day 133](#): “Max”, at TRN.001.006.0913-0915; [Written statement of “Max”](#), paragraph 98, at WIT.001.002.3786.

316 Police statement dated April 2014, at PSS.001.006.4125.

317 Transcript of day book for St Ninian’s, 23 January 1951 to 31 December 1968, at CBR.001.001.1784.

318 [Transcript, day 128](#): “John”, at TRN.001.006.0060.

319 [Transcript, day 128](#): “John”, at TRN.001.006.0061.

320 Described in the section relating to [Brother Carroll](#), earlier in this chapter.

321 [Transcript, day 128](#): “Jim”, at TRN.001.006.0123.

322 [Transcript, day 129](#): “Steve”, at TRN.001.006.0214.

323 [Transcript, day 129](#): “Steve”, at TRN.001.006.0217.

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## “These boys weren’t running away because they were homesick; they were running away because they were scared.”

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Frank McCue, after being assaulted by Christopher McNamara in the toilet area, ran away with other boys: “These boys weren’t running away because they were homesick; they were running away because they were scared.”<sup>324</sup> Similarly, “James” (1973-76) explained that when he ran away from St Ninian’s with a friend he “was running away from the punishment. I didn’t want any more punishment. I didn’t want that abuse.”<sup>325</sup> “James” and his friend were punished on their return by being belted and made to stand in the main hall on five consecutive days for an hour and a half between tea time and bed time.<sup>326</sup>

“William” (1971-72) ran away once. When he returned, he was belted by Christopher McNamara and made to stand in the main hall for hours. Every time Christopher McNamara went past he slapped him on the face.<sup>327</sup> “Barry” (1971-73) ran away a number of times. He was punished by having to stand in the main hall for many hours.<sup>328</sup>

### Bullying

The Brothers’ treatment of the children created and fostered an abusive environment. Children sought solace from their friendships. When a child decided to run away, he would not usually be alone; running away in groups was the norm.<sup>329</sup> Nevertheless, and perhaps inevitably in an abusive environment, bullying did happen. In particular, in St Ninian’s final years, serious bullying took place.

It was well known that a child could be easily targeted in the basement. For many, including “Alan” (1979-82), it was “like running a gauntlet”, where “they’d just boot and kick you.”<sup>330</sup> He was attacked several times there by other children: “If you fell you got a severe beating”.<sup>331</sup> For him, life at St Ninian’s was “just continuous bullying”.<sup>332</sup> “sometimes there would be screaming” and that would cause a Brother to investigate.<sup>333</sup> The dilemma then was that a victim in his position could not report what had happened because “you’d get a beating in the dormitories at night” from the bullies.<sup>334</sup> He had no doubt that the Brothers would have been aware of the bullying.<sup>335</sup> They must have been.

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324 Transcript, day 130: Frank McCue, at TRN.001.006.0282.

325 Transcript, day 131: “James”, at TRN.001.006.0585.

326 Transcript, day 131: “James”, at TRN.001.006.0586-0588.

327 Written Statement of “William”, paragraph 44, at WIT.001.002.5112.

328 Transcript, day 130: read in statement of “Barry”, at TRN.001.006.0414.

329 Transcript, day 130: Frank McCue, at TRN.001.006.0282.

330 Transcript, day 132: “Alan”, at TRN.001.006.0691.

331 Transcript, day 132: “Alan”, at TRN.001.006.0691.

332 Transcript, day 132: “Alan”, at TRN.001.006.0693.

333 Transcript, day 132: “Alan”, at TRN.001.006.0691.

334 Transcript, day 132: “Alan”, at TRN.001.006.0692.

335 Transcript, day 132: “Alan”, at TRN.001.006.0694.

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## “...because you’re in care, you’re automatically branded a bad child, no matter what you were in care for.”

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Also in that final period, “Max” (1981-83) experienced serious abuse from other children. Even his introduction to St Ninian’s involved an abusive encounter. On his arrival in 1981 he was told to have a shower by either John Farrell or Paul Kelly, and while showering he was attacked by a group of boys. This was a sexually motivated attack; sexual behaviour that “Max” did not want, ensued.<sup>336</sup> The attack was interrupted by a staff member, who “Max” thought was Paul Kelly. When asked what had then happened, “Max” said that his experience from having been in other children’s homes had taught him not to make any complaint.<sup>337</sup> The following day he ran away, and when taken back by the police, he did not say why he had run away as he did not think that they would believe him: “because you’re in care, you’re automatically branded a bad child, no matter what you were in care for.”<sup>338</sup> This sense of stigma arising just from the fact of being (or having been) in care was also felt by others.

During this final period of St Ninian’s existence, “James” (1980-82) was a lay teacher. He saw the bullying—“The boys had a definite pecking order”<sup>339</sup>—and how troubled some children were: “Some of the children would fight, there would be

a small altercation or something—and one young man in particular self-harmed: he said he wasn’t going effing anywhere and self-harmed, he was banging his head on the flagstones in the courtyard”.<sup>340</sup> He saw a particular incident of bullying where a number of older boys were interacting with a younger boy in the following way: “three or four boys were getting at somebody and then they started spitting all over him and it was absolutely disgusting.”<sup>341</sup> He left St Ninian’s after a relatively short stay because “the children didn’t want to be there, and I wasn’t enjoying it”.<sup>342</sup>

### Response to evidence about physical abuse

Brothers who were at St Ninian’s from 1959 onwards gave oral evidence. They had received no instructions on how to treat children or how to discipline them. A number of the Brothers who gave evidence said they did not recall children being physically punished at all,<sup>343</sup> yet its prevalence was such that they must all have been aware of it. Others said they did recall the use of the belt.<sup>344</sup> Some said they used the belt themselves on occasion.<sup>345</sup> They all denied any excessive or abusive use of corporal punishment or witnessing any such behaviour.

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336 [Transcript, day 133](#): “Max”, at TRN.001.006.0916-0917.

337 [Transcript, day 133](#): “Max”, at TRN.001.006.0917.

338 [Transcript, day 133](#): “Max”, at TRN.001.006.0918.

339 [Transcript, day 136](#): “James”, at TRN.001.006.1321.

340 [Transcript, day 136](#): “James”, at TRN.001.006.1299.

341 [Transcript, day 136](#): “James”, at TRN.001.006.1320.

342 [Transcript, day 136](#): “James”, at TRN.001.006.1299.

343 For example, see [Transcript, day 136](#): Brother Christopher Brown, at TRN.001.006.1362.

344 For example see [Transcript, day 135](#): Harry Harrington, at TRN.001.006.1157, and [Transcript, day 138](#): former Brother and staff member “John”, at TRN.001.006.1530.

345 For example, see [Transcript, day 134](#): Brother “Peter”, at TRN.001.006.1037.

### Attitudes to punishment of children prevalent over the period of this case study

It should be acknowledged that, throughout the period examined in this case study, corporal punishment was permitted in Scottish schools. Under Scots law, teachers were invested by the common law with the power to administer corporal punishment as a disciplinary measure. That power was considered to derive from the teacher's relationship with the children, and its use was largely a matter left to individual teacher's discretion—provided, importantly, that the punishment was not excessive, in which case it constituted an assault. Teachers also had to comply with any terms in their contract of employment.

### The Administration of Children's Homes (Scotland) Regulations 1959

The Administration of Children's Homes (Scotland) Regulations 1959 came into force on 1 August 1959 and covered both local authority and voluntary homes. The Regulations contained rules for the administration of homes, the welfare of children accommodated in them, and for oversight of both of these matters. In terms of Regulation 10, discipline was to be maintained by the personal influence of the person in charge of the home. Regulation 11 provided that corporal punishment may "exceptionally be administered",<sup>346</sup> but could only be administered by a person specifically empowered by the administering authority to do so. If the child had any physical or mental disability, sanction was required from the medical officer before corporal punishment could be administered.<sup>347</sup>

### Elimination of corporal punishment in schools: Statement of Principles and Code of Practice

By the 1960s, following agreement in principle that the teaching profession should be encouraged to move towards the gradual elimination of corporal punishment, a consultative body—the Liaison Committee on Educational Matters—worked on and issued a booklet entitled "Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice."<sup>348</sup> It set out rules designed to limit the use of corporal punishment:

*"Until corporal punishment is eliminated its use should be subject to the following rules:*

- i. It should not be administered for failure or poor performance in a task, even if the failure (e.g. errors in spelling or calculation, bad homework, bad handwriting, etc.) appears to be due not to lack of ability or any other kind of handicap but to inattention, carelessness or laziness. Failure of this type may be more an educational and social problem than a disciplinary one, and may require remedial rather than corrective action.*
- ii. Corporal punishment should not be used in infant classes. Its elimination from infant classes should be followed by progressive elimination from other primary classes.*
- iii. In secondary departments, only in exceptional circumstances should any pupil be strapped by a teacher of the opposite sex or girls be strapped at all.*

346 The Administration of Children's Homes (Scotland) Regulations 1959, Regulation 11.

347 The Administration of Children's Homes (Scotland) Regulations 1959, Regulations 10 and 11. See [Transcript, day 2](#): Professor Kenneth Norrie, at TRN.001.001.3250.

348 See Corporation of Glasgow, Education Department, Meeting of Schools and School Welfare Sub-Committee, 6 May 1968, at GLA.001.001.0703. The booklet was sent to all education authorities in February 1968.



- iv. *Corporal punishment should not be inflicted for truancy or lateness unless the head teacher is satisfied that the child and not the parent is at fault.*
- v. *The strap should not be in evidence, except when it is being used to inflict corporal punishment.*
- vi. *Where used, corporal punishment should be used only as a last resort, and should be directed to punishment of the wrong-doer and to securing the conditions necessary for order in the school and for work in the classroom.*
- vii. *It should normally follow previous clear warning about the consequences of a repetition of misconduct.*
- viii. *Corporal punishment should be given by striking the palm of the pupil's hand with a strap and by no other means whatever.*<sup>349</sup>

The thinking as to what was acceptable even in the school setting had begun to shift significantly by the last two decades of St Ninian's existence.

### **The treatment of children in homes such as St Ninian's**

What, of course, is under consideration in this case study is the treatment of children in the residential setting being provided for them in St Ninian's, where those who taught them were also responsible for their care in the home environment. During the time they were there, St Ninian's was their 'home'. Where children were being struck with a tawse—particularly when its use was excessive—it is not a defence to point its acceptability within a school, where under specific circumstances a teacher could engage in moderate corporal punishment

with a tawse. Further, other implements would not have been allowed in the school setting, nor was it legally or socially acceptable for parents to use excessive punishment in the home.

### **Conclusions about physical abuse**

Having reviewed the evidence, I am satisfied that the regime in St Ninian's was one where boys were regularly physically abused. Applicants provided SCAI with clear and credible evidence of examples of that abuse. It went far above and beyond what would have been acceptable in any school setting. Indeed, the evidence consistently demonstrated that some Brothers at St Ninian's did not recognise any boundaries to their physical abuse of children, subjecting them to what can only be described as serious criminal assaults. The extent of the physical abuse meant that children's lives were bedevilled by misery and fear.

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349 Liaison Committee on Educational Matters, Elimination of Corporal Punishment in Schools: Statement of Principles and Code of Practice, February 1968, at GLA.001.001.0706.



## Emotional Abuse

The sexual and physical abuse of boys prevalent at St Ninian's created an atmosphere of dread and fear. That, in itself, was emotionally abusive. But the emotional abuse went further than that. Boys were routinely belittled and humiliated by Brothers and staff. They were called abusive names. They were subjected to excessive standing punishments and to cruel periods of isolation. Children who wet their bed were identified and humiliated. Birthdays were not celebrated.<sup>350</sup>

Some examples are detailed below.

### Name calling and denigration

Mr Drew's treatment of "John" (1953-55) blighted his life whilst he was at St Ninian's. He routinely addressed "John" as "you little bastard".<sup>351</sup> "John" was also targeted and ridiculed because he found it difficult to write; he was forced to write with his right hand, despite being left-handed, but no allowances were made. Mr Drew: "loved to make a fool of you. That made his day."<sup>352</sup>

Name-calling by Brothers was all too common when "William" (1971- 72) was at St Ninian's: "All the brothers were a mixture of Irish and English. These men seemed to have a dislike of all things Glaswegian. Name-calling was open and commonplace. We would be called 'street urchins' and 'tenement scum'. There were frequent

references made about the failure of our parents to provide for us. It often felt like they were trying to break our spirits."<sup>353</sup>

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**"Name-calling was open and commonplace. We would be called 'street urchins' and 'tenement scum'. There were frequent references made about the failure of our parents to provide for us. It often felt like they were trying to break our spirits."**

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Children were treated insensitively. Take, for example, what happened when a young boy's mother had died. Christopher McNamara "just came in in front of everybody and shouted it out. He said, 'Your ma's dead'"<sup>354</sup> and "the boy was just standing there, quivering."<sup>355</sup>

### Isolation

There was a "dungeon" punishment, which involved boys being locked in an unlit basement room overnight. The room was grim and had only a "makeshift bed" and a toilet. Whilst for "John" (1953-55) the "dungeon" punishment was a release from the "beatings for the night",<sup>356</sup> it was inhumane and would have been terrifying for many.

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350 See [Transcript, day 129](#): read in statement of "Jack", at TRN.001.006.0196.

351 [Transcript, day 128](#): "John", at TRN.001.006.0043; see also [Chapter 5: Physical Abuse](#).

352 [Transcript, day 128](#): "John", at TRN.001.006.0047.

353 [Transcript, day 133](#): read in statement of "William", at TRN.001.006.0866-0867.

354 [Transcript, day 130](#): read in statement of "Barry", at TRN.001.006.0419.

355 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0329-0330.

356 [Transcript, day 128](#): "John", at TRN.001.006.0064.

Another form of isolation punishment regularly used was the “long stand”. The targeted boy had to stand on an allocated spot in the main hall of St Ninian’s, often for many hours at a time. It was inflicted on Frank McCue (1971-72): “It was just standing there for hours on end. Basically, a square, you know, like [a] square foot, that is where you were put and that’s where you’d be. You couldn’t move off that spot or it was further punishment. Other kids weren’t allowed to talk to you when you were on that punishment or they were invited to join you on the punishment. So you were really isolated and the brothers just ignored you for as long as you were there.”<sup>357</sup>

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Gerard Ryan adopted a variation of this form of isolation to punish boys who spoke in the dormitories at night, by having them stand for long periods on a concrete corridor. “Alan” (1979-82) once saw a young boy asleep on the concrete spiral stairs overnight because Gerard Ryan had forgotten about him.<sup>358</sup>

Children lacked privacy, undermining their dignity. When showering at St Ninian’s, they were under observation. When they wrote letters, censorship was imposed and any incoming mail was read before being passed to them. “Jim” (1955-57) could only communicate with his family by letter, but “you couldn’t send a letter out without it being read by Brother Carroll, nor could you receive a letter before it had been read by Brother Carroll.”<sup>359</sup>

### **Bed wetting**

The treatment of children who wet the bed at St Ninian’s was humiliating throughout the period examined. The humiliation was exacerbated by the treatment being associated with sexual abuse.

Under the pretence of checking whether boys had wet the beds, Brothers would put their hands into boys’ pyjamas, and sexually abuse them. Gerard Ryan went further and, on discovering a child had wet his bed, would take him to the showers and inflict sexual abuse.<sup>360</sup> This group of children, who were already vulnerable, were plainly identified as potential targets for sexual

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357 Transcript, day 130: Frank McCue, at TRN.001.006.0279.

358 Transcript, day 132: “Alan”, at TRN.001.006.0682-0683.

359 Transcript, day 128: “Jim”, at TRN.001.006.0109.

360 Transcript, day 130: read in statement of “Barry”, at TRN.001.006.0421.

abuse, increasing their sense of humiliation. "Jack" (1980) was one of Gerard Ryan's targets: "Brother Ryan would come into the rooms to check...he wanted to know if you'd wet the bed at this point. His way of doing it was to put his hand into the bed and just touch you up [playing with your private parts]...Nobody had ever explained to me about puberty or anything like that. Least of all we never got told any of this by these brothers. So the first time anybody ever played with me was Brother Ryan....I didn't even know what was happening... And ultimately, at the end of the day, there was no choice there. That was the bit that was taken away...So when I turned up [at St Ninian's], I was a bed-wetter. This would happen every single night I was there. This would be the process."<sup>361</sup> During this routine "[Brother Ryan] fumbled with the boys under their blankets and if he could get away with it he would masturbate boys until ejaculation. I was one of those boys."<sup>362</sup>

The denigrating treatment of boys who wet the beds included a particular dorm allocated to bedwetters: "Dorm 13. It was the scary one...It was like a punishment dorm as well if you were—if you were out of favour, they'd put you there for the night...there was no mattress. If anyone was bad or wet the bed, they'd put them in there without a mattress."<sup>363</sup>

Bedwetters were subjected to a humiliating routine in the mornings. Alexander Shannon (1979-80/81) said: "You got up 15 minutes before everybody else in the morning and

took to the communal shower room, where predominantly the three main brothers [Gerard Ryan, Paul Kelly, and John Farrell] would stand and watch and give you a soap—carbolic soap".<sup>364</sup> He found the process of Brothers supervising the showers in this manner "uncomfortable...Because I was embarrassed by being a bed-wetter to start with...everybody's going through different stages of puberty and suchlike, so it was just the first time I'd come across communal showers like that, especially in a strict regime. So it was more the embarrassment and the shame."<sup>365</sup>

Gerard Ryan would also, whilst the boys were showering, "stand with his hands in his pockets, watching us and masturbating himself underneath his robes".<sup>366</sup>

The bedwetting treatment was witnessed by those who did not wet the bed, such as:

Frank McCue (1971-72): "they shamed the kids...When you got up in the morning, the mattresses would be put up against the window so that you could see who had wet the bed and what they had done. And those kids were made to take their soiled sheets to the hamper, to the seamstress."<sup>367</sup>

"James" (1973-76): "If they'd wet the bed, they would be taken out of the room, taking their bedding and that with them, their sheets...to the bottom shower room and wash them down there and put them in the drying room. If they wet the bed five nights

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361 [Transcript, day 133](#): "Jack", at TRN.001.006.0833-0836.

362 [Written statement of "Jack"](#), paragraph 66, at WIT.001.002.3239.

363 [Transcript, day 129](#): "Derek", at TRN.001.006.0176-0177.

364 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0753.

365 [Transcript, day 132](#): Alexander Shannon, at TRN.001.006.0756-0757.

366 [Written statement of "Jack"](#), paragraphs 67-8, at WIT.001.002.3239.

367 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0270.

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## **“The boys that had wet the bed...could be made to stand in the corridor holding their wet sheets and their pyjamas... They would be standing naked with their pyjamas off.”**

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then they had to—they'd have to do without sheets for the following five days...The boys that had wet the bed had a shower in the morning...They could be made to stand in the corridor holding their wet sheets and their pyjamas...They would be standing naked with their pyjamas off...I seen boys standing with their bedding...coming out of my dorm and standing outside the door until they were all gathered together and led down like a wee bunch of sheep to the shower room.”<sup>368</sup>

### **Response to evidence about emotional abuse**

Brother “Peter” (1959-66) was told to check the beds to see if they were wet, but he did not consider this necessary and instead “put the lights on and clapped my hands to wake them up and they went to the toilet.”<sup>369</sup> Harry Harrington’s written statement included that he had “a vague memory of a new boy coming to [him] really upset about [bed-wetting]”,<sup>370</sup> but in oral evidence he said that he could no longer recall whether or not that had happened.<sup>371</sup>

Generally, however, the Order accepts that the regime at St Ninian’s was one where a culture of abuse, including emotional abuse, prevailed and that children lived in fear.

### **Conclusions about emotional abuse**

I am satisfied that boys at St Ninian’s suffered not only serious sexual and physical abuse, but also emotional abuse involving denigration and humiliation that was, for many, debilitating in the long term—some of which was allied to the sexually abusive practices.

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368 [Transcript, day 131](#): “James”, at TRN.001.006.0566-0568.

369 [Transcript, day 134](#): Brother “Peter”, at TRN.001.006.1019-1020.

370 [Written Statement of Harry Harrington](#), at WIT.001.002.5673.

371 [Transcript, day 135](#): Harry Harrington, at TRN.001.006.1146.

# 7

## Reporting

Many of the boys abused at St Ninian's did not report the abuse at the time. There were good reasons for this, including: as children, they did not realise it was abuse; there was no one to confide in; they feared that reporting would just make things worse; and they feared they would not be believed.

### Warnings

Brothers at St Ninian's warned boys not to report the abuse. Gerard Ryan threatened "Michael" (1978-82), as did others: "There wasn't anyone I could tell about the abuse. When you were being abused, the brother would threaten you with the belt and things. Brother Ryan would threaten you not to tell anyone. I don't recall what exactly he said to me, or when he said it, but I certainly recall him making sure I was too scared to tell anybody about what was happening."<sup>372</sup>

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### **"There wasn't anyone I could tell about the abuse."**

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Shortly before the closure of St Ninian's, "Max" (1981-83) was called in to see Paul Kelly and John Farrell together. They warned him against talking about the abuse to anyone else: "They told [me] if we ever spoke about what happened in the school our families would be in trouble because they had the backing of the Catholic Church to

back them up and if we ever spoke about it our families would be in danger, so I never spoke about it."<sup>373</sup> Other boys received a similar warning.

### Reporting within the home

Within the home itself, there were few people the boys could speak to, or felt they could speak to, about what was happening to them. Often, the person who a boy might consider speaking to—such as a housemaster or headmaster—was himself an abuser. As "Jack" (1963-64) explained: "There wasn't anybody there you could speak to...the man that's causing the problem is the man who should be solving the problem, but he is the problem."<sup>374</sup> Now that he is an adult, "Jack" realises he could have spoken to the board of management or the superior, but, at the time, "these weren't people we spoke to. We didn't know who these people were, so there was no means for us to express any concerns or anything like that."<sup>375</sup> That is entirely understandable.

Some boys did try to report abuse to Brothers or staff members. "Alan" (1979-82) attempted to tell former Brother and staff member "John" (1968-72 and 1978-83) how he was being treated: "I tried to say something...and he told me to shut my mouth...It was like he was on their side, he wasn't taking the kids into consideration."<sup>376</sup>

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372 Transcript, day 133: read in statement of "Michael", at TRN.001.006.0894.

373 Transcript, day 133: "Max", at TRN.001.006.0944.

374 Transcript, day 133: "Jack", at TRN.001.006.0841.

375 Transcript, day 133: "Jack", at TRN.001.006.0841-0842.

376 Transcript, day 132: "Alan", at TRN.001.006.0731-0732.

“Max” (1981-83) reported to John Farrell that other boys were interfering with him sexually: “I remember telling [John Farrell] that other boys were touching me up and stuff and other times, and he said he’d deal with it, but nothing ever happened.”<sup>377</sup>

### Reporting by letter or telephone

There appears to have been little opportunity for the boys to engage in private correspondence or telephone conversations so, in reality, that potential avenue of reporting did not exist. Letters were censored and incoming mail was read by the Brothers. Children were, accordingly, inhibited from writing about the abuse in their letters. Some telephone contact with families was allowed, but this provided little opportunity to report: “I wasn’t allowed to talk on a one-to-one basis because Brother Ryan was standing there”.<sup>378</sup> “Brother Gerry Ryan used to listen in to my conversations. You had to be careful what you said”.<sup>379</sup>

### External reporting

Some applicants, such as “Michael” (1978-82), did not recall anyone from external agencies checking with them to see how things were going at St Ninian’s: “I can’t remember any social worker speaking to me on my own about how things were at St Ninian’s. I didn’t see any official inspectors. There was no one who came to St Ninian’s that I would have been able to talk to about what happened to me in there.”<sup>380</sup>

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**“I can’t remember any social worker speaking to me on my own about how things were at St Ninian’s. I didn’t see any official inspectors. There was no one who came to St Ninian’s that I would have been able to talk to about what happened to me in there.”**

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### Reporting to parents

Some children did manage to tell their parents about the abuse, but were not believed—typically because their parents could not believe that a Christian Brother would do such things. Take, for example, “James” (1969-72), who ran away from St Ninian’s, went home, and told his mother that he was being sexually abused by Gerard Ryan and Christopher McNamara. She did not believe him: “she slapped me and said that I was lying, they couldn’t possibly do that.”<sup>381</sup>

### Reporting to social workers and the Children’s Panel

“Barry” (1971-73) told his social worker that Gerard Ryan was sexually abusing him: “I told her what was happening, the visit after it started happening. It would have been about 1971. I told [her] that Brother Ryan was touching me all the time.”<sup>382</sup> The social worker reacted by defending Gerard Ryan, telling “Barry” that he was just feeling

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377 Transcript, day 133: “Max”, at TRN.001.006.0921.

378 Transcript, day 131: “James”, at TRN.001.006.0553.

379 Written statement of “James”, paragraph 32, at WIT.001.002.2733.

380 Transcript, day 133: “Michael”, at TRN.001.006.0887.

381 Transcript, day 130: “James”, at TRN.001.006.0390.

382 Transcript, day 130: read in statement of “Barry”, at TRN.001.006.0426.

him to see whether he had wet the bed. "Barry" explained that Gerard Ryan "was feeling around inside my pyjamas", but her response was still that he was just checking for bed-wetting.<sup>383</sup> "Barry" is not aware of any action having been taken as a result of his report of being abused.

"Alec" (1979) reported the abuse he was suffering at St Ninian's to his social worker, and to a Children's Panel in 1979, telling them: "[t]hey're all fucking nonces, they're dirty bastards, they're poofs."<sup>384</sup> There is no indication of the panel or social worker having acted on what amounted to plain allegations of paedophilia whether by investigation, follow-up, or otherwise. "Alec" "didn't get nothing from the panel. I didn't get nothing whatsoever...the Children's Panel were wanting to send me back to St Ninian's."<sup>385</sup>

### Reporting to police

In 1971, Frank McCue told a police officer why he had run away from St Ninian's: "I told him how scared I was, I told him what kept happening to me, I told him how this man kept hitting me for nae good reason."<sup>386</sup> The police officer took a notebook out and said, "Right, what's this guy's name?"<sup>387</sup> When Frank told him it was Christopher McNamara, the officer "just burst out laughing", said he had "just spoken to Brother McNamara on the phone", and that Frank would be getting "a kicking" upon his return to St Ninian's.<sup>388</sup>

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**"I told the police that the brothers...were nonces: 'Brother Ryan's a nonce, Farrell's a nonce.' A nonce at that time, it was slang for paedophile...I didn't have any other choice of vocabulary because it was limited."**

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In 1979, "Alec" (1979) reported his abuse to police, having run away from St Ninian's: "I told the police that the brothers had been—I didn't use the word 'sexually abused', I remember using the word 'nonce'. Nonce, the brothers were nonces: 'Brother Ryan's a nonce, Farrell's a nonce.' A nonce at that time, it was slang for paedophile...I didn't have any other choice of vocabulary because it was limited." The reaction from the police was "sighs" and "looks". The sergeant took notes—but there is no evidence of the police following up on "Alec's" complaints.<sup>389</sup>

### Response to evidence about reporting

The Brothers and former Brothers who gave evidence said that no reports of abuse were made to them by boys at St Ninian's. Brother "John" (1982-83) did not recall any child coming to him with a concern. He said he "got the impression that the lads were not the kind to tell tales or come to authority figures."<sup>390</sup> He went on to describe

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383 [Transcript, day 130](#): read in statement of "Barry", at TRN.001.006.0426.

384 [Transcript, day 132](#): "Alec", at TRN.001.006.0644.

385 [Transcript, day 132](#): "Alec", at TRN.001.006.0645-0646.

386 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0284.

387 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0284.

388 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0283-0284. See also Transcript of day book for St Ninian's, 07 January 1969 to 09 July 1976, at CBR.001.001.2137.

389 [Transcript, day 132](#): "Alec", at TRN.001.006.0640-0641.

390 [Transcript, day 137](#): Brother "John", at TRN.001.006.1492.



that “some of them spoke a kind of argot, a special language of the streets, you know, so that we wouldn’t understand what they were saying.”<sup>391</sup> This was a woeful excuse. It was their job to understand the children; how could they fulfil their responsibilities to them if they did not do so?

Brother “Tom” (1970-71) said he hoped children would have spoken to someone if they were unhappy about something. He said that if a boy had spoken to him about something that was concerning him, he would have passed the concern on to Gerard Ryan or former Brother and staff member “John”. If the complaint had been about one or both of them he accepted “that would have been problematic” and he may have spoken to Brother Nugent.<sup>392</sup>

## Conclusions about reporting

Many of the boys abused at St Ninian’s did not report what was happening to them at the time. Many were scared to do so. Some were warned by Brothers not to do so. Some boys did not realise at the time that they were being abused. Some had no one to tell. Some feared they would not be believed. Nonetheless, some applicants did manage to report the abuse at St Ninian’s to a variety of people including to Brothers within the home, to parents, to police, to social workers, and to the Children’s Panel. These serious reports by children, which called for proper investigation, were not taken seriously or investigated, nor were they passed on to the police, the Order, or others.

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391 [Transcript, day 137](#): Brother “John”, at TRN.001.006.1492.

392 [Transcript, day 139](#): Brother “Tom”, at TRN.001.006.1789.

# 8 Reflections

A number of applicants and other witnesses in this case study offered thoughtful reflections that are worthy of inclusion in these findings. Many applicants had given careful consideration to their experiences in care and their reflections were insightful, generous in spirit, and powerful. What I set out here is a sample of these valuable contributions.

## Changed lives

A depressing consequence of childhood abuse is its potential for life-long impact. Childhood abuse can blight lives. It can ruin them, and that was the outcome for some. Despite that, I heard from applicants who overcame a legacy of abuse, often through a positive relationship with a partner and a successful family life. For others the transformation in their lives was achieved by the realisation that they could make a real contribution to the lives of others.

“Jack” (1980), after leaving St Ninian’s, led a life that spiralled downwards, a life that was dominated by drink and drugs and culminated in him living on the streets of London for about two years.<sup>393</sup> He managed to transform his life, including obtaining a degree in politics.<sup>394</sup> He became involved with the army cadets, where he eventually achieved a leadership role. This role provided him with the opportunity to

promote the children that he supervised in a way that allowed them to flourish. He was able to draw upon his own negative experiences as a child to ensure that the children he had contact with had positive experiences. In his evidence he stressed the importance of child protection. He concluded with these words: “Can I just say one thing? One thing that I would say is that the real problem where a lot of this kind of abuse stuff in the past has been individuals, and this includes the Catholic Church, for whatever level, and in my time in the cadets as well as anywhere else, that people have been more likely to protect the organisation than they were to protect the child...in recent years when people were reporting stuff to the church, the biggest problem they had is people were brushing things under the carpet to protect the organisation. The Catholic Church was more important, the cadets were more important, whatever. It was obviously wrong. The purpose is to protect the child.”<sup>395</sup> In his written statement, “Jack” emphasised that: “You need to look beyond the situation and protect the child. Regardless of who falls, the child must be protected.”<sup>396</sup>

Dave Sharp (1971-75) suffered serious physical and sexual abuse at St Ninian’s. Afterwards, he pursued a lifestyle dominated by serious drug abuse and included periods

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393 Transcript, day 133: “Jack”, at TRN.001.006.0848.

394 Transcript, day 133: “Jack”, at TRN.001.006.0849.

395 Transcript, day 133: “Jack”, at TRN.001.006.0860.

396 Written statement of “Jack”, paragraph 121, at WIT.001.002.3248.

of homelessness. Eventually, he extricated himself from that lifestyle to become a campaigner for others who also suffered child abuse; campaigning has become his “whole life.”<sup>397</sup> He also explained how people were reluctant to disclose that they had been abused: “Most of these people took their abuse to the grave. The only thing that’s changed is the death rates are getting younger and younger. That clearly states that something is not working. We are not doing enough to help and create that environment where more people can come forward.”<sup>398</sup>

### Encouraging others

A clear message from applicants was that they hoped that by coming forward and speaking about their abuse, others would follow their example and do the same. Many of them were at pains to explain that they recognised that they now, because of this Inquiry, had a genuine opportunity to be listened to and heard.

Frank McCue (1971-72) suffered and witnessed dreadful abuse; he now plays a prominent role in the core participant support group “INCAS”. He considers himself to be “one of the lucky survivors” when he sees the detrimental impact on others of having been in care as children.<sup>399</sup> He hopes for “the children of the future who are in care that there is no stigma of being in a home and that they are given a good education.”<sup>400</sup>

He is absolutely correct. Such stigma is unwarranted, hurtful, and unfair.

A similar message was delivered by Alexander Shannon (1979-80/81): “hopefully young kids following up behind me don’t suffer at the hands of anybody or any organisation in the future.”<sup>401</sup>

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**“Survivors should be more understood, and maybe me coming forward today will help and other survivors who haven’t come forward yet will come forward now because I was going to go to the grave with it. But I’ve...turned myself against that, taking it to the grave, and came forward, done the brave thing, and I hope it pays off.”**

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“James” (1973-76), in a passage in evidence that exemplifies an inner conflict that I have detected in many applicants, expressed his feelings in this way: “Survivors should be more understood, and maybe me coming forward today will help and other survivors who haven’t come forward yet will come forward now because I was going to go to the grave with it. But I’ve...turned myself against that, taking it to the grave, and came forward, done the brave thing, and I hope it pays off.”<sup>402</sup>

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397 [Transcript, day 131](#): Dave Sharp, at TRN.001.006.0507.

398 [Transcript, day 131](#): Dave Sharp, at TRN.001.006.0523.

399 [Transcript, day 130](#): Frank McCue, at TRN.001.006.0343-0344.

400 [Written statement of Frank McCue](#), paragraph 76, at WIT.001.001.0466.

401 [Transcript, day 132](#): Alexander Shannon, at TRN.001006.0790.

402 [Transcript, day 131](#): “James”, at TRN.001.006.0597.

The hope that children in care could be protected in the future was also reflected in the recognition that, at governmental level, there was an acknowledgement that abuse had occurred. For “Max” (1981-83) it was a watershed moment: “For me personally, I would say that the moment where the Deputy First Minister stood up in the Parliament and apologised, actually watching that, I stopped and clapped my hands because it was like, wow, somebody actually heard me, somebody’s listening to us now, we’re not forgotten.”<sup>403</sup>

What “Max” expressed here encapsulates an important message—having a voice is important, but a voice that falls on deaf ears is worthless. His belief that the voices of survivors were, at last, being heard prompted his spontaneous applause.

## The Order

I have already set out at in Chapter 3 what I have described as an act of contrition by Brother Burke on behalf of the Order. Allied to this is this important statement in the closing submissions presented on behalf of the Order: “The word ‘sorry’ has very little content of itself, and survivors are entitled to see it as having no content at all when not accompanied by what really matters: admission and recognition of what happened and that what happened was wrong.”<sup>404</sup>

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403 [Transcript, day 133](#): “Max”, at TRN.001.006.0952.

404 Congregation of Christian Brothers, [Written Closing Submissions](#), paragraph 43, at CBR-000000002, p.13.

As part of its investigations, SCAI has requested and recovered documents from a number of sources. SCAI is grateful for the diligent input and invaluable assistance provided in this regard, in particular by the Order, by the local authorities that placed children in St Ninian's, and also by others who were issued with notices in terms of Section 21 of the Inquiries Act 2005.

In this section, analysis is provided of some of the most significant records recovered by SCAI.

### **The 1959 Regulations**

The Administration of Children's Homes (Scotland) Regulations, 1959 came into force on 1 August 1959. They applied to both local authority and voluntary homes. The Regulations contained rules for the administration of homes, the welfare of children accommodated in them, and for oversight of both these matters. Ultimately, responsibility for the running of the home was placed on the administering authority (the local authority or the persons carrying on the home). They were obliged to make arrangements for the home to be conducted in such manner and on such principles as

would secure the well-being of the children in the home.<sup>405</sup>

One of the most important duties of the person in charge was to maintain records, which were to be available at all times for the inspection of official visitors and persons authorised by the Secretary of State.<sup>406</sup>

The 1959 Regulations required records to include a personal history of each child in the home, the child's medical history, a note of the circumstances in which the child was admitted to the home, and—in the case of a child in the care of a local authority—an explanation of the circumstances that made it impracticable or undesirable to board the child out. A record of the child's progress during their time in the home—including details of visits received from parents, relatives or friends, successes achieved at school or elsewhere, and any emotional or other difficulties experienced—and a note of the child's destination when discharged from the home, was also required. The Secretary of State, and if practicable, the parent or guardian of the child, had to be informed if the child died, ran away, was abducted, or suffered from any injury or illness likely to

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405 The Administration of Children's Homes (Scotland) Regulations 1959, Regulations 21 and 1; see [Professor Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), pp.203-206.

406 The Administration of Children's Homes (Scotland) Regulations 1959, Regulation 14; see [Professor Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents](#) (November 2017), p.204.

result in death or a serious disability. Punishments also had to be recorded.<sup>407</sup>

The 1959 Regulations governed children's homes for 29 years. On 1 June 1988, the Social Work (Residential Establishments-Child Care) (Scotland) Regulations 1987 came into force.

### The Order's archivist

The Order's archivist is Karen Johnson.<sup>408</sup> Ms Johnson is the first professional archivist to have been employed by the Order. She became archivist for the Order's St Mary's Province in Ireland in 2002.<sup>409</sup> Since 2007, Ms Johnson has been the archivist for the amalgamated provinces of the St Mary's Province in Ireland, the St Helen's Province in Ireland, and the St Mary's Province in England.

### The archive

In 2008, an archive was created in Dublin for the records of the amalgamated provinces.<sup>410</sup> From 1992 to 2008, the records for the St Mary's Province, England, had been kept at Woodeaves, the Provincialate in Manchester. They included any records relating to St Ninian's, other than certain visitation reports held in Rome. The Dublin archive has been digitised.

In 2006, Ms Johnson created a list of the archive in Manchester, prior to its move to Dublin; the two pages below are that part of the list relating to St Ninian's. The archive contains correspondence from 1947-51 about the establishment of St Ninian's, memoranda, legal documents, statistics, and a copy of an article by Frank Zwolinski published in the Innes Review, amongst other documents. Much of that documentation was helpfully provided to SCAI in digital form.

Falkland House of Falkland, Fife (Scotland)	
St. Ninian's Orphanage	
Correspondence 1947-51	C01L
Correspondence 1951-84	C01L
Memo, legal doc., statistics	C01L
Admission Register 1951-83	C01R
Annals 1946-83	C01L
3 day books/diaries giving numbers on roll	C01R
includes notes on admission/discharges/events 1951-68; 1950-61; 1969-76	C01R
Brother William Ryan birth cert & other documents	C01L
File on Falkland includes letters from Brothers at Falkland;	C01L

Generalate/General Council/Rome	
Correspondence with Generalate 1945, 1969-84	E04L
Correspondence with Generalate 1984-92	E04R
Call to SME in light of General Visitation 1997	E04R
Community List Marcantonio Colonna 1996	E04R
Christian Brothers Bulletin May 1979	E04R
Mother Teresa at Tertianship 1978	E04R
Pilgrimage to Rome 1925	E04R
Centenary of CBs in Rome 2000	E04R
Scrapbook containing news clippings re Roman Remains & discoveries	F04R
Notes on a visit to Rome Christmas 1999	F04R
File from main office Woodeaves 'Generalate'	Store 1 Row H Bay 1 G.G.# 10 1
File from main office Woodeaves 'Generalate'	Store 1 Row H Bay 2 G.G.# 14 1
Congregational Renewal Team (Rome) Les Davies	Store 1 Row H Bay 5 Les History

Archive list created in 2006 - documents pertaining to St Ninian's, Falkland.

407 The Administration of Children's Homes (Scotland) Regulations 1959, Regulations 10 and 13; see Professor Kenneth McK. Norrie, Report to SCAI, Legislative Background to the Treatment of Children and Young People Living Apart From Their Parents (November 2017), pp.204-205.

408 Transcript, day 140: Karen Johnson, at TRN.001.006.1824-1885.

409 Note that this is a different province to St Mary's Province, England that managed St Ninian's.

410 Written statement of Karen Johnson, at WIT.001.002.6805.

The totality of records relating to St Ninian's are contained in just two boxes, with one further box of photographs. Ms Johnson described the records relating to St Ninian's as "very scant".<sup>411</sup> One box of documents contains the log books and the register, and the other contains the Annals and various items of correspondence.



Documents pertaining to St Ninian's, archived in Dublin.



One of the two boxes of records relating to St Ninian's—CO1R—containing three logbooks and the register.

## Admissions and discharge register 1951-1983

The register contained in the archive is a register of admissions and discharge of the children who were accommodated in St Ninian's. It is complete in that it covers the period of St Ninian's existence from 1951 to 1983. There are inaccuracies in relation to children's dates of births, as well as in the way in which children's names were recorded. For the most part, parent's names were missing. These deficiencies were identified by Ms Johnson: "It's something I've noticed particularly with the St Ninian's register more than for other [schools]."<sup>412</sup>

Table 2 contains information taken from the register showing the ages of children on their admission to St Ninian's. Significantly, this shows that throughout its existence children under 12 were accommodated at St Ninian's.

411 [Written statement of Karen Johnson](#), paragraph 61, at TRN.001.006.1864.

412 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1867.

Table 2: Children's Age at Admission to St Ninian's, 1951-1983.

Year	Children's Age at Admission							Total number of children admitted
	10	11	12	13	14	15	16	
1951	5	3	14	19	15	3		56
1952			19	21	10			50
1953			15	14	3			32
1954			7	6		1		14
1955	1	3	3	6	4			17
1956	2	3	1	4	6			16
1957			9	6	1			16
1958	1	3	3	4	4			15
1959		3	3	10	6			22
1960		1	8	5	8			22
1961		1	8	10	4			23
1962		2	5	8	3			18
1963		5	10	13	7			35
1964		2	13	7	4	1		27
1965		4	8	5	4			21
1966		4	18	7	3			32
1967		5	14	6	4			29
1968		3	9	8	2			22
1969		6	13	6	4			29
1970		4	9	6	4			23
1971		2	9	18	6		1	36
1972		2	8	12	10			32
1973		3	13	9	2	2		29
1974		1	6	7	5	2		21
1975		2	4	6	4	6		22
1976		2	8	13	7	2		32
1977		1	5	7	6	1		20
1978			6	5	4	1		16
1979			7	10	2	5		24
1980		4	6	10	9	5		34
1981			5	9	10	1		25
1982		2	3	8	8			21
1983						1		1
<b>Total</b>	<b>9</b>	<b>71</b>	<b>269</b>	<b>285</b>	<b>169</b>	<b>31</b>	<b>1</b>	<b>832</b>



## Log books 1951-1976

There are three log books in the archive. They are sometimes referred to as 'day books' or 'diaries'. The log books cover the period from 1951 to 1976, with the last entry being 9 July 1976. Over the years, entries in the log books were made either by the superior or the headmaster. The amount of detail given varies, depending on the author. The content includes numbers of boys present, sporting events, boys running away, and the comings and goings of certain visitors. Some punishments are recorded in

the log books relating to the earlier period of St Ninian's existence. For the latter part, punishments do not appear to have been recorded.

Table 3 contains information obtained from the log books relating to the period from 1951 to 1976, and notes what is recorded in terms of number and types of punishment given to boys and numbers of boys absconding. These entries do not reflect the true extent and nature of the physical punishments inflicted on the children at St Ninian's.

**Table 3: Information on absconders and punishments, log books: 23 January 1951 - 09 July 1976.<sup>413</sup>**

Year	Number of boys		Types of punishment
	Absconded	Punished	
1952	19	59	Strokes, no supper, slaps
1953	17	16	Strokes, no supper
1954	10	11	Strokes
1955	7	10	Strokes
1956	6	7	Strokes
1957	4	3	Strokes, punished
1958	11	12	Strokes
1959	20	31	Strokes, punished, strapped
1960*	1	8	Strokes, slaps
1961	7	10	Strokes, slaps
1962	20	19	Strokes, slaps
1963	13	6	Strokes
1964	5	2	Strokes, slaps
1965	6	0	
1966	21	11	Strokes
1967	41	0	
1968	24	0	
1969	17	0	
1970	17	4	Punished
1971	24	8	Punished
1972	40	13	Punished [Frank McCue's beating], '4 of the best on the hands'
1973**	9	4	Punished
1974	2	0	
1975	32	0	
1976	32	0	

\* No records for 25 November 1960.

\*\* No records between September 1973 and August 1974.

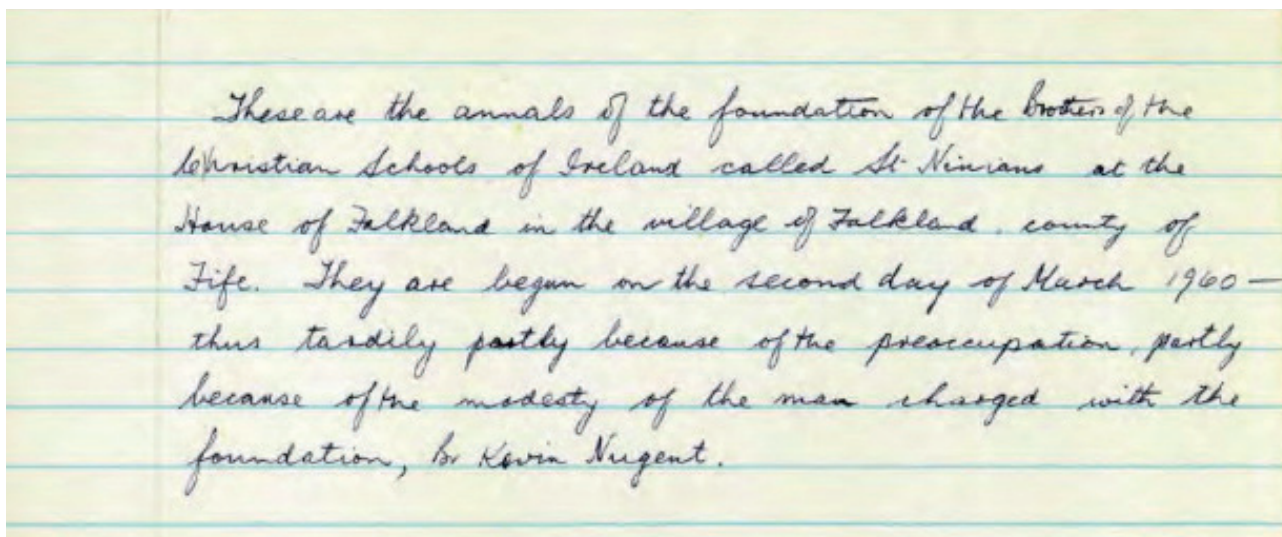
413 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, CBR.001.001.1714-1875, Transcript of day book for St Ninian's, 07 January 1969 to 09 July 1976, CBR.001.001.2108-2193.

## Log books for the period after 1976

One of the conundrums was whether there was a log book for the later period, from July 1976 up until the closure of St Ninian's in 1983. After the entry from 9 July 1976, there are blank pages and nothing further is written. There are no further log books in the archive. There were no further log books noted when the extent of the collection was listed by Ms Johnson in 2006, prior to the move to Dublin. A handwritten list of the archive, written sometime between 1991 and 2006 (it notes a photograph album donated in 1991), once again only records the three log books.<sup>414</sup> There is also a letter from a solicitor dated 8 July 1998 referring to three log books (for the years 1951-61, 1951-68, and 1969-76) when returning St Ninian's records to the archive at Woodeaves.<sup>415</sup> It seems likely, therefore, that after 1976 no log books were kept by the superior or headmaster at St Ninian's.

## The Annals 1945-1983

The Annals are considered to be the most important records for any of the Order's establishments. The Brothers were encouraged to write them up regularly; this was something that was checked during visitations. Generally, the Annals "record events in the life of the community...the schools will come into it...but generally the Annals would relate more to the community of brothers and who arrived or who left and that kind of thing. So it's events happening at the time and what the superior really thinks is important to record".<sup>416</sup> The Annals for St Ninian's were not, however, written up contemporaneously, as events occurred. They were written retrospectively, and there are two large gaps. The first entry in the Annals was written on 2 March 1960, but that was more than nine years after St Ninian's was established.<sup>417</sup>



Annals of the Christian Brothers House in Falkland, first entry by Brother Nugent.

414 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1842-1843.

415 Letter, solicitor to Woodeaves, 8 July 1998, at WIT.003.002.1342.

416 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1853.

417 Annals of the Christian Brothers, House in Falkland, 1946 to 1983, at CBR.001.001.2208.

The second gap in the Annals relates to the period between 1960 and 1979, as noted in the visitation report from March 1979.<sup>418</sup> It is noted there that Brother Leo Forde—superior at St Ninian’s from 1964 to 1970 and from 1973 to 1976, and sub-superior and bursar from 1976 to 1981—would attempt to write up the Annals retrospectively for the period in question, using the log books from 1960 to 1979; he did so. Thereafter there is little detail until 1981, when Brother John Benignus O’Keeffe—at St Ninian’s from 1978 to 1983, being the superior and bursar in 1981—started writing them again, this time contemporaneously.

This suggests that there may have been a log book up until at least 1979. Ms Johnson observed, however, that “when it gets to... May 1976, the detail [in the Annals] does change. From the period September 1976 onwards into 1977 and 1978, the entries are quite vague...there’s only one or two entries per year and they’re general and it’s not as detailed as it was up to the first half of 1976 where logbooks did exist. So...it would appear that [Brother Leo Forde] didn’t have access to a logbook after July 1976”.<sup>419</sup> Ms Johnson’s conclusion is that the log book probably was not written after 1976, once Leo Forde was no longer the superior.<sup>420</sup> In relation to Placidus Hooper having noted in his visitation report of 1977 that “no Annals were submitted... The head keeps a log book”,<sup>421</sup> Ms Johnson believes that Placidus Hooper assumed this to be the case in 1977 because during his previous inspection (in May 1976) he had

been told that a log book was kept—which was true at the time.<sup>422</sup> It may also have been the case that Placidus Hooper was told in 1977 that a log book was kept, when in fact it was not.

## Correspondence

Ms Johnson believed that there must have been correspondence produced during the period the school was opened, which was not preserved. For example, the log book dated 23 October 1972 records that a “nasty” letter of complaint had been received from a former pupil at St Ninian’s, but nothing matching that description was found in the archive.<sup>423</sup>

## Punishment books

Schedule 2 of the 1959 Regulations required the person in charge of the home to record in a log book “every event of importance connected with the home, including...every punishment administered to a child in the home”.<sup>424</sup> In addition, Regulation 14 required the person in charge of the home to keep these records “at all times available for inspection by any person visiting the home under Regulation 2 of the Regulations and by any person authorised by the Secretary of State to inspect the records.”<sup>425</sup>

As Table 3 above illustrates, certain punishments administered to children at St Ninian’s are noted in the log books, particularly during the earlier period. That does not appear to be the case for the latter period, and there are no log book entries

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418 Visitation report of St Ninian’s, Falkland, 12-15 March 1979, at CBR.001.001.2359.

419 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1858.

420 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1860.

421 Visitation report of St Ninian’s, Falkland, 21-24 November 1977, at CBR.001.001.2348.

422 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1863.

423 Transcript of day book for St Ninina’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2154.

424 The Administration of Children’s Homes (Scotland) Regulations 1959, Schedule 2.

425 The Administration of Children’s Homes (Scotland) Regulations 1959, Regulation 14.

post-July 1976. In the Scottish Education Department inspection report relating to St Ninian's dated 4 October 1966, it is noted that although corporal punishment is used, no record of this is kept—although this seems to be contradicted by the entries in the log book for that period.<sup>426</sup> It is also noted in that inspection report that "Brother Ford [sic] had not seen a copy of the [1959] Regulations, but supposed that keeping [records of punishments] was a matter of common sense. I said I would bring a copy on my next visit."<sup>427</sup> Leo Forde was the superior at that time, a position he had held since 1964.<sup>428</sup> The Scottish Education Department inspection report in respect of the visit on 4 October 1967 notes that a copy of the 1959 Regulations was handed over to Leo Forde.<sup>429</sup>

### Lists of staff

No wages books or school returns showing lists of teachers exist in the archive other than one list for 1982. To create such a list for SCAI's purposes, Ms Johnson consulted the Brothers' Provincialate Register pages. Ms Johnson noted that: "These dates may differ from those on the Generalate Register pages or in the Annals. It is difficult to be sure which dates are correct; as a good section of the Annals were written retrospectively dates therein may not be accurate."<sup>430</sup>

### Accounts

No accounts records exist for St Ninian's. Ms Johnson explained that she would have expected to have seen accounts in the archive because accounts were referred to in the visitation reports.<sup>431</sup> Furthermore, "[f]or nearly every community that closes, a good number of account books would come in. So I'd say definitely accounts were kept and it's likely that they were disposed of at the time of the closure of the school."<sup>432</sup>

### Children's records

Many applicants have sought to obtain records of their time in care as children. For many applicants, records are a vital link with their past. Those placed in care when very young have had to rely on records to learn who they are, and where they came from.

There are no individual children's files held in the archive for St Ninian's. Ms Johnson did not consider this to be unusual for the 1950s, 1960s, and 1970s, as the archive collection of other schools run by the Order during this period also do not contain individual files.<sup>433</sup> If personal files had been kept by the headmaster, particularly in later years, she would have expected to see those in the archive, but they are not there. If such files existed, these may have been destroyed when the child left the school or when the school closed. At the time of the closure of a

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426 NRS, ED11/668, Voluntary Homes Inspection Reports, St Ninian's, at SGV.001.005.8732; see Table 2.

427 NRS, ED11/668, Voluntary Homes Inspection Reports, St Ninian's, at SGV.001.005.8732.

428 Register of Brothers, List of Christian Brothers on staff in St Ninian's, Falkland, 1950-83, at CBR.001.001.1417.

429 NRS, ED11/668, Voluntary Homes Inspection Reports, St Ninian's, at SGV.001.005.8748.

430 Register of Brothers, List of Christian Brothers on staff in St Ninian's, Falkland, 1950-83, at CBR.001.001.1415, List of St Ninian's Falkland Lay Staff, 1950-83, at CBR.001.001.5638-5651.

431 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1864.

432 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1864.

433 [Written statement of Karen Johnson](#), paragraph 47, at WIT.001.002.6814 and paragraph 74, at WIT.001.002.6822.

house, it would have been the superior—perhaps with involvement from the headmaster—who was responsible for sending documentation, especially the Annals, to the archive.

Former Brother and staff member “John” (1968-72 and 1978-83) recalled that there were individual children’s files in the later period, and that these were kept in his office.<sup>434</sup> He does not recall whether the files remained in his office when he left St Ninian’s, which was when it was closing. He said the files may have been transferred to the headmaster’s office. When a child left the home, the file was sent to the relevant social work department. He could not comment on whether the home kept a copy of the file.<sup>435</sup> According to John Farrell, children’s personal files were kept both in the social worker’s office and in his own, the headmasters’ office.<sup>436</sup> When St Ninian’s closed, some files were transferred to the relevant social work departments, some material remained in the headmaster’s files, and “if it was deemed significant, [it] would have been moved with Congregational material to the headquarters of the Christian Brothers at the time.”<sup>437</sup>

## Visitation reports<sup>438</sup>

A member of the Provincial Council would carry out visitations of St Ninian’s, write a report, and send it to Rome.<sup>439</sup> Ms Johnson noted that, as far as she can tell from the available records, it was not the practice to send copies of visitation reports to the schools, including St Ninian’s.<sup>440</sup> Ms Johnson thought that it would have been normal practice for a letter to be sent to the superior of the Community after the visitation. Although copies of such letters do not appear to have been retained for the whole period, Ms Johnson located some copies of them, indicating that letters were sent to St Ninian’s following visitations.<sup>441</sup>

Until 1966, visitation reports were kept by the General Council in Dublin.<sup>442</sup> From 1966 to 2015 reports were filed in the Generalate archives in Rome. In 2015, the reports archived in the Generalate archives in Rome were returned to Dublin.<sup>443</sup> Those relevant to St Ninian’s were provided to SCAI.<sup>444</sup>

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434 [Transcript, day 137](#): former Brother and staff member “John”, at TRN.001.006.1543.

435 [Transcript, day 137](#): former Brother and staff member “John”, at TRN.001.006.1544-1545.

436 [Transcript, day 139](#): John Farrell, at TRN.001.006.1686.

437 [Transcript, day 139](#): John Farrell, at TRN.001.006.1687.

438 See [Visitations](#).

439 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1848.

440 [Transcript, day 140](#): Karen Johnson, at TRN.001.006.1848-1849.

441 Visitation reports, 1951-1982, at CBR.001.001.9173 (8 May 1952); CBR.001.001.9182-9183 (11 December 1952); CBR.001.001.9192 (7 December 1953); CBR.001.001.9187 (5 July 1954); CBR.001.001.9196 (28 July 1958); and CBR.001.001.9200 (3 June 1973).

442 [Written statement of Karen Johnson](#), paragraph 80, at WIT.001.002.6823.

443 [Written statement of Karen Johnson](#), paragraph 44, at WIT.001.002.6813.

444 See also [The Christian Brothers](#).

## Minute books

Copies of minute books were provided to SCAI by the Order. They contain the minutes of Provincial Council meetings between 1946 and 1983.<sup>445</sup> They provide details of administrative decision making across the province, some financial information regarding the institution in the province, information about developments to buildings, and certain curricula. The minutes discuss visitations of establishments carried out by the Order and visits from leaders of the Congregation. They also detail the transfers of Brothers between different institutions, and individual Brothers are discussed where there are problems with either their conduct or health. For example, in minutes dated July 1967, it is noted that the religious conduct of certain persons in Gibraltar, including Gerard Ryan and former Brother and staff member "John", was causing concern. It is noted that the Provincial visited in June to try and persuade them and two other Brothers "to wake up to a sense of personal responsibility as Christian Brothers, especially as men of prayer."<sup>446</sup>

The minutes dated 13 October 1974 record that "the Provincial had taken note of Gerard Ryan's request to return to Falkland".<sup>447</sup> Gerard Ryan, as discussed earlier, was at St Ninian's from 1969 to May 1974, a period during which he sexually and physically abused children. He returned less than a year later, in February 1975, and remained until December 1980. During that period of over five years, he continued to be a serial abuser.

Minutes from September 1982 describe Paul Kelly's reaction to the decision to close St Ninian's as "quite aggressive" and it is noted that "the members of the Council considered his letter offensive and distasteful."<sup>448</sup>

## Conclusions about records

This summary of what is in the records, perhaps unsurprisingly, fails to disclose the significant levels of abuse that I have found was inflicted on children in the care of the Order. Notably, few children's files exist in the archive. Apart from the register and any reference to children in log books, the Order does not have records for specific children. It is evident that the Order's approach to keeping records for children in its care was inadequate. Any records that were kept were not safeguarded and retained. Many of those children are, as adults of today, left in the dark about important details of their childhoods. This failure in record keeping and record retention constituted a serious failure in care.

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445 Provincial Council Minutes, 1946-1960, at CBR.001.001.7595-7724; Provincial Council Minutes, 1960-1966, at CBR.001.001.7725-7815; Provincial Council Minutes, 1966-1973, at CBR.001.001.7817-8191; Provincial Council Minutes, 1973-1976 at, CBR.001.001.8192-8399; Provincial Council Minutes, 1976-1978, at CBR.001.001.8400-8686; Provincial Council Minutes, 1979-1981, at CBR.001.001.8687-8948; Provincial Council Minutes, 1981-1983, at CBR.001.001.8949-9136.

446 Provincial Council Minutes, 1966-1973, at CBR.001.001.7876.

447 Provincial Council Minutes, 1973-1976, at CBR.001.001.8301.

448 Provincial Council Minutes, 1981-1983, at CBR.001.001.9059.

# 10 Inspection reports

The Inquiry has recovered reports of inspections carried out under the auspices of the Scottish Education Department (SED) from the Scottish Ministers. The following section highlights some relevant comments.

## 4 December 1958<sup>449</sup>

This inspection was carried out by two inspectors “without notice.”<sup>450</sup> The visit is recorded in the log book as taking place on 3 December 1958.<sup>451</sup>

The inspection report recorded that, since December 1952, when there were 81 boys resident at St Ninian’s, the numbers had fallen steadily, with only 32 boys being in residence at the time of the inspection in 1958. There were several reasons for this decline, including that “[t]he house is not easily accessible and...as a house it is cheerless.”<sup>452</sup>

The inspector noted that the role of the home was somewhat unclear. Initially it had been set up as a residential secondary school for older Roman Catholic boys in care, but as the educational standards of the children admitted did not meet the expectations of staff, the function of the home had to be

reconsidered. The “headmaster thought that the primary object of this establishment was to provide a home for the boys; a secondary object was to provide education. In both of these objects, there are serious shortcomings in fulfilment. The building is a large baronial mansion house and a homely atmosphere is impossible to achieve. On the educational side, the schooling will be well looked after as there are 5 teachers...but because of its position and lack of outside contacts the social education is necessarily limited.”<sup>453</sup> The inspector also voiced concerns about the type and amount of food made available to the boys.<sup>454</sup>

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**“...headmaster thought that the primary object of this establishment was to provide a home for the boys; a secondary object was to provide education. In both of these objects there are serious shortcomings in fulfilment.”**

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449 Note that this report makes reference to two previous reports, dated 16 December 1948 and 14 March 1951. The 1948 report refers to a visit by W H Brown to inspect Falkland House and notes that “The house is in excellent condition and apart from some small redecoration nothing structural appears to be needed.” NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8804. We were unable to locate the 1951 report.

450 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8954.

451 Transcript of day book for St Ninian’s, 23 January 1951 to 31 December 1968, at CBR.001.001.1776.

452 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8954.

453 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8954.

454 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8956.



The five teachers referred to were four Brothers and one unqualified teacher “of technical subjects and physical education”.<sup>455</sup> The Brothers were also supported by a matron, the cook, and her assistant—only the latter two were resident. The inspector noted that “[t]he appointment of a resident matron has been raised with the previous headmaster but no steps have been made in this direction. There is an obvious need to mother the boys. The Christian Brothers are a teaching Order and, as far as one can judge, have little experience of working with deprived children.”<sup>456</sup>

## 2 March 1962

This inspection was carried out on 2 March 1962, and other dates.<sup>457</sup> The log book for the period suggests that earlier visits by the inspector had been carried out on 21, 23, and 26 February 1962.<sup>458</sup>

The report notes that at the time of the inspection there were 42 pupils on the school roll. There was a teaching staff of four—three Brothers and a day lay teacher of technical subjects and physical education. There was a fourth Brother at St Ninian’s at the time (who did not have teaching responsibilities), as well as a day matron, a gardener, a cook, and a maid.

This short report conveys a broadly positive message about St Ninian’s noting that “the

premises can be regarded as generally satisfactory”<sup>459</sup> and “the general tone of the school is good.”<sup>460</sup> Whilst there may have been difficulties in the school due to the wide range of ability shown by pupils “there was much evidence of devoted and sympathetic instruction and standards attained were in the main satisfactory.”<sup>461</sup>

## 4 October 1966

This inspection was carried out “by arrangement” on 4 October 1966.<sup>462</sup> The visit is recorded in the log book for that date.<sup>463</sup> It is unclear whether any inspection took place between March 1962 and October 1966—whilst no such reports were recovered by SCAI for this four-year period, records of inspections may have been lost or destroyed.<sup>464</sup>

At the time, St Ninian’s was staffed by five teaching Brothers, and a lay teacher responsible for physical education and crafts. In addition, the local priest provided singing lessons. The inspector noted that Leo Forde, the headmaster, “had no previous experience of children in care and shows signs of uncertainty as to his particular function in relation to their needs.”<sup>465</sup> Leo Forde is reported as having said that the “staff suffer from a sense of isolation, in that they miss the intellectual stimulation gained through meeting with others”.<sup>466</sup>

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455 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8955.

456 NRS, ED28/225, Falkland, St Ninian’s Orphanage, General, 1948-1961, at SGV.001.005.8955.

457 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9046-9047.

458 Transcript of day book for St Ninian’s, 23 January 1951 to 31 December 1968, at CBR.001.001.1807.

459 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9046.

460 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9047.

461 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9047.

462 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8726-8732.

463 Transcript of day book for St Ninian’s, 23 January 1951 to 31 December 1968, at CBR.001.001.1861.

464 See Transcript day 23, Prof. Ian Levitt, at TRN.001.001.6298-6300.

465 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8726.

466 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8726.

The matron at the time had been in post for three years, and was the only resident member of the domestic staff. It is noted that she was a trained nurse who was previously matron in another school run by the Order. The inspector noted that “Brother Forde spoke about his frustrating attempts to secure resident female domestic staff. The building is so isolated that the normal amenities for off-duty periods [were] lacking.”<sup>467</sup>

Falkland House is described as being “so extensive that any attempt to redecorate must necessarily be a very expensive business.”<sup>468</sup> Leo Forde is noted as wanting to carry out improvements, particularly to the toilets and ablutions, but being “uncertain whether financial aid might come from the Child Care Branch or from the Scottish Education Department.”<sup>469</sup>

At the time of the inspection on 4 October 1966, there were 44 boys resident at St Ninian’s, aged 12 to 15. The report notes that there were 13 bedrooms for the boys—one of which was “reserved for enuretic boys.”<sup>470</sup> There were also several other rooms for recreational activities. St Ninian’s “does not, however, in any respect, resemble a normal house.”<sup>471</sup> As regards parental contact the report noted: “Visits from parents are infrequent. This is partly because of difficulty of access. Letters to and from parents are read

by Brother Forde. It is rarely that he withholds a letter, although he admits to having suppressed a few from girl friends.”<sup>472</sup> The report also noted that “Brother Forde has a file for every boy in which he keeps all correspondence relating to him and any other relevant information.”<sup>473</sup> A “Personal Records” form was kept, though the inspector notes that the section in this form headed “development” had infrequent and brief entries. Ultimately, it was the view of the inspector that personal records were “sketchy”.<sup>474</sup>

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It is further noted that Brother Forde kept a log book and register of admissions and discharges, but whilst “corporal punishment is used, no record is kept.”<sup>475</sup> Corporal punishment was said to be used “as a last resort”.<sup>476</sup>

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467 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8727.

468 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8727.

469 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8727.

470 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8727.

471 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8728.

472 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8730.

473 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8729.

474 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8732.

475 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8729.

476 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian’s, House of Falkland, 1966-1968, at SGV.001.005.8732.

Despite identifying several shortcomings, the report concludes by noting that St Ninian's "is doing some good work in giving difficult boys security, training and discipline."<sup>477</sup> However, it goes on to say that "staff have a limited understanding of the principles of Child Care, resulting in a lack of adequate preparation for the boys' return to normal community life."<sup>478</sup>

## 16 June 1967

The next inspection took place on 16 June 1967 "by arrangement".<sup>479</sup> The fact of the visit is recorded in the log book.<sup>480</sup> The purpose of this inspection is noted as being to "examine childcare arrangements in the house", paying particular attention to several points raised by the previous inspection including staff training, enuretics, and the recording of corporal punishment.<sup>481</sup>

At the time of this inspection there were 43 boys in residence. Leo Forde is described as being "keenly interested in the welfare of the boys".<sup>482</sup> As well as Leo Forde there were another five Brothers at St Ninian's. Other staff included a non-resident lay teacher, a matron, a cook and her assistant, as well as a domestic. Once again the inspector notes difficulties with the recruitment of domestic staff.<sup>483</sup>

No progress had been made towards the creation of a local lay committee. The inspector further noted that "Brother Forde did say that the Provincial made a detailed inspection of the Home and School during his annual visits, but apart from controlling staff movements and training the degree of supervision the Provincial can exercise must be limited."<sup>484</sup>

In the inspection of 4 October 1966 an issue had been raised regarding the treatment of enuretics. At that time, the inspector was told that boys who wet the bed were required to wash their sheets and that was done as a matter of "routine" and had "no disciplinary aspect in it."<sup>485</sup>

During this visit the inspector was told that corporal punishment "is now recorded in a Punishment Book".<sup>486</sup> It seems, however, that only serious offences were recorded, with the "maximum penalty being four strokes with a tawse on the buttocks over trousers."<sup>487</sup> The report also notes that "[n]o boy has been punished for a class offence this year and boys who have been punished have either been absconders or persistent smokers".<sup>488</sup> The inspector "discussed the use and value of corporal punishment with Brother Forde, particularly in relation to absconding...[the

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477 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8732.

478 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8732.

479 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8743-8749.

480 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, at CBR.001.001.1858.

481 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8743.

482 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8743.

483 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8745.

484 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8745.

485 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8746.

486 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8748.

487 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8748.

488 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8748.

inspector] put forward the idea that where there are good staff/boy relationships, the boys can accept the idea of a range of disciplinary measures to deal with a common offence in the light of the individual personalities and problems of the boys concerned. Brother Forde found this was not his experience and said that in many cases the boys preferred the quickness with which they felt such punishment 'cleaned the slate' and allowed normal relations to be re-established."<sup>489</sup>

The report of the visit of 4 October 1966 discussed above noted the lack of childcare skills; that theme also emerges in the 16 June 1967 report. The inspector reported that Leo Forde was "sympathetic towards the idea of staff training" and that a letter received from the Provincial advocated the release of Brothers for training.<sup>490</sup> The inspector noted that he "discussed social work and residential training with Brother Forde and he maintained that the Order would consider releasing Brothers for such training if staffing would permit it. [He] put forward the idea of Brother Forde's successor undergoing an Advanced Residential Child Care Course during the year prior to his appointment at St Ninian's and this idea he regarded as a possibility."<sup>491</sup> The inspector found "Brother Forde receptive to suggestions on training, but handicapped by shortage of staff."<sup>492</sup>

Leo Forde was succeeded as headmaster by Christopher McNamara in August 1970.<sup>493</sup> Christopher McNamara had no such training and he inflicted sexual and physical abuse on children.<sup>494</sup> Former Brother and staff member "John" did attend Langside College, Glasgow for a residential childcare course in 1971-1972. He left the Order in the course of 1972, returning to St Ninian's as lay staff.<sup>495</sup>

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**"In spite of suffering from inaccessibility and staffing problems this Home is doing a lot of good work with boys...The Brothers and [lay teacher] have a high level of tolerance, they work hard with the boys and the boys know their rights which they can express freely."**

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The 16 June 1967 report concludes by noting that "[i]n spite of suffering from inaccessibility and staffing problems this Home is doing a lot of good work with boys...The Brothers and [lay teacher] have a high level of tolerance, they work hard with the boys and the boys know their rights which they can express freely. Brother Forde...is receptive to positive advice."<sup>496</sup> The inspector recommended no official action following the report.

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489 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8748.

490 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8745.

491 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8746.

492 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8746.

493 Transcript of day book for St Ninian's, 07 January 1969 to 09 July 1976, at CBR.001.001.2121.

494 See Chapters 4 and 5 of these findings.

495 [Transcript, day 137](#): former Brother and staff member "John", at TRN.001.006.1514.

496 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8749.

## 23 November 1967

The same inspector who conducted the inspection on 16 June 1967 visited again, by arrangement, on 23 November 1967.<sup>497</sup> There is also a record of this visit in the log book.<sup>498</sup> Leo Forde was still the headmaster at the time.

Several issues raised by the inspector in his previous visit were raised again with Leo Forde, including the formation of a local committee, and the training Leo Forde's successor should have. Both these issues were left on the basis that Leo Forde would discuss them with the Provincial who was due to visit "during the next month".<sup>499</sup> According to the visitation reports provided to SCAL, the next visitation seems to have taken place about three months later, on 16-20 February 1968 and was conducted by a Brother Francis.<sup>500</sup> These issues are not mentioned in that visitation report.<sup>501</sup> However, in the subsequent visitation report (25-28 April 1969) the need to have a Brother qualified in childcare was described as a "necessity".<sup>502</sup>

This is a relatively short report and in conclusion the inspector wrote that: "This Home is doing a difficult job in its very individual way. The Brothers...work hard and the tone of the Home is good."<sup>503</sup>

## 19 February 1968

Again, the same inspector who had carried out the previous two visits in 1967 also visited—this time without notice—on 19 February 1968.<sup>504</sup> If the dates on the visitation report are accurate (16-20 February 1968) then this visit by the inspector appears to have coincided with Brother Francis's visit, mentioned above, but there is no reference to Brother Francis in the report. According to the log book, Brother Francis was at St Ninian's over that period, but the Provincial himself did not arrive until 20 February 1968.<sup>505</sup> The log book does record the inspector's visit.<sup>506</sup>

Once again one of the main issues raised was the formation of a local committee. The inspector noted that in England the grammar schools run by the Brothers had Boards of Governors and that there was "nothing in the rules of the Order to prevent the setting up of a similar body for St Ninians."<sup>507</sup> An addendum to the report dated 11 April 1968 noted a conversation between the inspector and the Senior Social Worker for the Catholic Child Care Office. During this conversation, the inspector re-stated the suggestion that Leo Forde's successor should undergo social work training before assuming responsibility for St Ninian's—something which the Senior Social Worker thought was "a particularly good idea."<sup>508</sup>

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497 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8756-8759.

498 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, at CBR.001.001.1863.

499 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8757.

500 Visitation Reports, 1951-82, at CBR.001.001.2298.

501 Visitation Reports, 1951-82, at CBR.001.001.2296-2298.

502 Visitation Reports, 1951-82, at CBR.001.001.2300.

503 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8758.

504 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8760-8761.

505 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, at CBR.001.001.1866.

506 Transcript of day book for St Ninian's, 23 January 1951 to 31 December 1968, at CBR.001.001.1866.

507 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8760.

508 NRS, ED11/668, Voluntary Homes, Inspectors Reports, St Ninian's, House of Falkland, 1966-1968, at SGV.001.005.8761.

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## **“It is at least arguable that this isolated establishment... is a basic administrative anomaly and mistake.”**

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### **September and October 1972**

The next inspection report recovered by SCAI is dated September 1972. It is unclear whether any inspections of St Ninian’s took place between the visit of 19 February 1968 and September 1972—no reports were recovered by SCAI for that period.

A note dated 8 September 1972 records the findings of a “short visit” to St Ninian’s by the HM Inspector of Schools “to ascertain the present condition of the school.”<sup>509</sup> The notes made were “based on conversation with the Headmaster and a brief tour of the building.”<sup>510</sup> By this time, the headmaster was Christopher McNamara, who had been in this post since 1970. During this brief tour of the building, the inspector concluded that the accommodation provided was “lavish” and he “did not see anything which gave obvious cause for alarm, although clearly the school [was] due for inspection.”<sup>511</sup> This visit is not recorded in the log book.

Shortly after, on 15 September 1972, the HM Inspector who visited St Ninian’s in 1967 and 1968, visited again.<sup>512</sup> This visit is not recorded in the log book.

The report dated 15 September 1972 is more critical than the one of 8 September 1972, noting that it is “at least arguable

that this isolated establishment...is a basic administrative anomaly and mistake. It is the only establishment of its kind in Scotland (of List ‘H’ where it appears as the sole ‘Grant-Aided Orphanage School’). Because of its administrative and geographical isolation it has simply been neglected. Its school population are borderline M.H. and maladjusted. But it does not appear on List ‘G’ and has not been Division II’s responsibility...It does appear on the SWSG List of Residential Establishments for children but is listed as having a ‘Caring Staff’ of 1, a Domestic Staff of 4 and a Teaching Staff of 5. This is an odd hybrid...St Ninian’s is basically a residential school staffed, run and led by teacher trained personnel; the childcare component on any reckoning is minimal.”<sup>513</sup> The report concludes “[t]he time may well be ripe for a basic re-appraisal of the function, structure and purpose of this establishment.”<sup>514</sup>

Just over a month later, on 26 October 1972, the medical officer attached to the inspectorate carried out an inspection of St Ninian’s.<sup>515</sup> This visit was recorded in the log book.<sup>516</sup>

The medical officer notes in his report, dated 31 October 1972, that he discussed several topics with Christopher McNamara prior to the inspection, including punishment.

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509 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9034.

510 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9034.

511 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9035.

512 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9030-9031.

513 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9031.

514 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9031.

515 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9012.

516 Transcript of day book for St Ninian’s, 07 January 1969 to 09 July 1976, at CBR.001.001.2155.

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## **“I feel that St Ninian’s needs complete re-appraisal; as run at present it belongs to the 1930s rather than the 1970s.”**

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It seems that Christopher McNamara told the medical officer that “as far as possible discipline is maintained by a system of rewards or withdrawal of privileges. Any brother may use the belt if it is deemed necessary. The occasions when it is used are said to be few but they are not documented.”<sup>517</sup> He did so notwithstanding his own disciplinary practices that were a far cry from that description and included physical and sexual abuse of children.

The report of the visit of 26 October concluded with these words: “The most disturbing feature at St Ninian’s is the way in which childcare depends entirely on a small band of humane and dedicated Christians whose training is as teachers and who do not even have special teacher training to help them meet the needs of maladjusted dull boys...The brothers have plenty of insight into the emotional and social plight of the boys but quite inadequate experience or training to give more than amateur and superficial help. I would regard the contribution of matron – the only female figure in regular contact with the boys, as basic nursing care only...I feel that St Ninian’s needs complete re-appraisal; as run at present it belongs to the 1930s rather than the 1970s.”<sup>518</sup>

This report is the last official assessment of St Ninian’s seen by the Inquiry.

### **The inspection evidence**

It appears that from 1966 to early 1968 there was a degree of scrutiny of St Ninian’s by the inspectors from SED, a realisation of the need for independent oversight in the form of a lay committee, and of the need for Brothers/headmaster to have relevant social work training and childcare experience. There then appears to be a gap in scrutiny until the later part of 1972, when it was realised that St Ninian’s was an “administrative anomaly and mistake.”<sup>519</sup> The last report available was calling for wholesale re-appraisal in 1972, but I have not heard any evidence of that happening or seen any documents showing that it did.

The adequacy of inspection regimes generally over the whole period of SCAI’s terms of reference is a topic that SCAI will consider at a later stage. What I can say at this juncture is that if the gaps in inspection identified here did take place, then they demand an explanation.

Furthermore, if the inspections of St Ninian’s in 1972 that raised serious questions over St Ninian’s future existence were the last inspections before St Ninian’s closure in July 1983, why is it that the “anomaly” that was St Ninian’s was allowed to continue to exist? This is a critical question because, during that decade, many children were physically and sexually abused by Christian Brothers—who took advantage of their positions of dominance in relation to the children in their care to abuse them.

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517 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9013.

518 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9014.

519 NRS, ED28/360, St Ninian’s Orphanage School, Falkland, 1962-1972, at SGV.001.005.9031.

## Appendix A - Terms of Reference

### Introduction

The overall aim and purpose of this Inquiry is to raise public awareness of the abuse of children in care, particularly during the period covered by SCAI. It will provide an opportunity for public acknowledgement of the suffering of those children and a forum for validation of their experience and testimony.

The Inquiry will do this by fulfilling its Terms of Reference which are set out below.

1. To investigate the nature and extent of abuse of children whilst in care in Scotland, during the relevant time frame.
2. To consider the extent to which institutions and bodies with legal responsibility for the care of children failed in their duty to protect children in care in Scotland (or children whose care was arranged in Scotland) from abuse, regardless of where that abuse occurred, and in particular to identify any systemic failures in fulfilling that duty.
3. To create a national public record and commentary on abuse of children in care in Scotland during the relevant time frame.
4. To examine how abuse affected and still affects these victims in the long term, and how in turn it affects their families.
5. The Inquiry is to cover that period which is within living memory of any person who suffered such abuse, up until such date as the Chair may determine, and in any event not beyond 17 December 2014.
6. To consider the extent to which failures by state or non-state institutions (including the courts) to protect children in care in Scotland from abuse have been addressed by changes to practice, policy or legislation, up until such date as the Chair may determine.
7. To consider whether further changes in practice, policy or legislation are necessary in order to protect children in care in Scotland from such abuse in future.
8. To report to the Scottish Ministers on the above matters, and to make recommendations, as soon as reasonably practicable.



## Definitions

'Child' means a person under the age of 18.

For the purpose of this Inquiry, "Children in Care" includes children in institutional residential care such as children's homes (including residential care provided by faith based groups); secure care units including List D schools; Borstals; Young Offenders' Institutions; places provided for Boarded Out children in the Highlands and Islands; state, private and independent Boarding Schools, including state funded school hostels; healthcare establishments providing long term care; and any similar establishments intended to provide children with long term residential care. The term also includes children in foster care.

The term does not include: children living with their natural families; children living with members of their natural families, children living with adoptive families, children using sports and leisure clubs or attending faith

based organisations on a day to day basis; hospitals and similar treatment centres attended on a short term basis; nursery and day-care; short term respite care for vulnerable children; schools, whether public or private, which did not have boarding facilities; police cells and similar holding centres which were intended to provide care temporarily or for the short term; or 16 and 17 year old children in the armed forces and accommodated by the relevant service.

"Abuse" for the purpose of this Inquiry is to be taken to mean primarily physical abuse and sexual abuse, with associated psychological and emotional abuse. The Inquiry will be entitled to consider other forms of abuse at its discretion, including medical experimentation, spiritual abuse, unacceptable practices (such as deprivation of contact with siblings) and neglect, but these matters do not require to be examined individually or in isolation.

## Appendix B - Breakdown of numbers of children at St Ninian's

### St Ninian's Statistics

#### Appendix B - Number of boys at St Ninian's between 1951 and 1983<sup>520</sup>

Between 1951 and 1983, St Ninian's accommodated nearly 900 children.

Year	Boys in attendance
1951	15
1952	63
1953	73
1954	68
1955	47
1956	35
1957	34
1958	31
1959	30
1960	30
1961	33
1962	42
1963	38
1964	47
1965	44
1966	43
1967	47

Year	Boys in attendance
1968	47
1969	45
1970	41
1971	42
1972	37
1973	42
1974	40
1975	37
1976	44
1977	46
1978 <sup>521</sup>	c. 40
1979	36
1980	40
1981 <sup>522</sup>	58
1982 <sup>523</sup>	57
1983	17

<sup>520</sup> See report provided by the Order, at CBR.001.001.0056.

<sup>521</sup> No official number given, so estimate used, based on admission/discharge information. See report provided by the Order, at CBR.001.001.0056.

<sup>522</sup> Original listed "around 40", but could have been as high as 57. Figure calculated by SCAI per admission and discharge dates. See report provided by the Order, at CBR.001.001.0056.

<sup>523</sup> Original listed "40+", but could have been as high as 58. Figure calculated by SCAI per admission and discharge dates. See report provided by the Order, at CBR.001.001.0056.

## Appendix C - Numbers of complaints, civil actions, police investigations, criminal proceedings, and applicants to SCAI

### St Ninian's

Number of complaints of alleged abuse received by the Christian Brothers between 1998 and March 2019 relating to St Ninian's (excluding civil actions raised against the Order)	13 <sup>524</sup>
Number of civil actions raised against the Christian Brothers relating to St Ninian's, as at March 2019	27 <sup>525</sup>
Number of complaints to Police and Police investigations of which the Christian Brothers were made aware relating to abuse in St Ninian's, as at March 2019	Four <sup>526</sup>
Number of prosecutions of which the Christian Brothers are aware relating to abuse in St Ninian's and resulting in convictions	One set of proceedings, on indictment, with multiple charges and leading to the convictions of Paul Kelly and John Farrell <sup>527</sup>

### Applicants to SCAI

Number of SCAI applicants relating to the Christian Brothers at St Ninian's	29 <sup>528</sup>
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524 Congregation of Christian Brothers, Part D supplementary response to section 21 notice, at CBR.001.001.5905, p.16. In addition, there is a reference in the log book dated 23 October 1972 to a complaint received in 1972 in the form of a "nasty" letter from a former pupil of St Ninian's containing "nasty allegations". The nature of the allegations nor the individual(s) against whom the allegations were made are not recorded. It is recorded that the "Whole community at St Ninian's are cut up over the nasty allegations in this letter." See log book entry dated 23 October 1972, at CBR.001.001.2032; and Congregation of Christian Brothers, Part D supplementary response to section 21 notice, at CBR.001.001.5905, p.5.

525 Congregation of Christian Brothers, Part D supplementary response to section 21 notice, at CBR.001.001.5905, p.21.

526 Congregation of Christian Brothers, Part D supplementary response to section 21 notice, at CBR.001.001.5905, p.23.

527 Congregation of Christian Brothers, Part D supplementary response to section 21 notice, at CBR.001.001.5905, p.24.

528 As of 09 October 2020.

## Appendix D - Convictions of Paul Kelly and John Farrell

### Paul Kelly

On 22 July 2016 Paul Kelly was convicted of six charges at Glasgow High Court. On 12 August 2016 he was sentenced to 10 years' imprisonment.<sup>529</sup>

Paul Kelly was convicted of the following six charges:

"On various occasion between 28 October 1981 and 1 June 1982, both dates inclusive, at St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did indecently assault "**Edward**"...aged 15 years, a pupil in your care, enter a shower beside him, compel him to touch your penis and to masturbate you to ejaculation, place your hands beneath his clothing, handle his private parts, seize him by the head and penetrate his mouth with your penis, touch his penis and masturbate him, put his penis in your mouth and perform oral sex on him and ejaculate onto his body.

On various occasions between 28 October 1981 and 1 June 1982, both dates inclusive, St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did assault "**Edward**"...aged 15 years, a pupil in your care, and penetrate his anus with your penis and have unnatural carnal connection with him.

On various occasions between 5 May 1981 and 26 May 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did indecently assault "**Max**"...aged between 13 and 15 years, a pupil in your care, compel him to touch your penis and masturbate you, penetrate his mouth with your penis, compel him and other pupils to remove their clothing and to perform sexual acts on themselves and on

each other and on you, compel other pupils to touch him on the body and private parts and to penetrate his mouth with their penises, and masturbate in his presence.

On various occasions between 5 May 1981 and 26 May 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did assault "**Max**"...aged between 13 and 15 years, a pupil in your care, and (a) penetrate his anus with your penis and have unnatural carnal connection with him; and (b) while acting with others, penetrate his anus with the penises of other pupils at said school and thus repeatedly have unnatural carnal connection with him.

On one occasion between 5 May 1981 and 26 May 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did indecently assault "**Max**"...aged between 13 and 15 years, a pupil in your care, seize hold of him, pin him down, remove his clothing, touch his body and private parts, rub the penises of said other pupils against his bare buttocks and simulate sexual intercourse with him.

On various occasions between 9 March 1982 and 31 July 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you PAUL VINCENT KELLY did indecently assault "**Child A**"...aged 14 and 15 years, a pupil in your care, expose your penis to him, instruct him to perform oral sex on you, threaten him with violence and penetrate his mouth with your penis."<sup>530</sup>

529 Paul Vincent Kelly Extract Conviction and Sentence, at JUS.001.001.1503; Minute Sheet marked up by Advocate Depute, at CFS.001.004.9948-9987.

530 Paul Vincent Kelly Certified Copy of Indictment, at CFS-000003457.

## John Farrell

On 22 July 2016 John Farrell was convicted of three charges at Glasgow High Court. On 12 August 2016 he was sentenced to five years' imprisonment.<sup>531</sup>

John Farrell was convicted of the following three charges:

"On various occasions between 17 April 1980 and 21 March 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you JOHN BERNARD FARRELL did indecently assault **Child B**...aged between 11 and 14 years, a pupil in your care, touch him on the body, place your hands beneath his clothing and handle his private parts, touch his penis and masturbate him, compel him to touch your penis and to masturbate you.

On various occasions between 5 May 1981 and 26 May 1983, both dates inclusive, at St Ninian's School, Falkland, Fife, you JOHN BERNARD FARRELL did indecently assault "**Max**"...aged between 13 and 15 years, a pupil in your care, touch his private parts, masturbate him, compel him to touch your private parts and masturbate you to ejaculation, and penetrate his mouth with your penis to ejaculation.

On two occasions between 30 January 1979 and 19 December 1980, both dates inclusive, at St Ninian's School, Falkland, Fife, you JOHN BERNARD FARRELL did indecently assault **Child C**...aged 14 and 15 years, a pupil in your care, touch his penis and compel him to touch your penis and masturbate you."<sup>532</sup>

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531 John Farrell Extract Conviction and Sentence, at JUS.001.001.1406; Minute Sheet marked up by Advocate Depute, at CFS.001.004.9948-9987.

532 John Bernard Farrell Certified Copy of Indictment, at CFS-000003456.

## **Appendix E - Notice of draft findings**

Individuals received notice of relevant findings in draft form and were afforded a reasonable time to respond, if they wished to do so. No such responses persuaded me to amend my draft findings.

