

1 Tuesday, 1 October 2019

2 (10.00 am)

3 LADY SMITH: Good morning. I'm sure everybody remembers why  
4 we are here today and that's for closing submissions to  
5 be presented in relation to the case study that we're  
6 about to finish, and that's the case study looking into  
7 the provision of case by the Benedictines in Scotland,  
8 which, as you know, has focused particularly on  
9 Carlekemp and Fort Augustus Abbey School.

10 As I have done before, I'll invite, obviously, both  
11 counsel to the inquiry here and those who represent  
12 people who have leave to appear -- most of whom, if not  
13 all of whom, here are also core participants -- to  
14 address me in respect of their closing submissions.

15 Also can I just say thank you to everybody for  
16 getting their written notice of the closing submissions  
17 in to the inquiry in good time. That has been very  
18 helpful.

19 So Mr MacAulay, when you're ready.

20 Closing submissions by MR MacAULAY

21 MR MacAULAY: Good morning, my Lady.

22 Can I begin what I have to say by providing a brief  
23 overview and begin by saying that if the main thrust of  
24 the evidence is accepted, then there were brutal regimes  
25 involving forms of excessive punishment at both

1 Carlekemp Priory School and Fort Augustus Abbey School  
2 over the period covered by the evidence given by the  
3 witnesses. There was also evidence that bullying was  
4 prevalent and indeed tolerated. There is also a body of  
5 evidence implicating both Carlekemp and Fort Augustus  
6 in the sexual abuse of children, so far as Carlekemp is  
7 concerned, from the 1950s through to the 1970, and,  
8 insofar as Fort Augustus is concerned, during the 1960s,  
9 1970s and into the 1980s.

10 The physical and sexual abuse, again on the  
11 evidence, was not limited to a particular and short  
12 period of time; it spanned many years, essentially  
13 because the alleged perpetrators co-existed for many  
14 years at the schools.

15 There was also evidence that reports were made to  
16 headmasters about sexual abuse and although in the case  
17 of MEV some action was taken, overall the  
18 responses were clearly inadequate.

19 There is evidence that for some children, the  
20 educational experience was inadequate and had an impact  
21 on their lives subsequently.

22 There does not appear to be any real dispute that  
23 the English Benedictine Congregation, as constituted at  
24 the Fort Augustus Abbey, was dysfunctional.

25 Significantly, through the evidence of Abbot Geoffrey

1 and the written submissions intimated on Friday, the  
2 order now accepts that abuse, sexual and physical, took  
3 place at both schools and that the environments at the  
4 schools were not conducive to providing the children  
5 with happy experiences. But having said that, there is  
6 evidence also that children did have happy experiences  
7 at the schools.

8 My Lady, can I then just provide some background  
9 information on the case study itself. The case study  
10 began on 18 July and between then and the final day of  
11 evidence on 20 September, the inquiry heard 13 days of  
12 evidence.

13 Evidence has been provided by 29 former pupils of  
14 the schools, 20 in person, and nine through statements  
15 that have been read into the proceedings. As well as  
16 evidence from former pupils, evidence was heard from the  
17 sisters of two former pupils, an aunt of a former pupil,  
18 the mother of a former pupil, and a former pupil of  
19 a Glasgow primary school who described being taken on  
20 a trip to Fort Augustus where he says he was sexually  
21 abused.

22 The inquiry also heard oral evidence from the  
23 investigative journalist Mark Daly and the producer  
24 Murdoch Rodgers in relation to the making of the BBC  
25 film "Sins of Our Fathers", which was broadcast on

1 29 July 2013, and investigated abuse at Carlekemp and  
2 Fort Augustus, and also evidence particularly from  
3 Murdoch Rodgers in connection with the contact that he  
4 had with a former teacher who has been given the  
5 pseudonym "Mr A".

6 Evidence has been heard from John Ellis from  
7 Australia, who told the inquiry that he was sexually  
8 abused by Father Aidan Duggan once Aidan Duggan had  
9 returned to Australia from Fort Augustus in 1974.

10 There has been evidence from John, a monk who became  
11 **SNR** at Fort Augustus. He was there from about  
12 1950 to its close, other than two periods when he was  
13 elsewhere.

14 There has also been evidence read in from another  
15 monk, Father Colin Geddes, and a former lay teacher,  
16 Seamus Coleman, who were both at the school.

17 Dom Richard Yeo, the former Abbot President of the  
18 Congregation, gave evidence in addition to his previous  
19 appearance at the inquiry hearing in June 2017.

20 Bishop Hugh Gilbert provided live evidence, as did  
21 Sister Nancy Bauer, who spoke speak to various aspects  
22 of canon law.

23 Finally, Abbot Geoffrey spoke on behalf of the order  
24 on the last day of proceedings. As I mentioned earlier,  
25 having sat through the evidence in the case study, he

1           accepted the evidence provided by former pupils and that  
2           abuse, both physical and sexual, took place at the  
3           schools, and he issued a sincere apology on behalf of  
4           the Congregation.

5           Can I just make this point, my Lady. Although the  
6           public hearings part of the case study has come to an  
7           end, the evidence gathering process is continuing and  
8           will continue until we enter the final report stage.  
9           Former pupils of both schools, or indeed anyone with any  
10          relevant evidence, are therefore able to continue  
11          approaching the inquiry to provide evidence of their  
12          experiences at both schools, and indeed are encouraged  
13          to do so.

14          Can I also make this point about numbers. Although  
15          in comparison to the numbers of children who attended  
16          the schools over the years, the number who became  
17          applicants in the inquiry is relatively small, but the  
18          applicants were not only speaking about their own  
19          experiences, they were also speaking about what they  
20          witnessed happening to others, and it is perhaps no  
21          doubt in that context that the order accepts in its  
22          written submissions that the prevailing climate at both  
23          schools was one of fear.

24          I now want to say a few words in connection with the  
25          movement of monks generally and, in particular, those

1 monks against whom the main allegations of sexual abuse  
2 have been made. This information is based on  
3 information supplied to the inquiry in response to the  
4 section 21 notice that was served on the order.

5 It is clear that Benedictine monks against whom  
6 allegations of sexual abuse in particular have been made  
7 attended both schools at different points in time. I'll  
8 provide some examples. [REDACTED] MEV [REDACTED] was at Carlekemp  
9 between 1965 and 1968, and with the exception of some  
10 absences, and indeed being at Carlekemp, he was at  
11 Fort Augustus from 1956 until he went to Australia in  
12 1977.

13 [REDACTED] MEY [REDACTED] was at Fort Augustus from 1957 to  
14 1961, and then spent 10 years at Carlekemp, 1961 to  
15 1971, and in 1973 he was at Fort Augustus before he left  
16 for Australia.

17 Aidan Duggan was in Carlekemp between 1957 and 1959,  
18 a period coinciding with [REDACTED], and  
19 also when the Walls brothers were there. But he also  
20 spent a significant amount of time in Fort Augustus  
21 before finally leaving in 1974 to go to Australia. As  
22 we have heard in the evidence, on his arrival in the  
23 parish of Bass Hill in 1974, he spent time grooming and  
24 sexually abusing John Ellis over a number of years.

25 LADY SMITH: And of course we also heard these three men

1           originated from the same place in Australia; isn't that  
2           right?

3           MR MacAULAY: They did, that is right.

4           LADY SMITH: I have just forgotten the name of it, I'm  
5           sorry.

6           MR MacAULAY: New Norcia.

7           LADY SMITH: Yes.

8           MR MacAULAY: [REDACTED] MFA also spent years in both  
9           schools. He was at Fort Augustus in some capacity from  
10          about 1933 to 1960, and he was in Carlekemp from 1960 to  
11          1977, when the school closed, and thereafter he went  
12          back to Fort Augustus and was there from 1977 to 1991.

13          Finally, [REDACTED] MFC He had also been at  
14          Fort Augustus in the 1950s, indeed he had been a pupil  
15          there. Thereafter, he spent different periods in both  
16          schools until he left for Canada in 1988 on a sabbatical  
17          from which he never returned.

18          My Lady, if the allegations made by the applicants  
19          are accepted -- and there can be little doubt over  
20          Peter's allegations, which have been [REDACTED] -- then it  
21          becomes difficult to believe that the monks did not know  
22          that children were being sexually abused at both  
23          schools.

24          I now propose to deal with each school in turn and  
25          make some brief observations on the evidence. So far as

1 Carlekemp Priory School is concerned, that was run by  
2 the Fort Augustus Abbey, and as we know from evidence,  
3 initially the Priory School was situated in Edinburgh  
4 and it was known at St Andrew's Priory School and it  
5 relocated to Carlekemp in 1945 and closed in 1977.

6 The closure was due, it would appear, to a decrease  
7 in the number of pupils and a decrease in the number of  
8 monks at Fort Augustus, resulting in it becoming  
9 unfeasible to run as a separate school in a different  
10 area of Scotland.

11 The evidence from the former pupils during the  
12 hearing of the case study relating to Carlekemp covered  
13 the period from 1948, that's three years after its move  
14 to North Berwick, up to the school's closure in 1977,  
15 and many of those who gave evidence spoke of physical,  
16 emotional and sexual abuse.

17 Can I just touch upon aspects of the physical and  
18 emotional abuse; in many ways these two types of abuse  
19 run together. There was evidence in relation to boys  
20 being beaten by straps or canes by monks, that if  
21 accepted by your Ladyship, your Ladyship could conclude  
22 went far beyond what could be described as reasonable  
23 chastisement by way of corporal punishment, and indeed  
24 I understand the written submissions on behalf of the  
25 order to accept that.



1           It is worth bearing in mind the context and, in  
2 particular, the children at Carlekemp were very young,  
3 some under 8. In addition to the use of straps and  
4 canes, there were other forms of punishment. For  
5 example, Harry, who was at Carlekemp from 1954 to 1959,  
6 and beginning there at the age of 8, described  
7 [REDACTED] MFC as "notoriously ill-tempered" and in  
8 particular described one uncontrollable attack on him  
9 that involved a flurry of blows and slapping and  
10 punching to the head.

11           Also at Carlekemp, [REDACTED] SNR  
12 [REDACTED] MFD was, on the evidence, described as  
13 being particularly vicious, and he combined physical  
14 beatings on hands and bare bottoms with emotional and  
15 humiliating practices. For example, there was  
16 a practice described whereby children would be woken up  
17 during the night and required to kneel for long periods  
18 outside his room awaiting punishment. Hendrik spoke  
19 about that and indeed Hugh Russell, who was at Carlekemp  
20 from 1966 to 1971, described this practice as "kneeling  
21 out".

22           It's perhaps worth noting that the Mr A, with whom  
23 Murdoch Rodgers had contact in 2017, described

24 [REDACTED] MFD as:

25 "... a gay sadist who got a great deal of joy from

1 bullying and punishing the boys."

2 [REDACTED] MFD on the information provided to  
3 the inquiry, was [REDACTED] SNR at Carlekemp from 1959 to  
4 1962 and again from 1968 to 1977, fairly lengthy periods  
5 of time. Perhaps one of the most graphic images  
6 narrated in the evidence was provided by Ian, who was at  
7 Carlekemp from 1967 to 1973, and related to what he  
8 described as the public flogging by [REDACTED] MFC of  
9 his brother and another pupil, for which they had been  
10 stripped; his brother was aged 10 at the time. Ian did  
11 not witness the flogging but said that it involved six  
12 strokes of the tawse on the backs and buttocks that drew  
13 blood. He said that both boys were bruised and bloodied  
14 from the shoulders to their buttocks.

15 One of the other monks at Carlekemp,  
16 Father [REDACTED] MEW was described by one witness,  
17 Patrick, who was there from 1955 to 1962, as:

18 "A brute of a man who was liberal with his hands, so  
19 much so that he created an atmosphere of fear."

20 And Harry, who was at Carlekemp from 1954 to 1959  
21 also said that Aidan Duggan would resort to physical  
22 violence or humiliation on whoever was being targeted  
23 at the time.

24 There's also been evidence, my Lady, that Carlekemp  
25 was an environment where bullying prospered. For

1 example, David Walls, who was there from 1955 to 1958,  
2 described being bullied and this was in the presence of  
3 the monks. His brother Christopher, although younger,  
4 provided evidence to the inquiry that he would try to  
5 defend his brother from the bullies, and Ian, who was  
6 there from 1967 to 1973, quite a different period of  
7 time, spoke of a fearful environment and of bullying by  
8 older pupils, and he said that generally there was  
9 a climate of fear over the whole place.

10 My Lady, so far as sexual abuse at Carlekemp is  
11 concerned, both David and Christopher Walls provided  
12 accounts of sexual abuse by Aidan Duggan, with  
13 David Walls telling us in evidence that something did  
14 happen to him when he was invited to Aidan Duggan's room  
15 that he had blocked out. Christopher Walls provided  
16 evidence that he was sexually abused by Aidan Duggan  
17 over a period of time, including being abused in the  
18 confessional.

19 There has also been evidence of Aidan Duggan reading  
20 to younger boys at bedtime that involved inappropriate  
21 sexual touching.

22 Hugh Russell, who was at Carlekemp from 1966 to  
23 1971, spoke of sexual abuse by Aidan Duggan,  
24 [REDACTED] MEV and [REDACTED] MFA during his time at  
25 Carlekemp.

1 Hendrik, who was there from 1969 to 1972, also  
2 implicated [REDACTED] MEY in sexual abuse, saying that he  
3 saw young boys sitting on his knee while [REDACTED] MEY  
4 was fondling their private parts.

5 Ian told of an incident when [REDACTED] MFA locked  
6 the door of his room and talked about love and placed  
7 Ian's hand on his, [REDACTED] MFA, erect penis. Ian  
8 also told us in evidence that he discovered in later  
9 life that his younger brother had been abused to a much  
10 greater extent by [REDACTED] MFA and he went on to tell us  
11 that that was something that had remained on his  
12 conscience because he had not reported [REDACTED] MFA for  
13 what he had done to him.

14 Coming back to what was relayed to Murdoch Rodgers  
15 by Mr A. According to Mr Rodgers, he was told by Mr A  
16 that sexual abuse at Carlekemp was "absolutely rife" and  
17 that boys were divided up amongst the abusers. That  
18 comment, if accepted, does have resonance in the  
19 evidence provided directly to the inquiry.

20 Can I then look at Fort Augustus. Fort Augustus was  
21 founded by the abbey in 1923 and it's understood that  
22 the school was established in response to a desire to  
23 provide education on the same lines as schools already  
24 established in other monasteries.

25 The order has explained the school was seen as

1 providing suitable work for members of the monastic  
2 community and also fulfilling a desire to offer  
3 a Catholic education to boys in Scotland. There was  
4 also the need for an income for the abbey and the  
5 private provision of schooling provided this. The Abbey  
6 School closed in the early 1990s, by that time  
7 attracting decreasing numbers of pupils, resulting in it  
8 becoming economically unviable.

9 The evidence heard from former pupils during the  
10 hearing in this case study relating specifically to  
11 Fort Augustus covered the period from 1959 to the early  
12 1990s, shortly before the school's closure, and again  
13 most of the former pupils who gave evidence have spoken  
14 about physical evidence and a brutal regime, and many  
15 also have spoken of sexual abuse.

16 So if I can turn to physical and emotional abuse.  
17 The practice of boys having to queue outside  
18 SNR rooms, which according to Maxwell, who was  
19 at Fort Augustus from 1960 to 1964, conditioned the boys  
20 into "a submissive state of terror" and this was  
21 a practice also evident in Fort Augustus. The strap and  
22 the cane, with or without pyjama bottoms or other  
23 clothing, was used. Maxwell believes the occasions on  
24 which he was made to strip naked before being caned by  
25 Father MFF constituted sexual abuse.

1           Of some significance also is the evidence of the  
2 number of strokes that might have been inflicted.  
3 Harry, who was there from 1959 to 1964, described how  
4 boys had to kneel with pyjama bottoms down and bend over  
5 a chair and could be hit up to ten times with a cane or  
6 the strap. He too thought that being birched without  
7 pyjama bottoms was some form of sexual gratification.  
8 I can say on the basis of information provided to the  
9 inquiry that [REDACTED] MFF was [REDACTED] SNR from 1959 to  
10 1963 and again from 1968 to 1972.

11           There has been also evidence of mass canings of  
12 naked boys by [REDACTED] MFF where the boys had to watch  
13 as each other was beaten; that in particular came from  
14 Maxwell. Maxwell on one occasion almost escaped but  
15 decided to point out that he had been missed out and, as  
16 a consequence, he received ten strokes of the cane with  
17 the result that blood was running down his leg.

18           James, who was at Fort Augustus from 1961 described  
19 how [REDACTED] MFG caned boys over a chair without  
20 clothing and could inflict up to 12 strokes, causing  
21 welts. It was this witness who said that, uniquely,  
22 [REDACTED] MFF was what he described as "a two-handed  
23 backhander" in his use of the cane, by which he meant  
24 that he used two hands to apply as much force as  
25 possible to the blows.

1           It is to be noted what Sean O'Donovan, who was at  
2 Fort Augustus from 1961 to 1965, described as thrashings  
3 from [REDACTED] MFF [REDACTED] were not just for some misdemeanour,  
4 but also for some educational failing.

5           Boys witnessing each other's injuries in the showers  
6 appears to have been a commonplace event. If Peter's  
7 evidence is accepted -- he was at Fort Augustus from  
8 1973 to 1975 -- then the manner in which he was caned by  
9 [REDACTED] MEV [REDACTED] clearly did have a sexual content. He  
10 said -- and this caning was for no particular reason  
11 according to Peter -- that [REDACTED] MEV [REDACTED] would call  
12 him into his room, have him strip naked, bend over  
13 a chair or the desk, and then rub his bottom before  
14 using the cane.

15           Ian, who I mentioned previously and was at  
16 Fort Augustus from 1973 to 1975, gave evidence of an  
17 occasion when over 30 boys rebelled and launched  
18 a sustained attack on [REDACTED] MFG [REDACTED] causing  
19 significant injury. That, if accepted, is perhaps  
20 indicative of an episode that gives some credence to  
21 Duncan's description, who was at Fort Augustus from 1986  
22 to 1989, that:

23           "At Fort Augustus, the underpinning philosophy of  
24 the school was violence."

25           Bullying was also prevalent at Fort Augustus.

1 Duncan said that he would be goaded into fighting  
2 younger boys and that such behaviour was a constant  
3 theme. He described a particularly serious incident  
4 when he was stripped to his underwear and held  
5 underwater in the school pool and he went on to explain  
6 how he now abhors bullying in all its forms and indeed  
7 continues to have a fear of swimming.

8 According to Sean O'Donovan, his SNR  
9 Father MFE, maintained that bullying was good  
10 for you and made a man of you, and Donald MacLeod said  
11 that Fort Augustus had been "murder" for some boys who  
12 suffered a lot of bullying.

13 Your Ladyship has also heard evidence in this case  
14 study about the role that prefects played in the  
15 hierarchy, particularly at Fort Augustus, and it appears  
16 from evidence that has been heard that prefects had the  
17 authority to punish students and could and regularly did  
18 report pupils to their housemasters for corporal  
19 punishment.

20 There was some evidence of prefects inflicting  
21 physical violence on the younger boys. There was  
22 evidence from Ian, who was at Fort Augustus from 1973 to  
23 1975, of prefects patrolling dormitories and using  
24 hockey sticks to hit children.

25 LADY SMITH: It seemed that when it came to prefects



1 reporting boys for punishment to the housemaster, the  
2 housemaster just took on trust what the prefect told  
3 them about the punishment being needed.

4 MR MacAULAY: They seemed to have been a very important cog  
5 in the wheel, if I put it that way, so far as  
6 punishments were concerned.

7 We heard evidence from Colin Bryce who, during his  
8 time at Fort Augustus, was in fact a prefect. He gave  
9 positive evidence, but he also provided some evidence as  
10 to how the system worked during his time. He said that:

11 "Prefects ran the discipline within the school to  
12 a certain extent."

13 He went on to say:

14 "The prefects issued the discipline for most  
15 offences and they would send the boys to the housemaster  
16 for the more serious offences."

17 And he went on to say:

18 "Prefects had the authority to punish the children,  
19 so I would have said the majority of discipline was  
20 undertaken by the prefects for people who were being  
21 cheeky, they were talking during the prep, they were  
22 turning up late for things, the prefects would issue the  
23 discipline in those respects."

24 And he went on to say that the seriousness of an  
25 offence would inform the judgement of whether to send

1 a boy to the housemaster for corporal punishment.

2 Looking at the issue of sexual abuse, I have already  
3 mentioned the naked beatings that may have involved  
4 a sexual motivation. Donald MacLeod, one of the earlier  
5 witnesses -- and he was at Fort Augustus from 1961 to  
6 1965 -- described how he was raped by Aidan Duggan  
7 in the school darkroom in December 1961, and also that  
8 he reported at least part of what happened to  
9 Father [REDACTED] MKT who was the [REDACTED] SNR at that  
10 time. He wasn't believed. He also told his mother, who  
11 wrote to [REDACTED] MKT whose response apparently was  
12 to cane the witness.

13 [REDACTED] MFC has also been implicated in sexual  
14 abuse, including the rape of Stuart in 1973.  
15 Your Ladyship also heard from Duncan, who was at  
16 Fort Augustus from 1986 to 1989, how [REDACTED] MFC  
17 groomed him and wrote inappropriate letters that Duncan  
18 went on to describe as [REDACTED] MFC behaving like  
19 a lovesick teenager; some of these letters were read out  
20 in the evidence.

21 There was evidence from Hugh Kennedy, who was at  
22 Fort Augustus from 1974 to 1976, that he was sexually  
23 abused by [REDACTED] MEV in the dormitory at night, and  
24 also in what was a yoga session. It would appear that  
25 this was serious abuse with [REDACTED] MEV ejaculating

1 into Hugh Kennedy's mouth.

2 This abuse was also reported to the SNR  
3 Father MMF, who was very dismissive. However, it  
4 does appear that MEV was in Australia  
5 between November 1975 and February 1976 and that might  
6 have been related to the report made to Father MMF

7 But be that as it may, on the basis of Hugh  
8 Kennedy's evidence, there was an obvious opportunity at  
9 this time to protect other children from  
10 MEV sexual abuse. I say that because it  
11 was after that that Peter, who was at Fort Augustus from  
12 1976 to 1981, was sexually abused by MEV  
13 Without looking at the detail of the abuse, it was that  
14 abuse that led to the meeting described in the evidence  
15 between Peter, his parents, and Father MMF  
16 Father MMF later denied having had such a meeting,  
17 but the evidence suggests that such a meeting did indeed  
18 take place.

19  
20  
21  
22 Whatever the case may be, there is no doubt  
23 whatsoever that Father MMF knew that  
24 MEV was guilty of sexual abuse and that was  
25 the reason why he was sent to Australia without any

1 warning provided to the diocese where he was to be  
2 based.

3 There was also evidence that a condition for Peter  
4 remaining at the school was that there was to be no  
5 police involvement. If that's correct, then plainly  
6 that was an unacceptable way of seeking to protect the  
7 school's reputation.

8 Sadly for Peter, the abuse that he suffered at the  
9 hands of [REDACTED] MEV [REDACTED] became common knowledge at the  
10 school and made his life miserable.

11 Father [REDACTED] MFA [REDACTED], often intoxicated, had  
12 a reputation of inviting boys into the science lab and  
13 abusing them. Michael, who was at Fort Augustus from  
14 1977 to 1984, explained how Father [REDACTED] MFA [REDACTED] forced him  
15 to handle his genitals. There was also evidence of  
16 Father [REDACTED] MFA [REDACTED] being sexually aroused during  
17 confession. That came from Roberto, who was there from  
18 1983 to 1987, and evidence that he may have been in  
19 possession of pornographic material.

20 Apart from the evidence of the sexual abuse that  
21 involved the monks, there was also evidence from  
22 Hugh Kennedy at Fort Augustus, 1974 to 1976, and  
23 Michael, who was there from 1973 to 1977, of sexual  
24 abuse by [REDACTED] MFH [REDACTED] at his home. According to that  
25 evidence, [REDACTED] MFH [REDACTED] took inappropriate photographs of

1 Hugh Kennedy and sexually abused him, and he was also in  
2 possession of other photographs of naked boys.

3 [REDACTED] MFH [REDACTED] appears to have been at Fort Augustus,  
4 on the basis of the information provided to the inquiry,  
5 from about 1962 to 1978, a period of 15 to 16 years.

6 There has also been positive evidence in connection  
7 with boys' experiences at the school. For example,  
8 Fred, who was one of the early witnesses, who was at  
9 Carlekemp from 1948 to 1958 (sic) and again at  
10 Fort Augustus from 1954 (sic) to 1959, he provided  
11 a positive account of his time at the school. He did  
12 say that prefects had the authority to punish students,  
13 he said usually a clip around the ear, and he could see  
14 Father [REDACTED] MRQ [REDACTED] as he put it, "losing his cool if  
15 he was pushed", but he said that he had no recollection  
16 of physical or sexual abuse.

17 The witness I already mentioned, Colin Bryce, who  
18 was at Fort Augustus from 1971 to 1978, he also said he  
19 had a very positive experience at Fort Augustus, that  
20 the school was "hard but fair". His [REDACTED] was a [REDACTED]  
21 [REDACTED] there and his [REDACTED] attended,  
22 and he had mostly been --

23 LADY SMITH: And [REDACTED] employed at the school,  
24 I think, isn't that right, as a [REDACTED] at the school?

25 MR MacAULAY: That's right, the [REDACTED].

1           He had mostly been a day boy until his last year  
2 when he boarded. He did recall being bullied by other  
3 pupils and he also gave evidence that  
4 Father [REDACTED] MFF gave a boy six lashes with the  
5 cane, and this boy apparently had run away, and he  
6 witnessed the bruising in the shower.

7           Simon, who was at Fort Augustus from 1978 to 1980,  
8 also provided a positive account from Fort Augustus. He  
9 said Father [REDACTED] MRQ was the housemaster and:

10           "... looked after you, although he was justly strict  
11 and a sound disciplinarian."

12           He believed the discipline was tough but fair and he  
13 had no recollection of any physical or sexual abuse.

14           So my Lady, these are a few examples, and perhaps an  
15 indication that it was possible for children to be  
16 provided with positive experiences at the schools. That  
17 has been a theme that's been evident from other case  
18 studies.

19           In relation to impact, because in addition to the  
20 evidence of their experiences as boys at Carlekemp and  
21 Fort Augustus, many former pupils and their family  
22 members told of the impact, often long term, on them and  
23 their wider families of their childhood experiences  
24 while in the care of the monks and the ways in which  
25 that impact has manifested itself throughout their

1 lives.

2 The way Ian put it, and he was at Carlekemp and  
3 Fort Augustus over a period from 1967 to 1975, is that:

4 "[He] learned to swim in a brutal environment but  
5 that many boys sank and consequently many lives were  
6 shattered."

7 There has also been evidence from monks and staff,  
8 particularly from Fort Augustus.

9 Oral evidence was provided by John, who was a monk  
10 at Fort Augustus from 1950 to 1999, with some absences.  
11 He was convicted of one charge of assault to injury  
12 following a trial. He chose not to answer questions  
13 relating to disclosures made by him in particular to  
14 Bishop Hugh Gilbert in 2013. According to  
15 Bishop Gilbert, John admitted inappropriate behaviour  
16 with two boys whereby he attempted but failed to elicit  
17 a sexual response.

18 Aside from his knowledge of MEV  
19 position, John's position in relation to abuse was  
20 in the main a denial in having seen or heard anything  
21 that caused concern. This was also the position of  
22 Father Colin Geddes, whose statement was read in part  
23 into the evidence, and that of Seamus Coleman, who was  
24 a lay teacher, who said he did not have any concerns  
25 relating to abuse.

1           My Lady, can I mention an issue I raised at the  
2           outset, and that is education. A number of former  
3           pupils spoke negatively of the level of education  
4           offered to them by the Benedictines, particularly at  
5           Fort Augustus, and the adverse effect they consider that  
6           to have had on their lives.

7           Harry said that one of the worrying things -- and  
8           he was talking about both schools -- was that most of  
9           the monks had been pupils there themselves and they  
10          hadn't taught in any other school and had no other point  
11          of reference outside the two schools. And we have seen  
12          how boys who had been pupils at Fort Augustus went on to  
13          become monks at Fort Augustus.

14          Sean O'Donovan said that the teaching was appalling,  
15          he thought very poor quality, and he realised when he  
16          left Fort Augustus and went to King Edward's School in  
17          Bath, where he had to repeat a year, that there had been  
18          huge gaps in the teaching for all subjects.

19          Can I say that an excerpt from Seamus Coleman's  
20          statement -- he was the lay teacher -- perhaps gives  
21          some insight into the teaching, and we're talking here  
22          about a time when he went from teacher training to teach  
23          art. In 1986, he was also asked to teach French and  
24          he had Higher French and had spent six weeks working in  
25          France, and in his statement this is what he said:



1           "As long as I was a couple of pages ahead of the  
2 boys, I could cope. Obviously, it meant every night  
3 I was studying and learning what I was going to do.  
4 I was really just handed two books and told to teach  
5 from them."

6           John, who I've already mentioned, was asked about  
7 communications with inspectors relating to the school  
8 in the mid-1980s, and in particular he was asked about  
9 a letter dated 15 September 1986 from an inspector of  
10 schools, noting that when the writer and another  
11 inspector met John, who was then SNR, they  
12 expressed certain reservations about the quality of much  
13 of the education and the quality of the arrangements for  
14 pupil guidance and school management.

15           John did not remember the correspondence, but he  
16 accepted it must have happened. He was also asked to  
17 look at a further letter from the Scottish Education  
18 Department in October 1986, requesting from John  
19 a detailed plan for action, which incorporated a review  
20 of current staffing and a staged plan designed to ensure  
21 that teachers were appointed who had qualifications and  
22 experience relevant to their teaching duties. Other  
23 points were also raised which implied criticisms of the  
24 arrangements at the school.

25           The SED were looking on the matters raised to be

1 essential to the quality of learning. It appears to  
2 have been the case that around this time, the  
3 registration of the school was in doubt.

4 I have mentioned at the beginning the  
5 dysfunctionality of the order.

6 LADY SMITH: Can I just go back to the failings in education  
7 and the evidence about the view of the inspectors and  
8 the reaction by SNR John, part of which was  
9 to go to the Scottish Council for Independent Schools,  
10 I think, and ask them to tell him what to do. He didn't  
11 seem to understand what was required in terms of a plan  
12 of action, which is all very, very troubling in terms of  
13 the educational standards.

14 What, if anything, do you say about that informing  
15 me on issues of the prevention of abuse of children?  
16 How is it relevant to my task here?

17 MR MacAULAY: I think it fits into the next topic I was  
18 going to look at and that's the whole dysfunctionality  
19 of the order and indeed the school. I think Dom Yeo  
20 said that the order was probably dysfunctional and that  
21 would feed into the school, where I think we know the  
22 teachers were unqualified, parents were paying in large  
23 measure for a poor education, and the impact that that  
24 had on the children themselves when they came to leave  
25 the school.

1 LADY SMITH: So are you saying this is important evidence  
2 in relation to what overall was the order's approach to  
3 the task that they had taken on in providing residential  
4 educational services at Fort Augustus Abbey?

5 MR MacAULAY: Yes, of which they had no experience, at least  
6 at Fort Augustus.

7 LADY SMITH: Yes.

8 MR MacAULAY: It is plain that the levels of education had  
9 an emotional impact on children.

10 But then looking at dysfunctionality, Dom Yeo  
11 accepted that cases of monks from Fort Augustus leaving  
12 and going to other countries, and Australia and Canada  
13 in particular, and not to other monasteries, that these  
14 cases were not normal and represented the fact that  
15 there were problems at Fort Augustus from the very early  
16 days.

17 He went on to say, as I've just mentioned, that he  
18 thought that the abbey was "probably dysfunctional".  
19 And indeed, he provided evidence that in 1967 the  
20 Abbot President of the time asked the Holy See to  
21 appoint an administrator because he considered that  
22 Fort Augustus was in a bad way and someone needed to  
23 take the monastery in hand.

24 There was also evidence that MEV in  
25 particular, and possibly other monks, served as

1 chaplains on child migrant ships without the consent of  
2 the abbot.

3 There are two former surviving monks,  
4 [REDACTED] MFC and [REDACTED] MEV that the inquiry  
5 was anxious to speak to, and it is understood that  
6 proceedings are ongoing in attempting to extradite both  
7 these former monks from Canada and Australia to  
8 Scotland. But as I've said, the inquiry considered that  
9 both could have provided important evidence to the  
10 inquiry in its investigations, particularly standing the  
11 allegations that have been made.

12 In those circumstances, at the inquiry's request,  
13 the Crown Office provided the contact details for the  
14 relevant authorities in Australia and Canada so that the  
15 inquiry could make contact with them. In February 2019  
16 the inquiry wrote to the International Assistance Group  
17 at the Department of Justice in Canada to ascertain  
18 whether they had any objection of the inquiry contacting  
19 Father [REDACTED] MFC and, if not, requesting contact details  
20 for his legal representatives to enable contact to be  
21 initiated.

22 But shortly thereafter, the International Assistance  
23 Group advised the inquiry that it was of the view that  
24 it would be preferable if the inquiry did not contact

25 [REDACTED] MFC [REDACTED]

1 [REDACTED]  
2 Also in February 2019, the inquiry wrote to the  
3 Australian Government Attorney General's department,  
4 again to ascertain whether they had any objection to  
5 contacting Father [REDACTED] MEV and, if not, providing  
6 contact details of his legal representatives.

7 The inquiry was advised that Father [REDACTED] MEV  
8 legal representative was happy for his contact details  
9 to be provided to the inquiry and his details were duly  
10 passed on. However, the inquiry wrote to that legal  
11 representative setting out that they hoped to meet with  
12 Father [REDACTED] MEV in Australia in March 2019 when there  
13 was an inquiry team going to be present there. The  
14 inquiry received no response to that letter. The  
15 inquiry wrote again but again there was no response.

16 So in light of the above discussion, the inquiry has  
17 not been able to obtain witness statements from either  
18 Father [REDACTED] MEV or Father [REDACTED] MFC However, by way  
19 of a section 21 notice, the inquiry asked the Crown to  
20 provide information relating to the processes that have  
21 taken place so far in this jurisdiction relating to both  
22 Father [REDACTED] MFC and Father [REDACTED] MEV and also to  
23 provide an update, what update it can, on the present  
24 position relating to the extradition proceedings  
25 involving each of these individuals.

1           An update has been provided and I understand that  
2           Mr Richardson on behalf of the Lord Advocate intends to  
3           summarise that position in his submission today.

4           LADY SMITH: If I can just intervene at this point, really  
5           to reassure Mr Richardson on behalf of the  
6           Lord Advocate. I want to remind everybody in this room  
7           that although these men's names are being used for  
8           obvious reasons so that we can make sense of the  
9           submissions that I'm hearing, they are protected by my  
10          general restriction order and they cannot be repeated  
11          outside this room. As I think Mr Richardson will  
12          explain, that is particularly important when it comes to  
13          talking about the proceedings you've heard reference to,  
14          the extradition proceedings.

15          Mr MacAulay.

16          MR MacAULAY: My Lady, the final main point I want to touch  
17          upon is that of record-keeping. On the evidence, there  
18          appears to be a paucity of records for both  
19          Fort Augustus and in particular Carlekemp. John, the  
20          former SNR, said he did not keep a record when he  
21          administered corporal punishment to a child and that he  
22          never knew of an instruction to do so.

23          He said that when he was a housemaster, he kept  
24          records for boys in his desk but after two or three  
25          years, he "probably threw them out". He said that

1 academic records were kept, but personal records were  
2 thrown out after a boy left the school:

3 "Because you felt they were out of date, they were  
4 not relevant anymore".

5 He said there was no rule for such disposal but that  
6 "there seemed to be no use for them". He did accept  
7 that these records may have been relevant to the boys  
8 themselves, although not to him.

9 When John was [REDACTED] SNR he said he kept  
10 [REDACTED] SNR reports in his office, but when he stopped  
11 [REDACTED] SNR he probably disposed of them or might  
12 have left them in the office. He said that if he  
13 disposed of them, he would have judged that [REDACTED]  
14 [REDACTED] SNR wouldn't be interested in his old records and  
15 would prefer his own views.

16 When the school closed in the 1990s, John thought  
17 that redundant records were, over a period of time,  
18 disposed of on an ongoing basis.

19 So my Lady, that is, as it were, an account of the  
20 approach to record-keeping directly from one of those  
21 who may have had some responsibility for record-keeping.

22 As I said at the outset, my Lady, the order's  
23 position was spoken to on the final day of evidence by  
24 Abbot Geoffrey, who had sat through each day of  
25 evidence, and he fully accepted that both physical and

1 sexual abuse had taken place at the school, and he  
2 apologised for that.

3 So in short, your Ladyship will have to consider all  
4 the evidence of the former pupils, including those with  
5 positive accounts, and of course those containing  
6 allegations of abuse, with the accounts of the surviving  
7 monks and staff who worked at Fort Augustus and the  
8 accounts of the other witnesses, and will ultimately  
9 have to decide whether the evidence of former pupils is  
10 accepted in relation to the abusive practices, and in  
11 particular the brutal regime and sexual abuse spoken to  
12 in evidence.

13 To repeat, that task is perhaps assisted to  
14 a significant degree by the order's acceptance, both in  
15 evidence and in their submissions, that abuse, both  
16 physical and sexual, took place at Fort Augustus and at  
17 Carlekemp.

18 So my Lady, those are my submissions.

19 LADY SMITH: Thank you very much, Mr MacAulay.

20 I would now like to turn to Mr Scott, who has  
21 a closing submission to make on behalf of INCAS.

22 Closing submissions by MR SCOTT

23 MR SCOTT: Thank you, my Lady.

24 I think the truth will probably come out, but it may  
25 take some time to do so. This quote is from



1 Abbot Richard or Dom Yeo in a note discussed in his  
2 evidence on Day 149. The note related to the BBC  
3 programme "Sins of Our Fathers" and included what  
4 Dom Yeo said was a warning from him to Father MMF  
5 that he was going to be attacked about what he knew and  
6 when, in effect the suggestion that he had been engaged  
7 in some sort of cover-up.

8 But the quote might also be thought apt to describe  
9 what is happening with the important work of this  
10 inquiry. The truth has been coming out, it has  
11 continued to come out during this case study, and will  
12 continue hereafter. But once again, there has been some  
13 dishonesty and dissembling, quite rightly rejected,  
14 in the submissions on behalf of the Congregation.

15 On behalf of INCAS I turn to my closing submissions  
16 then into this case study, and acknowledge the  
17 attendance of Abbot Geoffrey Scott throughout. The  
18 survivors appreciate his presence to listen to their  
19 testimony and are glad that he has been able to hear the  
20 truth first-hand. It undoubtedly informed his evidence  
21 11 days ago and his acceptance of moral responsibility  
22 and his sincere apology is significant and is likely to  
23 help at least some survivors.

24 I should also record the survivors' appreciation for  
25 the clear and unequivocal position outlined, or about to

1 be outlined, in the closing submissions prepared by  
2 Mr Reid on behalf of the Congregation. The survivors do  
3 listen to these things, my Lady, and it is important.

4 As the inquiry has heard, apologies that are  
5 unprompted and sincere are more helpful. Some of what  
6 the inquiry has heard from the Congregation has been  
7 described by one survivor as "mealy-mouthed". I don't  
8 wish to be unfair to any individual, especially as some  
9 of their words or the position outlined by them may have  
10 been crafted by others, but some of what Dom Yeo had  
11 previously offered might have been described as counting  
12 angels dancing on the head of a pin.

13 In an interview in The Guardian in 2013 -- and the  
14 reference is in the footnote -- he said:

15 "I would say we have a collective concern as  
16 Benedictines. You can only exercise responsibility if  
17 you exercise some sort of control and we didn't exercise  
18 some sort of control over Fort Augustus. It was an  
19 independent monastery."

20 So at first everyone is concerned, perhaps even  
21 sorry, but no one is responsible. The position changed  
22 a little perhaps over time. On Day 12 of the inquiry,  
23 Dom Yeo said of the Congregation and arrangements for  
24 monasteries:

25 "The way I often describe it is that the

1 Abbot President doesn't run the monastery; he ensures  
2 that the monastery is properly run."

3 And of the Congregation he said:

4 "It has no remit or authority to acknowledge or  
5 accept abuse on behalf of the former Fort Augustus  
6 Abbey."

7 In fairness to Dom Yeo, he also recognised some of  
8 the issues which might accompany isolation. And this  
9 was back over two years ago:

10 "If things start to go wrong and if there is no one  
11 to come in from outside, things can start going very  
12 wrong."

13 And added to some of the problems of a negative  
14 atmosphere which exists in isolation is perhaps the  
15 element of self-perpetuation if boys who were pupils  
16 then return as monks and perhaps are used to  
17 a particular atmosphere.

18 Dom Yeo also said that the Holy See had ultimate  
19 responsibility but not ultimate control. I suggest it's  
20 clear that the Congregation has moved on from technical  
21 and legalistic formulations, which are designed perhaps  
22 to obscure but instead only highlight and exacerbate,  
23 and the position is very clear now. But just before  
24 moving on from that, Des Vincent Austin commented  
25 specifically on Abbot Richard's approach on Day 145:

1           "The purpose was to reduce the dangers arising from  
2           the excess of isolation [as he called it] of individual  
3           monasteries. He can't have it both ways. The  
4           Congregation either didn't know what was going on, in  
5           which case they failed in their overseeing role, or they  
6           knew but took no action and were complicit in covering  
7           up abuse."

8           And it may be that the reality is a bit of both of  
9           those.

10          Autonomy and isolation might be used in other more  
11          strictly legalistic settings as a means of denying  
12          responsibility but are deeply unappealing in the context  
13          of this inquiry. Some of the arrangements might even be  
14          traced back to the Rule of Benedict, but there have been  
15          sufficient clues as to true responsibility and  
16          Abbot Geoffrey's evidence on this point should be  
17          preferred.

18          Moving on, my Lady, my Lady enquired of Sister Bauer  
19          as to whether the Rule of Benedict mentioned the correct  
20          approach to children, and Sister Bauer thought that it  
21          did not, but it appears that there is a reference. It's  
22          in Chapter 31 of the Rule, which relates to  
23          qualifications of the monastery cellarer and perhaps not  
24          therefore of wider application, although one would have  
25          thought that this quote would --

1 LADY SMITH: It doesn't sound like the chapter you'd look at  
2 to find principles that should be adopted in relation to  
3 children.

4 MR SCOTT: It doesn't, my Lady, no. Clearly of wider  
5 application or it should have been:

6 "Let him take the greatest care of the sick, of  
7 children, of guests, and of the poor, knowing without  
8 doubt that he will have to render an account for all  
9 these on the Day of Judgment."

10 Interestingly, having looked at the Rule again, it  
11 may be that it anticipated some of the abusers who  
12 entered the order or the type of individuals. And this  
13 is in Chapter 1 on the kinds of monks:

14 "The fourth kind of monks are those called  
15 gyrovagues, who spend their whole lives tramping from  
16 province to province, staying as guests in different  
17 monasteries for three or four days at a time, always on  
18 the move with no stability. They indulge their own  
19 wills and succumb to the allurements of gluttony and are  
20 in every way worse than the sarabaites. Of the  
21 miserable conduct of all such men, it is better to be  
22 silent than to speak."

23 So perhaps the type is not new.

24 With the Congregation's involvement in abuser  
25 migration, despite the Benedictine vow of stability, and

1           that's one of the matters that highlights --  
2       LADY SMITH: Yes, your reference to the gyrovagues is  
3           interesting. As I understand it, they weren't  
4           necessarily thought of as being bad men, but if you go  
5           into an order like the Benedictines that requires you to  
6           commit and specifically has a vow of stability, so you  
7           are committing to not just that order, as I understand  
8           it, but the particular monastery long term, that's where  
9           you're going to be, you're not going to keep looking for  
10          where the grass might be greener, of itself, to go off  
11          wandering persistently, seeing if you can find something  
12          better, flies right in the face of everything they  
13          believe in about creating a healthy monastery.

14                 But of course we have heard in relation to  
15          Fort Augustus -- and you've already touched on it in  
16          looking at isolation -- the risks of perhaps being, dare  
17          I say, too stable or too comfortable in your own  
18          environment, without bringing in people who have been  
19          elsewhere and have learning to share with you.

20       MR SCOTT: It's a complicated picture, my Lady.

21       LADY SMITH: It is.

22       MR SCOTT: And a healthier form of isolation would clearly  
23          have been preferable.

24                 I think I'm perhaps superimposing matters relevant  
25          to the inquiry on to what is attributed to St Benedict.

1 LADY SMITH: But it's interesting, and that's obviously what  
2 Benedict felt about these types of people and you can  
3 see that's a risk.

4 MR SCOTT: Indeed. And the question of stability is  
5 relevant because how the movements then happen should  
6 have attracted more attention, even in relation to the  
7 Congregation's own approach to things.

8 So with their involvement in abuser migration,  
9 despite the Benedictine vow of stability and  
10 long-lasting silence, it may be that the Congregation  
11 were unwittingly attentive to this part of the Rule.

12 The Congregation knew of abuse and should have known  
13 or suspected of other abuse and yet in practice simply  
14 ignored it, content to take no meaningful precautions,  
15 far less inform the police or other authorities.

16 And the emphasis for the Congregation was on the  
17 abuser rather than the abused. It may be that in the  
18 hearts of some brothers, a sense of compassion and  
19 forgiveness played its part there. Again in the Rule of  
20 Benedict there is a reference to persisting with those  
21 who have sinned. And in a faith that's based on the  
22 possibility of redemption for all, one can see how too  
23 great a hope that abusers might change could survive  
24 beyond the point when it should have.

25 But sadly, as we have seen, blind faith, inadequate

1 communication, poor records and minimal or non-existent  
2 precautions were not enough to save future victims.

3 Moving the abusers around in the face of  
4 foundational aspects of the order and the Congregation  
5 regarding stability suggests perhaps more of a desire to  
6 conceal or move on or deny the problem and the abuse  
7 rather than face it. It also courted the risk,  
8 seemingly acceptable to the Congregation in preference  
9 to disclosure, of creating these future victims, with  
10 other parts of the church even and future victims  
11 therefore oblivious to what was perhaps on one view  
12 always likely to happen again.

13 Indeed, in a study featuring much which is truly  
14 appalling, it may be the clear evidence of known and  
15 suspected abusers being moved on is one of the worst  
16 aspects, and obviously there are the examples of those  
17 who went to Australia and Canada.

18 Although Sister Bauer's evidence was interesting, we  
19 look forward to further discussion about canon law  
20 regarding the implications, if any, of papal secrecy for  
21 the approach of the church. I think Sister Bauer  
22 accepted herself that that was not her area, but it may  
23 be that that's something that will require to be  
24 explored.

25 I turn now to the questions of fact which



1 your Ladyship could or should find established on the  
2 evidence heard in this chapter. Again, there has been  
3 evidence of abuse, indeed institutional abuse or  
4 a culture of abuse, which is supported by a number of  
5 witnesses, and the inquiry has again heard of abuse  
6 described by individuals of different backgrounds and  
7 ages, resident at different times, not known to each  
8 other.

9 As with previous case studies, although there's  
10 perhaps an element of greater continuity in one way or  
11 another, what happened did not involve only one or two  
12 abusers, it didn't last just for a short time, there  
13 were many abusers and abuse took place over many years.

14 My submissions are in general terms, again, and  
15 chime with evidence and submissions in earlier case  
16 studies.

17 My first heading is "General atmosphere". It seems  
18 from most of the evidence that the atmosphere in these  
19 establishments was very far from nurturing. There was  
20 little or no warmth, but rather a constant air of menace  
21 and threat. Hate and fear, as opposed to love, was at  
22 the heart of these schools, and even monks who were not  
23 involved in abuse, some of whom were clearly good men  
24 trying to do their best, it couldn't compensate for  
25 those who abused boys in their care. The approach was

1 summarised by Ian on Day 151 as:

2 "Crush the spirit and rebuild in some other image."

3 Ian also spoke of the incident which Mr MacAulay  
4 mentioned of the brief uprising of boys on the occasion  
5 of the punishing but pointless relay race, which ended  
6 with several boys attacking one of the monks. It is  
7 quite a telling incident, I suggest, and it stood out as  
8 demonstrating the great reserves of spirit in an  
9 otherwise crushing environment.

10 It seems also that, for example, the lack of  
11 privacy, albeit not as serious as some of the other  
12 things -- in the lack of privacy in washing, for  
13 example, it added to the oppressive atmosphere.

14 So far as education is concerned, I say a little.  
15 For all that that was the basis of the care, it seems  
16 that teaching was not a sufficient priority to even try  
17 to bother with relevant qualifications. We heard the  
18 complaints of poor education with little regard for most  
19 boys achieving their academic potential and the  
20 long-term damage that some spoke to.

21 Next, I turn to control, discipline and punishment.  
22 Discipline was important to the Benedictines, perhaps  
23 even going back again to the Rule of Benedict. In  
24 Chapter 2 of the Rule, which indicates the sort of man  
25 an abbot should be, it says:

1           "And let him not shut his eyes to the faults of  
2 offenders [that's perhaps an ironic start] but since he  
3 has the authority, let him cut out those faults by the  
4 roots as soon as they begin to appear, remembering the  
5 fate of Eli, the priest of Silo..."

6           This was someone who was overly indulgent to his two  
7 sons, whose corrupt behaviour brought ruin on his own  
8 family and the country:

9           "The well-disposed and those of good understanding,  
10 let him correct with verbal admonition the first and  
11 second time, but bold, hard, proud and disobedient  
12 characters he should curb at the very beginning of their  
13 ill-doing by stripes and other bodily punishments,  
14 knowing it is written, 'The fool is not corrected with  
15 words', and again, 'Beat your son with the rod and  
16 you will deliver his soul from death'."

17           While it may have been, as we heard, advanced and  
18 restrained by comparison to what else was happening in  
19 the sixth century -- and I, of course, refer to the Rule  
20 -- it is impossible not to be struck by how a violent  
21 monk might find some support or comfort in the Rule for  
22 what we recognise as abuse, even if at the time it was  
23 presented as merely rigorous discipline.

24           Discipline in a care and educational setting should  
25 not ever rely on threat, fear and punishment.

1           Boys of all ages were assaulted with little or no  
2           justification, even in the days of widespread use of  
3           corporal punishment. Arbitrary violence involved  
4           assaults and beatings of all sorts, with and without  
5           implements. It included regular use of the belt, but  
6           also the cane and the birch, and at Fort Augustus  
7           a practice that I don't think we've heard of anywhere  
8           else involving assaults with a hockey stick.

9           Some of this abuse was accompanied by obvious  
10          injuries, welts, bleeding, such was the severity of the  
11          attacks. Witness Harry on Day 142 described some of  
12          punishments as "barbaric". Taunting, jeering and  
13          humiliation appears also to have been used in a wholly  
14          inappropriate effort to toughen up the boys.

15          Even without weapons, there was punching and other  
16          acts of physical violence done as a means of control,  
17          discipline and punishment as well as, on occasions,  
18          simply through loss of temper. They punished any  
19          incident of perceived or actual disobedience or  
20          misbehaviour or occurred for no reason at all.

21          Turning to sexual abuse, which was also a feature of  
22          this case study, boys were subjected to this form of  
23          abuse by monks with a degree of grooming apparent in  
24          some of the behaviour described. Reading books to boys  
25          at bedtime, for example, a seemingly innocent, even

1 a positive activity, appears to have been used in  
2 grooming or at least positioning for opportunities of  
3 abuse by Father Aidan Duggan, and that was witness  
4 Joseph on Day 143.

5 Disturbingly, it appeared to witness Harry on  
6 Day 142 that some of the physical abuse was used to  
7 groom boys on the basis that they might almost be  
8 grateful for an end to the physical abuse and therefore  
9 conditioned almost to welcome the sexual abuse as  
10 "better" than the violence they had experienced.

11 Sexual abuse included indecent touching and  
12 significantly more serious sexual activity, including  
13 rape. Some of the physical abuse, and Mr MacAulay has  
14 mentioned this -- for example birching naked bottoms --  
15 also seemed to witness Harry on Day 142, and others, to  
16 have a sexual element to it.

17 Awareness of and response to abuse. Boys made  
18 complaints of abuse, and that must have been something  
19 requiring great courage. But their complaints were not  
20 pursued by those to whom they were made, or not  
21 sufficiently pursued if at all.

22 We have the evidence of what was disclosed to  
23 Father MMF I suggest that the discrepancies in  
24 his accounts, to the extent that they're material,  
25 contrasted with the evidence that he was told directly,

1 would allow your Ladyship to make a finding that he was  
2 told in that way, that nice issues of who was  
3 responsible for dealing with the information came up  
4 there, but I suggest that the evidence is good enough  
5 for your Ladyship to hold that he was told. This may  
6 have implications for what he himself should have done  
7 with the information because there was rather too much  
8 of the, "Well, it was someone else's responsibility to  
9 do something", and no one else ever did.

10 Dom Yeo, for example, said -- and one could  
11 sympathise with this -- that he didn't really know what  
12 to do with the allegations of the Walls brothers. You  
13 can sympathise to a point. The Walls brothers'  
14 suggestion of speaking to Father MFC was  
15 problematic for reasons which are obvious now. But that  
16 would only justify sympathy up to a point and for a very  
17 short time.

18 Known abusers were allowed to move on to other parts  
19 of the church with no attempts to ensure that necessary  
20 precautions were taken to avoid any repetition. The  
21 witness James on Day 143 used the phrase "pass the  
22 paedophile" to describe the approach.

23 It may be another example of the Congregation  
24 placing too much trust in the individuals concerned or  
25 not knowing what to do, but I suggest that your Ladyship

1 would be entitled to make a finding that it was  
2 inexcusable even by the standards of the time.

3 The interconnectedness of some of the abusers in  
4 this case study was at times suggestive of a network.  
5 To compound this, it seems remarkable that some of the  
6 Congregation's discussions in Australia about the  
7 abusers it had allowed to migrate there were with  
8 Cardinal Pell, yet another man of God convicted of  
9 sexual abuse and currently serving six years in prison  
10 as the most senior Catholic official to be convicted.

11 Your Ladyship will recall that he was receiving  
12 apologies in relation to the transfers of men over  
13 there, not full transfers, men for whom the Congregation  
14 in Scotland were still ostensibly responsible.

15 But given Cardinal Pell featuring, it is little  
16 wonder that people see the church having involved  
17 paedophile rings, things that crossed monasteries, they  
18 crossed borders, they crossed continents.

19 Those, my Lady, are the submissions on behalf of  
20 INCAS. Once again, my Lady, I wish to thank you and the  
21 inquiry team, especially Mr MacAulay and Ms MacLeod, but  
22 also those who work unseen in the background, for  
23 continuing to deal with people in a sensitive and  
24 trauma-informed manner.

25 I should say that your Ladyship pointed out recently

1           that there was an extremely inaccurate way of describing  
2           what was suggested as a break for the inquiry. The  
3           survivors recognise that the inquiry is working hard  
4           throughout the course of the year and that the public  
5           hearings are really just the public face of it. They  
6           are very, very important and they're important for the  
7           survivors, but a lot of the crucial work of the inquiry,  
8           it is recognised, goes on unseen.

9           LADY SMITH: Thank you, Mr Scott, and thank you in  
10          particular for that recognition. Those who are never  
11          seen in this room but are working very hard elsewhere  
12          will be very grateful for that. It'll be passed on to  
13          them. Thank you.

14          Could I now turn, please, to Mr Richardson who's  
15          here for the Lord Advocate. When you're ready,  
16          Mr Richardson.

17                        Closing submissions by MR RICHARDSON


18          MR RICHARDSON: Thank you, my Lady.

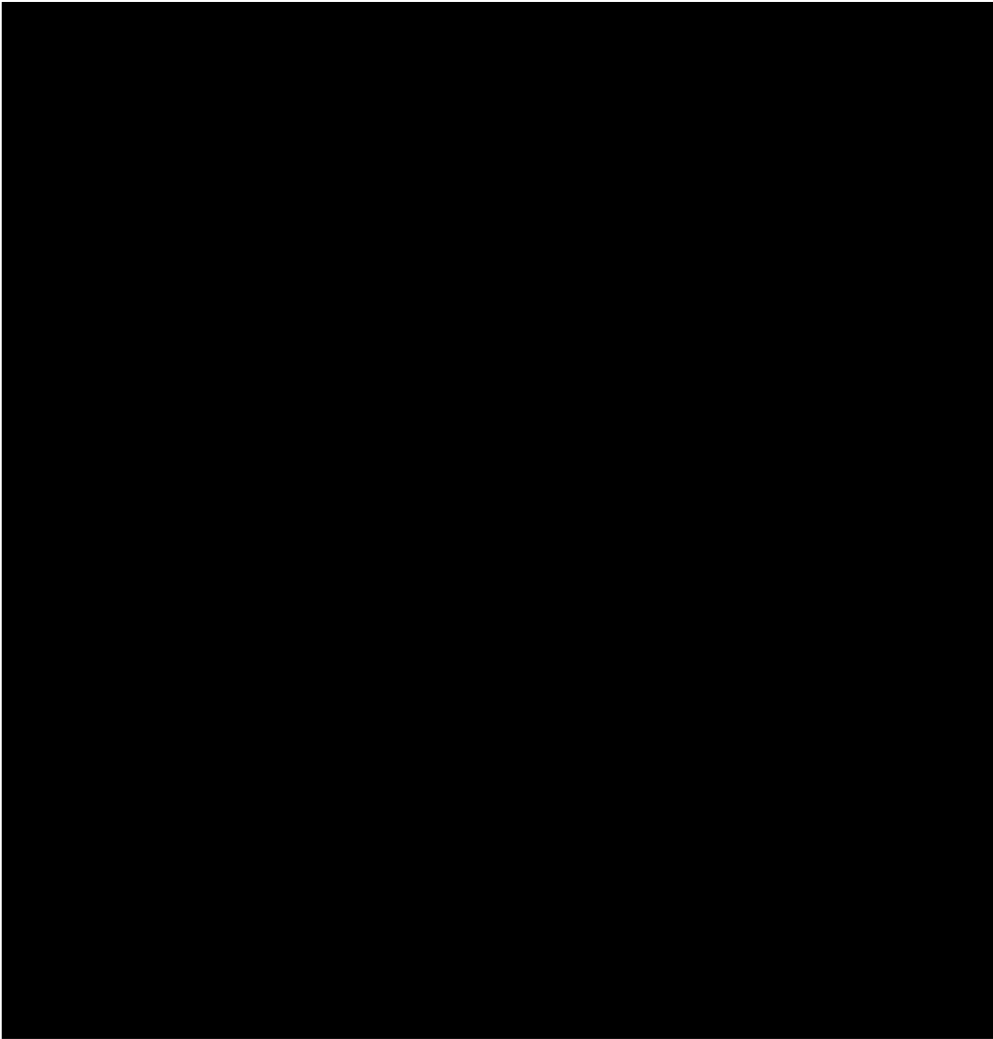
19                Thank you for this opportunity to make a closing  
20                submission to the inquiry on behalf of the  
21                Lord Advocate. I do so representing the Lord Advocate  
22                as head of the system of criminal prosecution in  
23                Scotland, and as responsible for COPFS, that is the  
24                Crown Office and Procurator Fiscal Service.

25                During the present case study, the inquiry has heard



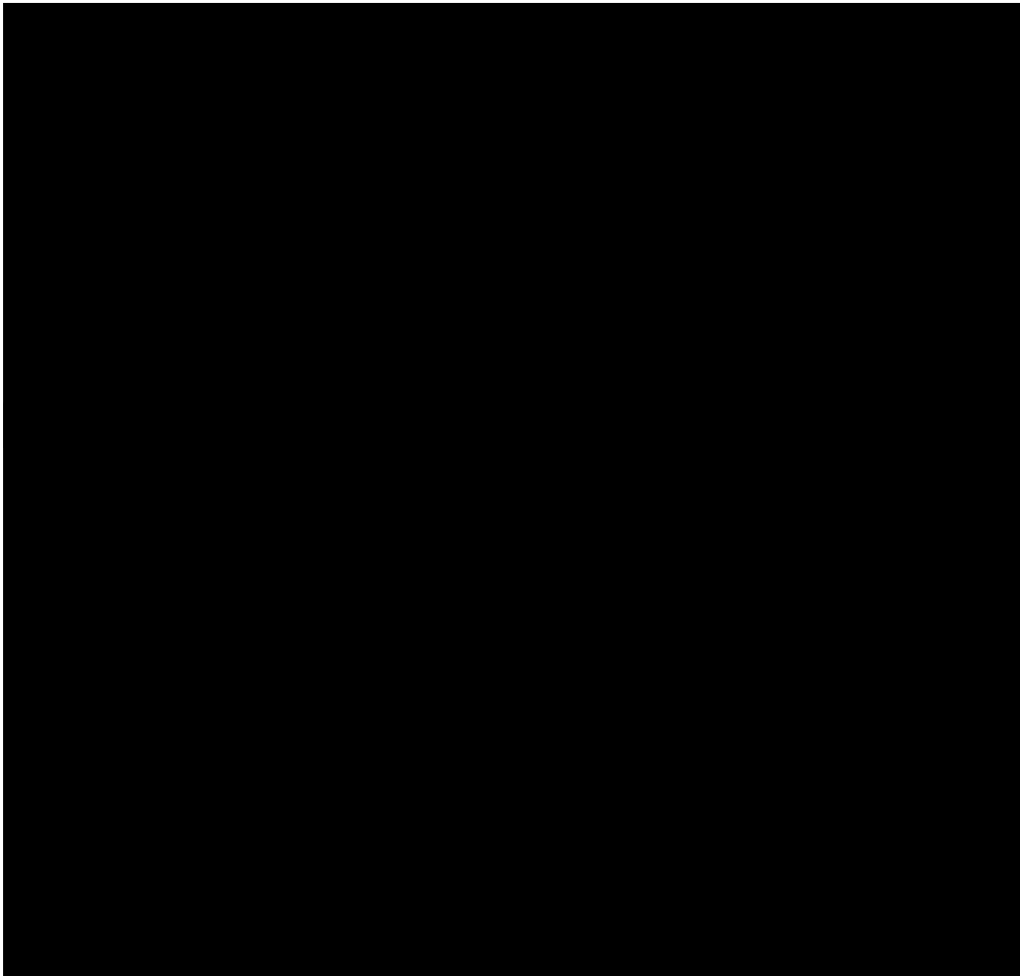
1 evidence of physical, sexual and emotional abuse  
2 perpetrated against children within residential care  
3 establishments run by the Order of Benedictines at  
4 Carlekemp Priory School and at the Fort Augustus Abbey  
5 School.

6 Evidence has been provided to the inquiry that some  
7 complaints of abuse were reported to and thereafter  
8 investigated by the Crown Office and Procurator Fiscal  
9 Service. Indeed, the inquiry has heard evidence that  
10 prosecutorial action has been taken in relation to   
11 individuals against whom complaints were made.

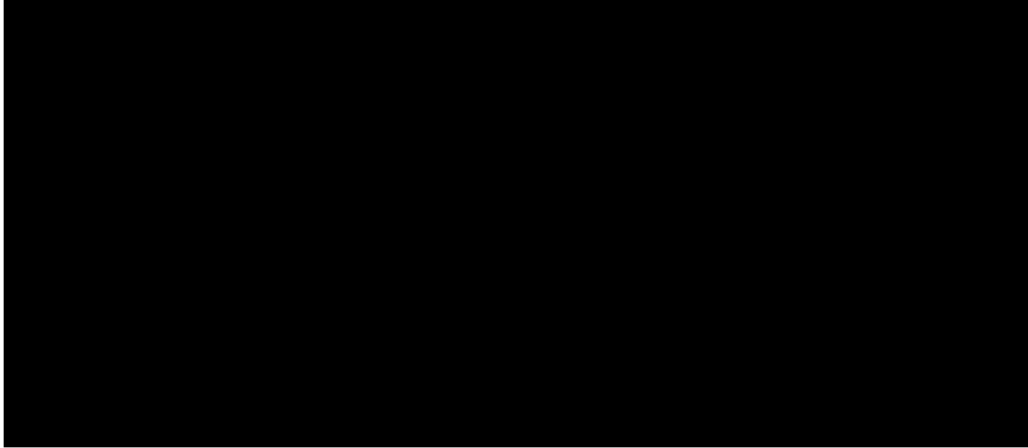



1           My Lady, I shall now address the inquiry in relation  
2 to the [REDACTED] individuals in respect of whom  
3 criminal and extradition proceedings are on ongoing,  
4 namely [REDACTED] MEV [REDACTED] and  
5 [REDACTED] MFC [REDACTED]

6           As my Lady will be aware, and as Mr MacAulay has  
7 advised this morning, the inquiry formally requested, in  
8 terms of section 21 of the Inquiries Act 2005, the  
9 following information in relation to these two  
10 individuals from COPFS.



1 response in a moment, but I would like to emphasise two  
2 points.




10 The Lord Advocate considers it appropriate in his  
11 support of the inquiry that I should read the response  
12 to the inquiry as part of my closing submission, 



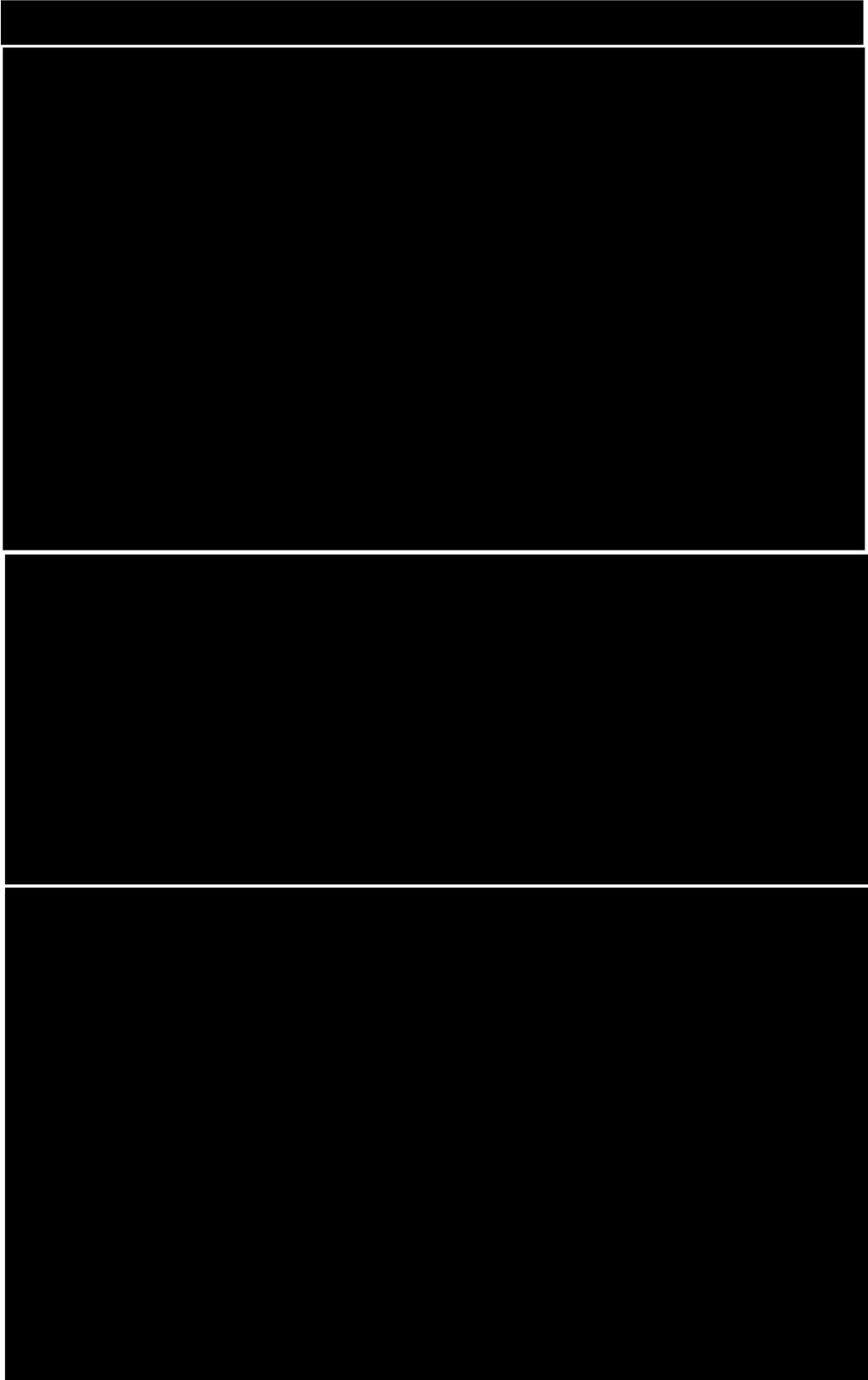
16 the extradition proceedings are underway and, second,  
17 that the two countries involved are Australia and  
18 Canada. I understand from very helpful discussions  
19 I have had with counsel to the inquiry that my Lady is  
20 content to grant that request.

21 LADY SMITH: Yes, that's right. As I have already alluded  
22 to, of course the men cannot be identified in any way.

23 MR RICHARDSON: I'm very grateful, my Lady.

24 With that preamble, I now propose to read the  
25 response. 

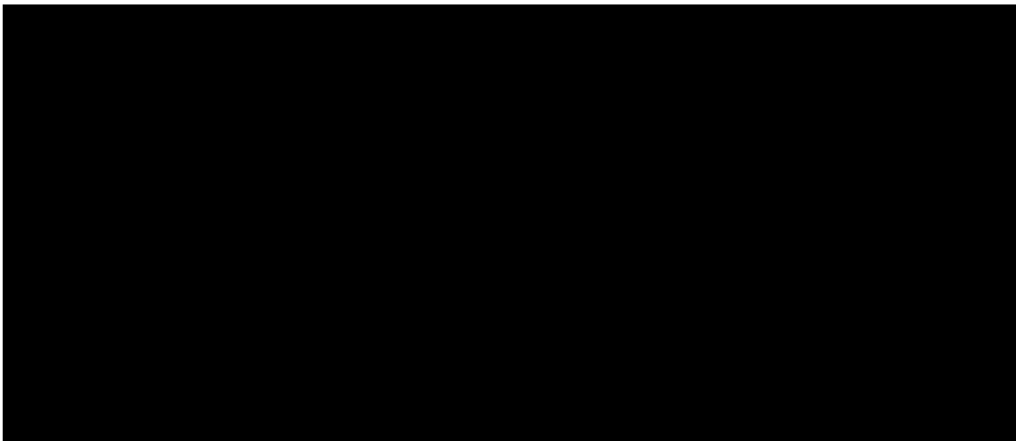
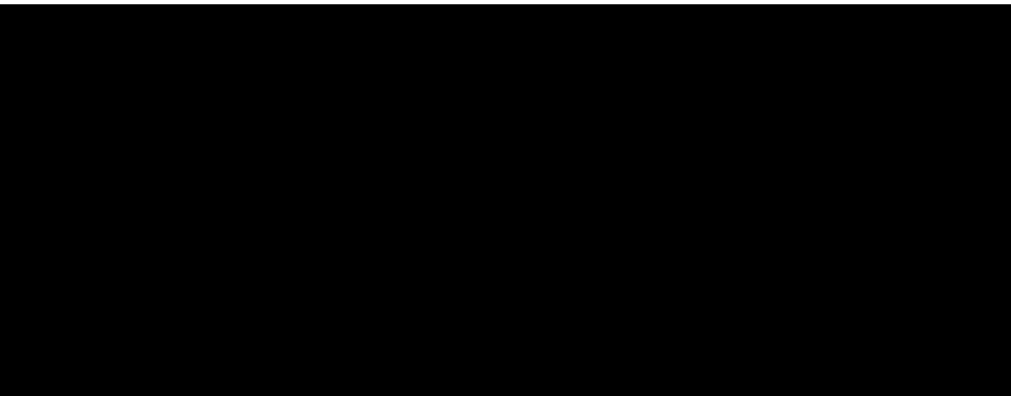
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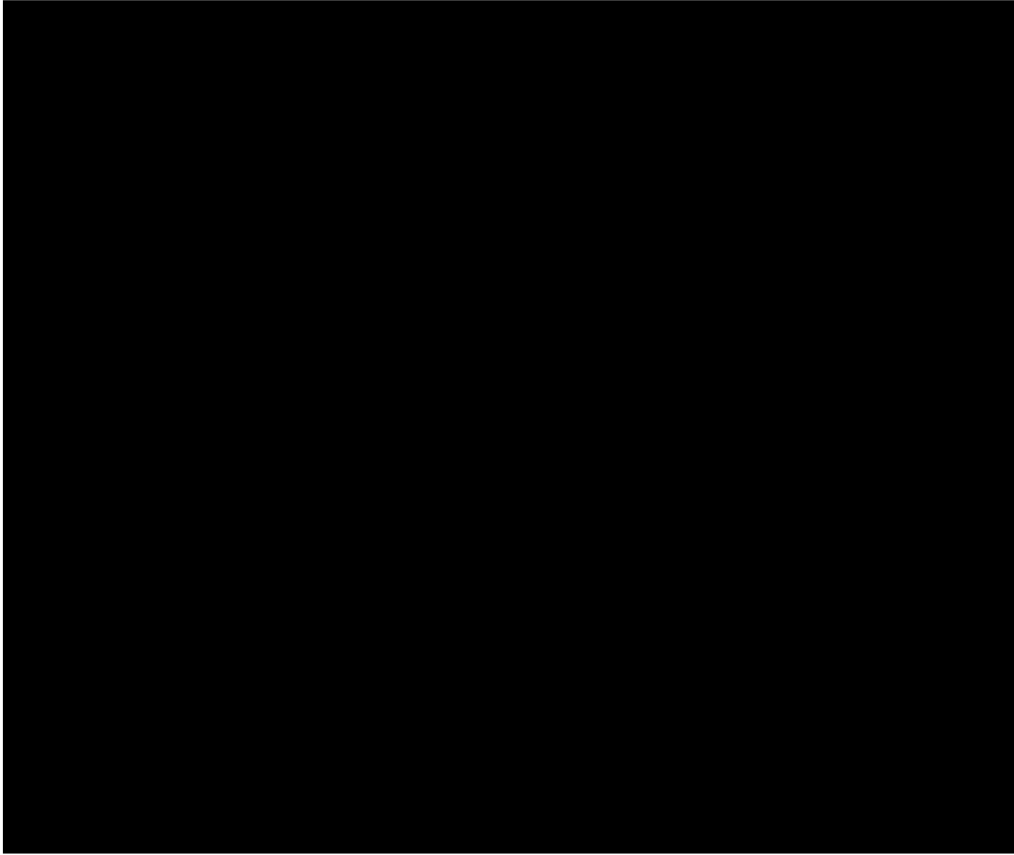
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Turning then on the second request as to the ongoing live extradition proceedings, I can confirm that there are ongoing live extradition proceedings in Australia in respect of [REDACTED] MEV [REDACTED] and in Canada in respect of [REDACTED] MFC [REDACTED]



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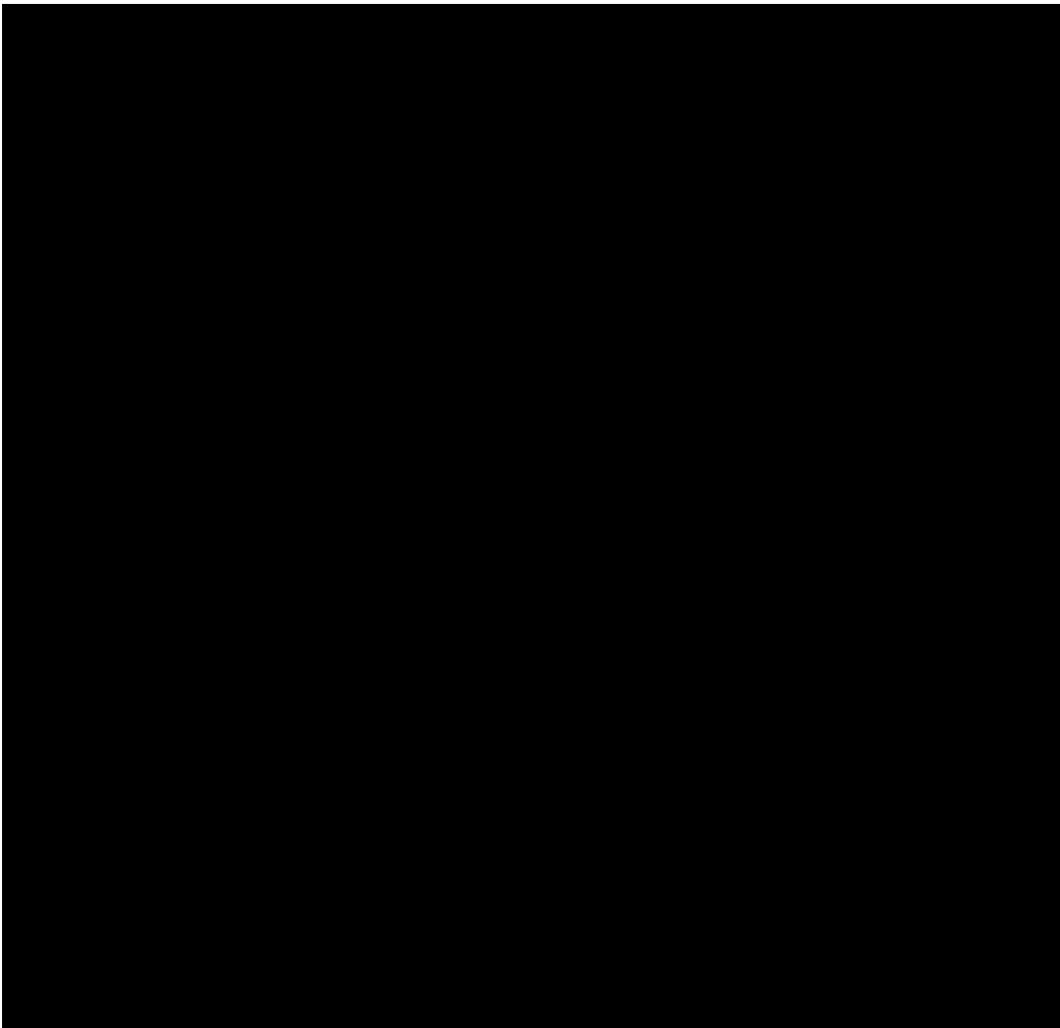


The approach of both the Australian and Canadian authorities is consistent with the well-recognised international convention that requesting states do not publicly comment on proceedings taking place in executing states. Any perceived breach of either this convention or, specifically, a request by an executing state by the Lord Advocate, or any other person, risks being viewed adversely with the consequence that trust will be undermined. It is axiomatic that mutual trust and respect underpin international relations in this field.

Furthermore, any perceived failings risk being

1           regarded as those of the UK in general and not of the  
2           Lord Advocate or Scotland in particular. As a result,  
3           any consequence may be felt in all of the jurisdictions  
4           of the UK.

5           For those reasons, the responses which have been  
6           formulated to fulfil the Lord Advocate's statutory  
7           obligation to comply with the inquiry's notice and  
8           assist the inquiry so far as possible at the same time  
9           seek to balance the Lord Advocate's international  
10          obligations.



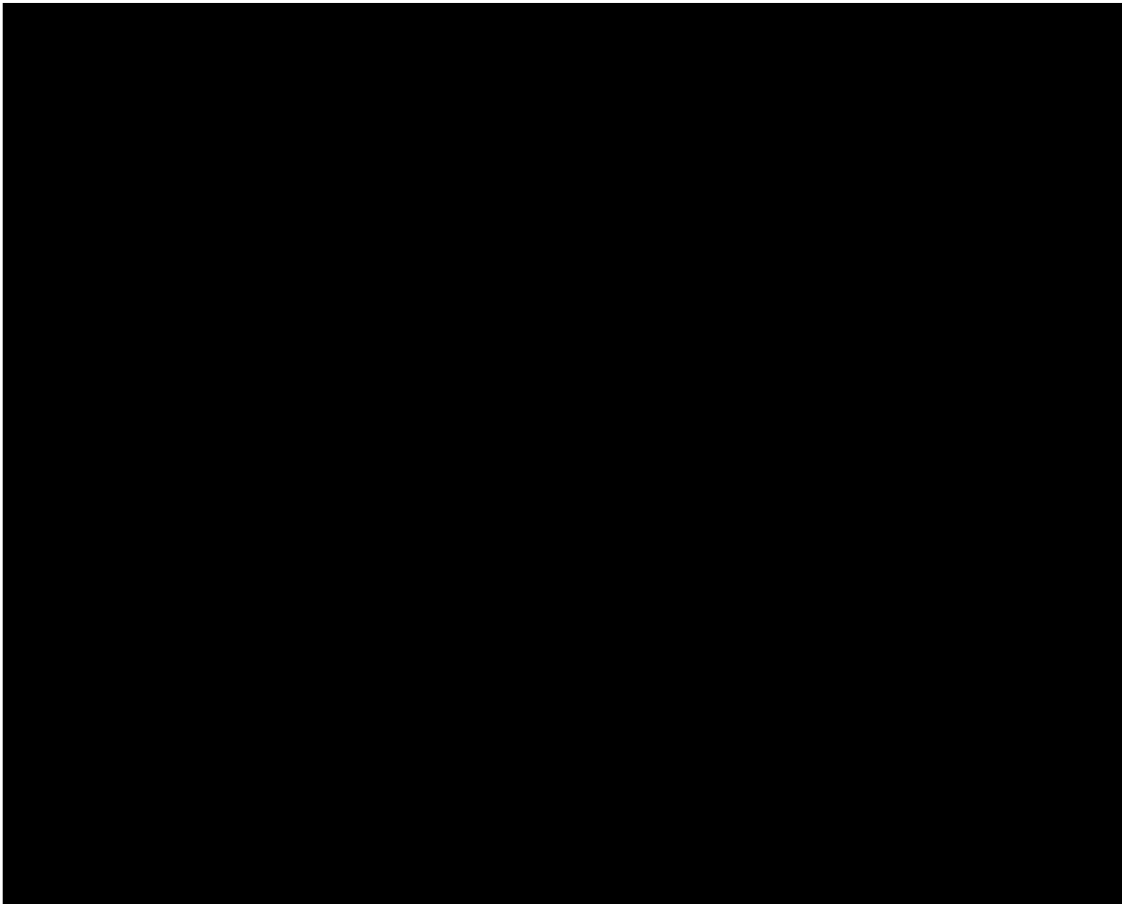
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MR RICHARDSON: Absolutely, my Lady. I'm extremely grateful on behalf of the Lord Advocate for that clarification, which I'm sure all those present will have heard.

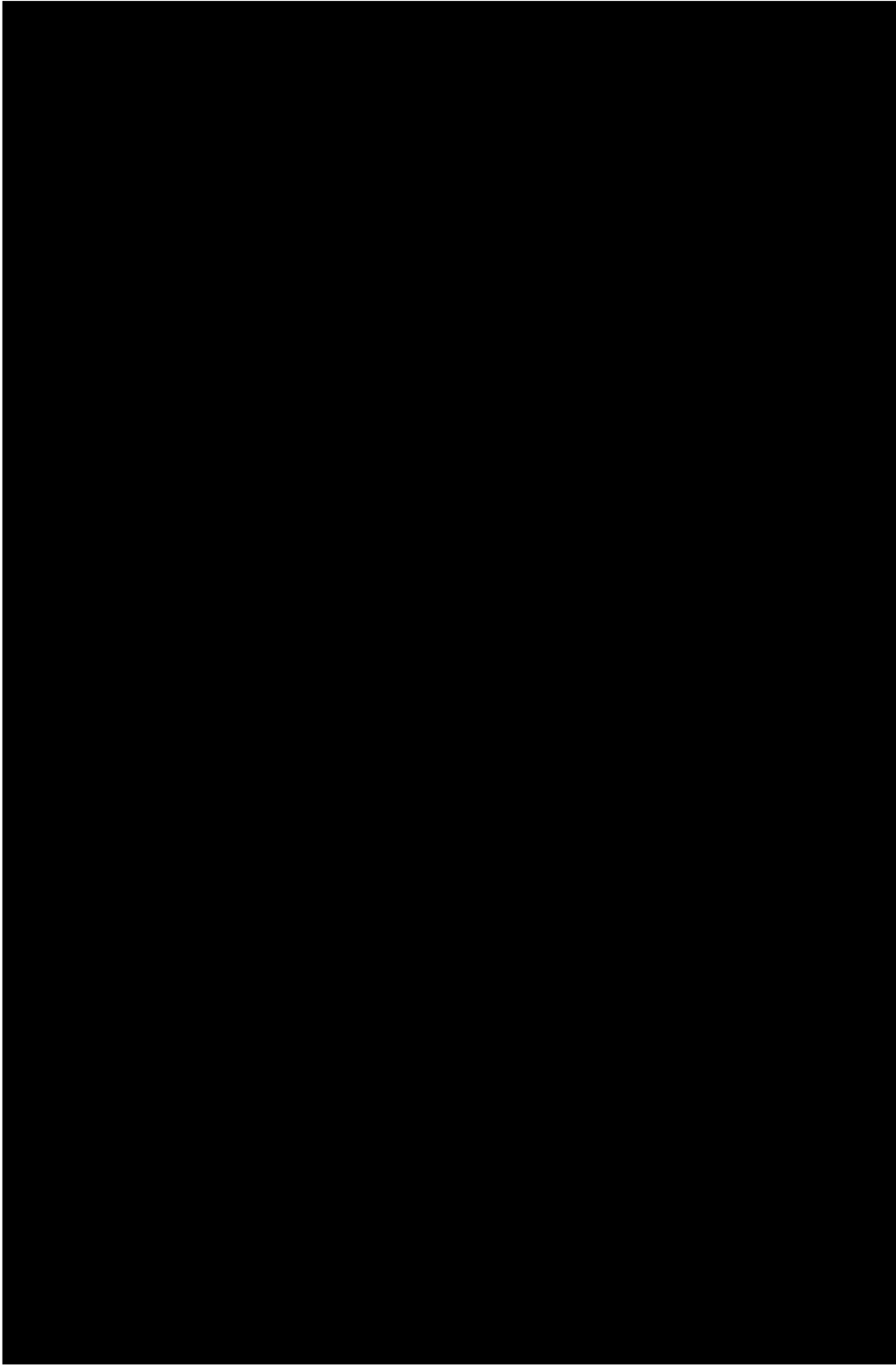
LADY SMITH: I'm certainly content with that and there is nothing that this inquiry would want to do that could in any way damage the efficacy of those proceedings or indeed cause problems elsewhere within the United Kingdom.

MR RICHARDSON: I'm extremely grateful, my Lady.

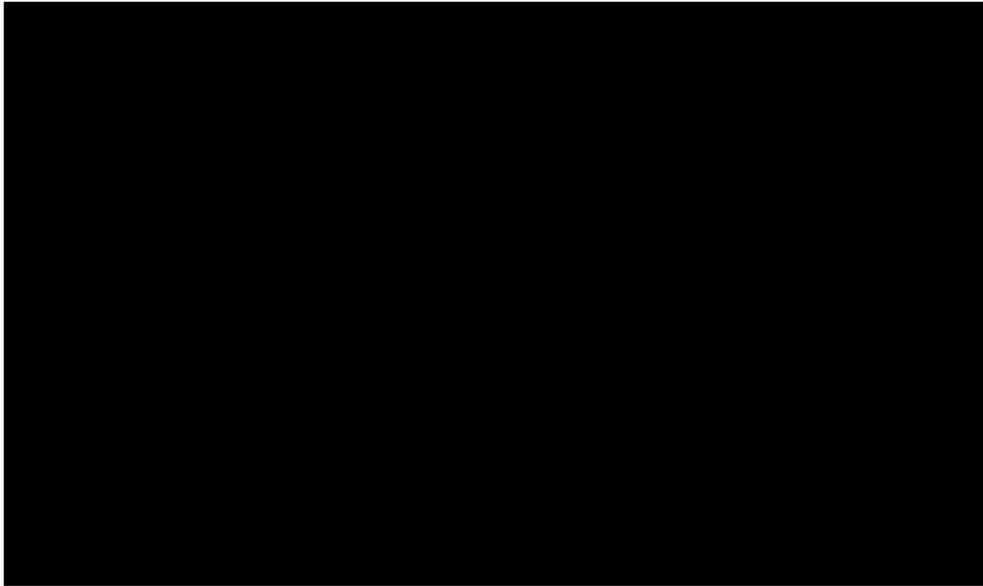




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10           My Lady, that concludes the response made by COPFS  
11 to the section 21 notice.

12           A final point I would wish to make in submission,  
13 my Lady, is that during the course of the present case  
14 study, the inquiry has heard evidence from individuals  
15 which was critical of the length of time taken by COPFS  
16 to prosecute those reported and as to the communication  
17 with survivors during that process. My Lady will have  
18 seen that, as far as possible, during the course of that  
19 evidence, representatives of COPFS attended the inquiry  
20 to listen to that evidence.

21           That evidence, of course, alongside all other  
22 evidence given to the inquiry, will be very carefully  
23 considered, but that evidence in particular will be very  
24 carefully considered and reflected upon by COPFS and  
25 I wanted to give that assurance to my Lady.

1           In conclusion, may I repeat the Lord Advocate's  
2           ongoing commitment to support the work of the inquiry  
3           and to contributing both positively and constructively  
4           to its work, and also to ensuring the fair, effective  
5           and rigorous prosecution of crime in the public interest  
6           for all members of society, including the most  
7           vulnerable.

8           Those are my submissions, my Lady.

9   LADY SMITH: Thank you very much, Mr Richardson.

10           It's now 11.30, so I'm going to pause now for the  
11           morning break and I'll sit again in about quarter of  
12           an hour.

13           (11.30 am)

14                               (A short break)

15           (11.49 am)

16   LADY SMITH: I turn now to invite Ms Stannage for the chief  
17           constable of Police Scotland to present the police  
18           submissions.

19                               Closing submissions by MS STANNAGE

20   MS STANNAGE: Thank you, my Lady.

21           Police Scotland is grateful for the opportunity to  
22           make this closing statement in respect of the inquiry's  
23           hearings into the order of the Benedictines.

24           During this phase we have heard testimony from  
25           survivors who have experienced abuse within

1 establishments operated by the order of the Benedictines  
2 with a particular focus on their provision of care at  
3 Carlekemp School, North Berwick, and Fort Augustus Abbey  
4 School, Inverness, establishments which have been the  
5 subject of investigations by the legacy Northern  
6 Constabulary and, more recently, by Police Scotland.

7 Police Scotland would like to acknowledge the extent  
8 and impact of the abuse experienced by those survivors,  
9 and indeed all survivors of childhood abuse across  
10 Scotland. Police Scotland has provided and will  
11 continue to provide the inquiry with information and  
12 evidence around its own practices and policies and that  
13 of the eight legacy police forces in relation to  
14 responding to and investigating reports of child abuse  
15 in care establishments and how this has evolved over  
16 time.

17 The creation of a single police service in Scotland  
18 provided an opportunity to consider the policing  
19 response to sexual crime and child abuse and enhance the  
20 policy, coordination and operational response. Each one  
21 of our local policing divisions have rape investigation  
22 and child abuse investigation specialist officers.  
23 In addition, the National Rape Task Force and National  
24 Child Abuse Investigation Unit provide additional  
25 support for complex investigations.

1           Our engagement with survivor groups has  
2 significantly informed the development of information  
3 resources on reporting abuse to the police and we will  
4 continue to work with groups to further improve the  
5 service we provide.

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

14           My Lady, unless there's anything further with which  
15 I can assist you, those are my submissions.

16 LADY SMITH: I have nothing further. Thank you very much  
17 for that.

18           Can I turn to the Scottish Ministers, please.

19 Ms O'Neill, when you're ready.

20           Closing submissions by MS O'NEILL

21 MS O'NEILL: My Lady, the Scottish Ministers also welcome  
22 the opportunity to make a closing submission in respect  
23 of this case study. The inquiry has the written  
24 submission and that has been made available to the other  
25 participants involved in morning; I don't propose to

1 read that verbatim.

2 The first section deals formally with the Ministers'  
3 interest in the inquiry and that repeats what has been  
4 said in previous phases.

5 In addition, the beginning of section 2 of the  
6 submission deals with the reasons why the Ministers do  
7 not make formal submissions about findings of fact in  
8 respect of this phase.

9 I would, my Lady, wish to take up paragraph 2.4 of  
10 the written submission. The Ministers do wish to  
11 acknowledge the evidence given by applicants in this  
12 case study of the very serious physical, sexual and  
13 emotional abuse and neglect suffered by them as children  
14 in care. In saying so, the Ministers, and I on their  
15 behalf, repeat acknowledgements given at the conclusion  
16 of previous case studies. In doing so, they do not  
17 wish, and I do not wish, them to be thought of as merely  
18 repeated platitudes, and much of the language is  
19 repetitive, but that reflects the consistency of the  
20 evidence the inquiry is hearing about abuse suffered by  
21 survivors.

22 I would say that colleagues in Scottish Government  
23 who are involved in the work of the inquiry, those here  
24 to hear the evidence, but others who work again behind  
25 the scenes, continue to be struck by the dignity and

1 courage of survivors, by the appalling nature of the  
2 abuse that was suffered, and by the lasting impact of  
3 that abuse, so their evidence is in no way taken for  
4 granted.

5 The Scottish Government also acknowledges the  
6 evidence given by individual applicants as to the poor  
7 quality of the educational provision that was made for  
8 them. In that respect, the Scottish Government is  
9 conscious not only of the opening statement made in this  
10 case study on behalf of INCAS and the particular concern  
11 expressed in that statement about the operation of  
12 schools by individuals with little or no teaching  
13 qualifications or indeed qualifications in residential  
14 childcare.

15 My Lady, it is also acknowledged that those matters  
16 were taken up in evidence after the opening submissions  
17 and by counsel to the inquiry this morning and by  
18 Mr Scott in his submissions. So that is acknowledged.

19 The Scottish Government does recognise that the  
20 state did and does play a role in the regulation of  
21 independent schools such as Carlekemp and Fort Augustus,  
22 both in the regulation of education provision and  
23 in relation to the care of those children resident in  
24 boarding schools, and that role included and includes  
25 requirements as to registration and inspection.

1 Information has been provided to the inquiry by the  
2 Scottish Government in response to the relevant  
3 section 21 notice about the conduct of the outcome of  
4 inspections at both Carlekemp and Fort Augustus Abbey  
5 Schools.

6 Similar information has, of course, been provided by  
7 other participants in the inquiry.

8 Limited evidence was given by witnesses before the  
9 inquiry about the experience of inspections, although  
10 concerns expressed by inspectors about the quality of  
11 education at Fort Augustus Abbey School were spoken to  
12 by the witness John on 19 September, and reference has  
13 already been made to that by counsel to the inquiry.

14 Inspection documents were put to John by counsel to  
15 the inquiry and, my Lady, I simply make the submission  
16 that those documents form part of a wider file, which  
17 has been made available to the inquiry. Clearly it's  
18 a matter for the inquiry which documents it considers  
19 particularly relevant, but it's simply the submission  
20 that all of that material is available to the inquiry  
21 and it may wish to have regard to that material.

22 The Scottish Ministers are not inviting the inquiry  
23 to make specific findings of fact in respect of the  
24 adequacy of inspection regimes. The Ministers are  
25 conscious that the inspection records have not yet been



1 spoken to by any witness on behalf of  
2 Scottish Government and, as before, the Ministers  
3 anticipate that the chair may wish to invite submissions  
4 in due course on the adequacy or otherwise of inspection  
5 regimes at a systematic rather than at an individual  
6 institutional level over the whole period of the  
7 inquiry's terms of reference.

8           However, my Lady, the Scottish Government  
9 acknowledges without reservation that the regimes that  
10 have been in place historically clearly did not protect  
11 those who have given evidence in this case study from  
12 suffering abuse. Equally, the regulation of independent  
13 schools, including boarding schools, is an area in which  
14 there have been significant developments since  
15 devolution, including regulation by the  
16 Care Inspectorate. The current regime is a matter on  
17 which the inquiry may wish, in due course, to have  
18 evidence from the Scottish Government.

19           My Lady, the last part of my submission is simply to  
20 inform the inquiry and those attending the inquiry's  
21 proceedings of a number of recent developments. The  
22 first is that the Scottish Government would wish to have  
23 the inquiry note that in the period since the opening of  
24 this case study, it has published a pre-legislative  
25 consultation on the financial redress scheme for

1 historical child abuse in care. My Lady, your Ladyship  
2 will be aware that the government has written directly  
3 to the inquiry to inform it of that exercise.

4 LADY SMITH: Yes, we are aware, and I think the consultation  
5 period hasn't yet finished.

6 MS O'NEILL: No, my Lady, it closes on 25 November of this  
7 year and covers a number of matters relating to the  
8 detailed design of a statutory financial redress scheme,  
9 including eligibility, approach to payments, evidence  
10 and assessment, and provision for next of kin.

11 It also invites responses on how those responsible  
12 for abuse should make financial contributions to  
13 a redress scheme and to wider support for survivors.  
14 It's also concerned with how the redress scheme might be  
15 delivered and how that might sit alongside issues such  
16 as acknowledgement, apology and support for survivors.

17 The written submission records the Scottish  
18 Government's intention, which it maintains, to introduce  
19 draft legislation in the Scottish Parliament next year,  
20 with the intention of completing the legislative process  
21 by the end of this Parliamentary term in March 2021,  
22 provided parliamentary approval is achieved. Of course,  
23 the scheme would open as soon as possible after that.

24 The inquiry has heard about the advance payment  
25 scheme for survivors. That is for survivors who have

1 a terminal illness or are aged 70 or over, which opened  
2 in April 2019. That scheme is intended to remain open  
3 until the statutory redress scheme is operational.

4 Finally, my Lady, I would make reference to the  
5 launch at the end of last month of a new fund described  
6 as the "Survivors of Childhood Abuse Support Fund".  
7 This fund is aimed at those organisations in the third  
8 sector and community-based organisations, who themselves  
9 support survivors of childhood abuse. It is a successor  
10 fund integrating previous grant funds with additional  
11 funding and it recognises the increase in referrals that  
12 are made to those organisations as a result of  
13 increasing awareness of childhood sexual abuse over  
14 recent years.

15 LADY SMITH: I should confirm, Ms O'Neill, I don't  
16 understand that fund to be restricted to the abuse of  
17 children in care; am I right?

18 MS O'NEILL: Not at all, my Lady. I should also say, as  
19 it's not mentioned in the written submission, that the  
20 deadline for applications for this year by organisations  
21 to that fund is 1 November this year, so there remains  
22 time for applications to be made.

23 My Lady, unless I can assist further, those are the  
24 submissions for the Ministers.

25 LADY SMITH: I have nothing else, thank you, Ms O'Neill.

1           Can I now turn to representation for the  
2           Bishops' Conference? Welcome, Mr Macpherson.  
3           We haven't seen you before, but thank you for coming  
4           along to deal with this.

5                           Closing submissions by MR MACPHERSON

6           MR MACPHERSON: Thank you, my Lady.

7           The Bishops' Conference of Scotland has been  
8           grateful for the opportunity to appear at this case  
9           study, which has been concerned with the operation of  
10          residential schools belonging to the English Benedictine  
11          Congregation, namely Carlekemp and Fort Augustus.

12          The Bishops' Conference always stands ready to  
13          assist the inquiry in any way that it can, while having  
14          regard the fact that in civil law or in canon law or  
15          church law neither the Bishops' Conference nor any  
16          individual diocese had any jurisdiction over the English  
17          Benedictine Congregation, which was and is juridically  
18          independent and autonomous.

19          This having been said, the Catholic Bishops of  
20          Scotland deeply regret any harm that has been caused to  
21          those who have suffered abuse and they continue to seek  
22          ways to support survivors while acknowledging the  
23          suffering experienced by survivors and their bravery in  
24          coming forward.

25          As has previously been referenced, the church's

1 revised safeguarding policies and procedures have been  
2 radically overhauled in efforts to ensure the safety of  
3 everyone, with particular emphasis on the duty of care  
4 for the young and the vulnerable.

5 In the course of this case study,  
6 Bishop Hugh Gilbert, the Bishop of Aberdeen, was asked  
7 to appear before the inquiry in connection with  
8 Fort Augustus School, which closed in 1993, and was  
9 located in the Diocese of Aberdeen. He became the  
10 Bishop of Aberdeen 18 years later in 2011. When  
11 allegations emerged about abuse at the school some  
12 20 years after it had closed, he visited the local  
13 parish in Fort Augustus. He recognised that abuse had  
14 taken place and offered pastoral support to anyone there  
15 who might have been affected.

16 I would conclude by thanking my Lady and counsel to  
17 the inquiry for the assistance and courtesy offered to  
18 Bishop Gilbert and to the Bishops' Conference  
19 representatives. Thank you, my Lady.

20 LADY SMITH: Thank you very much.

21 Can I now turn to Mr Reid for the Benedictines.

22 When you are ready.

23 Closing submissions by MR REID

24 MR REID: Thank you, my Lady.

25 At the start of this case study, the EBC said

1           it would listen carefully to the evidence of the  
2           applicants, recognising that reading their accounts on  
3           the printed page would prove no substitute for hearing  
4           first-hand from those that had suffered at the schools  
5           associated with Fort Augustus Abbey. It has, as  
6           hopefully Abbot Geoffrey explained in the course of his  
7           evidence, been a sobering experience.

8           I will make some observations on the overall body of  
9           the evidence, but at this point it seems to me  
10          appropriate to note and to pay tribute to the calm,  
11          dignified and, at many points, determined manner in  
12          which each of the applicants gave their evidence. It  
13          has, frankly, taken too long for their stories to be  
14          heard and believed.

15          Before turning to the observations that the EBC wish  
16          to make on the evidence the inquiry has heard, it is  
17          perhaps important to make clear what this submission is  
18          not. It is not an attempt to justify, defend or  
19          otherwise seek to excuse the various failures which  
20          allowed abuse to take place and go unpunished for as  
21          long as it did.

22          It is not an attempt to in any way question the  
23          accounts the inquiry has heard or minimise their  
24          significance by noting positive experiences the inquiry  
25          has heard from some applicants. And it is not an

1 attempt to rely on technical or legal arguments to evade  
2 the moral responsibility the EBC accepts it bears. The  
3 sole purpose of the EBC's contribution to this case  
4 study is to assist my Lady and the inquiry with the  
5 important work it is carrying out.

6 As was said at the opening of the case study, the  
7 EBC deplores the acts of abuse that were perpetrated and  
8 they sincerely regret that the means of exposing it  
9 at the time were clearly inequality. As Abbot Geoffrey  
10 hopefully made clearly, the EBC sincerely and  
11 unreservedly apologise for the part they played in  
12 allowing that to happen.

13 My Lady, there are two aspects of the evidence that  
14 the inquiry has heard that I would propose to offer some  
15 observations on on behalf of the EBC. Firstly, the  
16 evidence of abuse, and in particular the conclusions  
17 that the EBC accept can be drawn from that evidence and,  
18 secondly, some particular observations on the position  
19 of the EBC, both in the past and looking to the future.

20 Turning to the evidence of the abuse. As the EBC  
21 made clear at the start of this case study, it does not  
22 challenge any of the accounts given by the applicants,  
23 nor does it doubt that abuse was perpetrated at both  
24 schools. It is not proposed to rehearse in any detail  
25 the evidence, as there is nothing of substance to add to

1 what has been carefully set out by Mr MacAulay to  
2 my Lady this morning.

3 Looking at the totality of the evidence, the EBC  
4 respectfully suggests that the following general  
5 conclusions can be drawn about what happened at the  
6 schools attached to Fort Augustus Abbey.

7 First, pupils at both Carlekemp and Fort Augustus  
8 schools were both physically and sexually abused.

9 Secondly, in relation to corporal punishment, even  
10 making allowances for the standards of the time, which  
11 permitted its use, it was used in both schools in an  
12 arbitrary and excessive manner such that it could not  
13 properly be characterised as punishment.

14 Thirdly, it would be open to my Lady to hold, and we  
15 say the evidence supports, that in both schools the  
16 prevailing climate was one of fear. The atmosphere and  
17 standard of teaching in each school was such that pupils  
18 were not allowed to fulfil their potential. On the  
19 contrary, the preponderance of the evidence would  
20 suggest that they were positively inhibited from doing  
21 so.

22 That is perhaps most graphically illustrated, if you  
23 like, in exam result outcomes and the evidence my Lady  
24 heard from Ian, who sat a diet of Highers at  
25 Fort Augustus in his fifth year and then moved to



1 a state school to complete his sixth year with markedly  
2 different results.

3 In relation to Carlekemp, my Lady, there are  
4 a number of particular conclusions I'd respectfully  
5 submit that the evidence supports. Firstly, that  
6 discipline was arbitrary and, in many instances,  
7 disproportionate to the conduct that was supposedly  
8 being sanctioned. That latter point is particularly  
9 when the age of the pupils was recalled. Speaking for  
10 myself, it was challenging to remember, we were talking  
11 about 7, 8, 9-year-old children when we were listening  
12 to some of the accounts being described. It goes beyond  
13 what I've already said about corporal punishment not  
14 being properly called punishment; it was far in excess  
15 and, as my Lady heard in many instances, completely  
16 arbitrary.

17 Secondly, letters sent by the pupils to parents were  
18 censored by the staff at Carlekemp with the result that  
19 the pupils were unable to properly relay their  
20 experience to their parents. My Lady heard a number of  
21 accounts about how the rather bland and overall positive  
22 but misleading accounts were sent home to parents  
23 because they knew it would be intercepted and through  
24 a desire not to cause parents to worry.

25 Thirdly, and we've heard about this this morning in

1 a number of submissions, Ian's account of the treatment  
2 of his brother was particularly affecting, both the  
3 physical treatment he received, particularly the  
4 description of the flogging episode, and the sexual  
5 abuse that he suffered, and the ongoing and frankly  
6 devastating effect it has had upon him.

7 That abuse so extreme could happen must, in my  
8 submission, point to a thoroughly corrupted environment,  
9 where no child could expect to have received a proper  
10 education.

11 My Lady, in relation to Fort Augustus, and again  
12 in addition to the general points that have been made,  
13 a couple of particular observations. Bullying appears  
14 to have been rife within the school and not properly  
15 checked by the prefects or the staff.

16 Secondly, and again, discipline was disproportionate  
17 in many instances. Whilst there was some evidence of  
18 prefects having the power to issue, if you like, lesser  
19 punishment, physical chores or lines, that was also  
20 contradicted by a number of applicants and gave the  
21 overall impression, I would suggest, that the effect of  
22 corporal punishment was often used as a first response  
23 rather than a last resort, and were imposed for  
24 relatively minor offences. My Lady heard a number of  
25 examples of that.

1           Thirdly, and certainly in relation to Fort Augustus,  
2           there was no effective means by which a pupil could  
3           report any abuse. The evidence of John perhaps is the  
4           clearest window into this, when he said that he and the  
5           other housemasters were, to use his word, approachable.  
6           In my submission, that cannot be accepted as credible  
7           and, even if it were, given his earlier comment that he  
8           "never believed the allegation against  
9           Father MEV there must be every reason to doubt  
10          that if a report was made to him that it would not have  
11          been properly acted upon.

12          We've heard about the movement of staff between the  
13          two schools. If that is true of Fort Augustus, it's  
14          open, in my submission, for my Lady to conclude there is  
15          no reason to believe a different result would have  
16          prevailed at Carlekemp.

17          My Lady, even if reports were made and not passed to  
18          the police because of a desire by the pupils or parents  
19          not to press charges, that I accept is no excuse.  
20          Having been made aware of the allegations of serious  
21          criminal conduct, the headmaster, housemaster and/or the  
22          abbot were all under a duty to have notified the police.  
23          There also remained a duty to ensure that pupils were  
24          properly safeguarded and that inevitably, in my  
25          submission, required that the authorities be advised of

1 the allegations.

2 My Lady, those points I do not suggest are  
3 a comprehensive list of the conclusions that my Lady is  
4 entitled to draw from the evidence that has been heard.  
5 They do, however, in my submission, reflect what appears  
6 to me and to the EBC to reflect the principal themes  
7 that emerged from the evidence.

8 There are certain points that it seemed to me and  
9 the EBC it was important that the EBC were heard to say  
10 and acknowledge publicly.

11 My Lady, in relation to the organisation and the  
12 running of Fort Augustus Abbey, I would suggest that  
13 there are certain general conclusions, again, that can  
14 be drawn from the totality of the evidence. The first  
15 is that the system for maintaining and retaining records  
16 at the school was unacceptable and inconsistent with  
17 what the EBC would have expected. My Lady had  
18 a discussion with Abbot Geoffrey about this on the last  
19 day of oral evidence.

20 The EBC recognises not only has this hindered the  
21 work of the inquiry, but it has been a source, perhaps  
22 to put it mildly, of frustration for a number of the  
23 applicants, and that is a source of sincere regret for  
24 the Congregation.

25 LADY SMITH: It's quite troubling, Mr Reid, that whilst this

1 is an organisation that, as we've heard, has in its  
2 possession custody and control some valuable -- valuable  
3 in terms of the information they can provide -- and very  
4 old documents -- I think we heard reference to medieval  
5 documents that they're holding -- so part of it  
6 recognises the importance of records for future  
7 generations, not just the current generation, and yet  
8 when it came to children, it seems that they didn't  
9 really matter.

10 MR REID: My Lady had the discussion with Abbot Geoffrey,  
11 who on the one hand said he was interested as  
12 a historian in centuries' worth of records about  
13 Catholicism in Scotland, yet we hear from John that his  
14 view when he ended his tenure as SNR was he would  
15 just chuck it out because he didn't think the new  
16 SNR would have an interest, in his view.

17 LADY SMITH: It was very strange. Even if one puts to one  
18 side the very clear and obvious interest of the child or  
19 the child as adult and their family and just looks  
20 at the value of these for information on how education  
21 was being delivered at the relevant time according to  
22 the records, it leaves me, as I say, very troubled and  
23 puzzled as to what was going on.

24 MR REID: My Lady, I on behalf of the Congregation entirely  
25 understand and recognise that that is the impression

1           that the inquiry is bound to be left with from what has  
2           been heard.

3           LADY SMITH: Thank you.

4           MR REID: My Lady, the second general conclusion about the  
5           running of the Fort Augustus Abbey and schools is the  
6           need to appoint an administrator in circumstances where  
7           a new abbot couldn't be drawn from the Congregation was  
8           such a rare event that it was suggestive of an  
9           underlying problem; we heard Dom Yeo describe it as the  
10          dysfunctional running of the abbey.

11           It is perhaps coupled with the third point that  
12          I make, that the transfer of monks was a rare event.  
13          We've heard a lot about the importance of stability, yet  
14          we saw the frequency with which, if not stability, the  
15          physical location of monks changed. For an already  
16          small community in Fort Augustus, that we know in the  
17          mid-1960s, they weren't in a position to find an abbot  
18          from within their number, yet we then know a decade  
19          later that a number of the monks are relocating and we  
20          are in a position to understand why now.

21           As Abbot Geoffrey suggested, the need to send a monk  
22          to Australia would have been the prime opportunity to  
23          ask for an extraordinary visitation -- and I'll return  
24          to visitations later -- but at the time would have been  
25          the mechanism by which support and assistance and

1 oversight could have been called in from the  
2 Congregation for what was happening in Fort Augustus.

3 The fourth point, my Lady, touches on the education.  
4 Again, we've heard from a number of submissions on this.  
5 The teachers at the school did not always have teaching  
6 qualifications and there was no formal mechanism by  
7 which to keep the curriculum up to date or the teaching  
8 methods current with then educational thinking.

9 We heard from Seamus Coleman, who was a relatively  
10 new teacher, who spoke of having himself to take steps  
11 to stay in touch with teachers in nearby schools to  
12 ensure he was appraised of what was expected of him. In  
13 my submission, Abbot Geoffrey captured it best when he  
14 described the education as having become fossilised at  
15 Fort Augustus. That, in my submission, succinctly  
16 captures the state of education there.

17 Finally, by at latest the late 1970s, but I accept  
18 Donald MacLeod's evidence could support this proposition  
19 into the 1960s, much earlier, at least the headmaster  
20 and the abbot were aware of sexual abuse being  
21 perpetrated at the school and no steps were taken to  
22 alert the criminal authorities, and no steps were taken  
23 in relation to notifying the diocese in Sydney  
24 in relation to Father MEV That is despite, as we  
25 heard from Michael in his evidence, the reasons for

1 Father [REDACTED] MEV being sent to Australia -- he described  
2 it as being common knowledge in the school.

3 My Lady, I, like a number of the submissions, touch  
4 in particular on the evidence of Peter and his  
5 experience at the school, which in my submission provide  
6 perhaps the most powerful insight into the problems at  
7 Fort Augustus School.

8 Both the headmaster and the abbot were aware -- and  
9 obviously saying that, I accept there are some accounts  
10 as to what Father [REDACTED] MMF may or may not have known,  
11 but in my submission it's only plainly open to my Lady  
12 to conclude that they knew, but the overwhelming weight  
13 of the evidence makes that finding inevitable.

14 The headmaster and the abbot were aware of the abuse  
15 he suffered but no proper steps appear to have been  
16 taken to investigate that. In my submission, that gives  
17 rise to two obvious consequences.

18 The first is if Peter's case didn't justify further  
19 investigation, then it is hard to imagine what could  
20 have happened to prompt further investigation or the  
21 involvement of the criminal authorities.

22 Secondly, had what happened to Peter been properly  
23 investigated and reported, in my submission it is open  
24 to the inquiry to conclude that it would be reasonable  
25 to infer that it would have become apparent it was not



1 an isolated example. Any proper investigation into that  
2 ought to have uncovered the fairly widespread problems  
3 at that time.

4 Separately, my Lady -- and this is a point  
5 Mr MacAulay touched on -- the inquiry has heard that not  
6 reporting the matter to the police was offered as  
7 a condition of his return to the school. That is  
8 obviously completely unacceptable.

9 My Lady, before leaving the factual evidence,  
10 there's one other point that the EBC would like to  
11 comment upon, and that is the evidence of John. His was  
12 the only oral evidence of a monk or teacher at either  
13 school during the period the inquiry has heard about.

14 In my submission, the inquiry would be perfectly  
15 entitled to conclude that his evidence was largely  
16 neither credible nor reliable. In particular, for  
17 example, the assertion that Fort Augustus School was  
18 a "happy school", it having been put to him by  
19 Mr MacAulay that there was a climate of fear, is not  
20 credible. Interestingly, there was a brief exchange  
21 with Abbot Geoffrey who spoke about his visit in the  
22 mid-1980s, and it was only to the abbey, it wasn't to  
23 the school, but he said it had an atmosphere to it  
24 different from that he experienced in other abbeys.  
25 My Lady might think that chimes with and corroborates

1 the various accounts the applicants gave and is a  
2 further reason to doubt the credibility or reliability  
3 of John's description. He then gave evidence that he  
4 "got no complaints" about his corporal punishment, and  
5 that really tells us nothing because that's hardly  
6 surprising given everything else we've heard.

7 His assertion that he and the housemasters were  
8 approachable -- "approachable" was his word -- in my  
9 submission is plainly wrong when set alongside his  
10 evidence that he received no complaints about bullying  
11 or abuse when it's clear that both were happening.

12 Finally, he gave a number of answers to the effect  
13 that "it was not my business". There was an example of  
14 whether one of the students in his house had been  
15 excessively sanctioned, the episode when they were found  
16 outside the school, and his answer was, "That's not my  
17 business". In my submission, that's at best wilful  
18 blindness, but it's hard to believe that an approachable  
19 **SNR** in a happy school would regard bullying,  
20 abuse and excessive corporal punishment as not  
21 concerning him. In my submission, it's just not  
22 credible.

23 LADY SMITH: That goes back, in a way, Mr Reid, to the  
24 concern I aired earlier about the extent of a prefect's  
25 discretion. If it's right, housemasters were just

1 acting on trust on what they were told by the prefect.  
2 And in turn, if you've got a SNR who says, "That all  
3 gets sorted out elsewhere, I don't have anything to do  
4 with it", it exacerbates the problem and the impression  
5 on the prefect is that it's his decision and nobody is  
6 going to question it.

7 MR REID: Yes. The very best that becomes is wilful  
8 blindness. At the very best.

9 LADY SMITH: And no evidence of any guidance being given to  
10 prefects as to what sort of punishment they could use  
11 for what sort of misdemeanour.

12 MR REID: No.

13 LADY SMITH: And we're talking about 16, 17-year-old boys.

14 MR REID: Yes.

15 The final comment or observation on John's evidence  
16 is that the EBC would wish to completely disassociate  
17 itself from John's evidence about his suggested possible  
18 motivations for the applicants' evidence. As I said  
19 earlier, the EBC does not challenge the evidence of the  
20 applicants and completely disassociates itself with his  
21 comments in that regard.

22 Finally, my Lady, before leaving the evidence, it  
23 struck me that the tragedy of these schools was perhaps  
24 underlined by something that David Walls said in his  
25 evidence. He said:

1            "I've often said that the school could have been an  
2 idyllic place for youngsters to live and learn."

3            That was said in relation to Carlekemp and under  
4 reference to its setting and the facilities, the outdoor  
5 environment, its proximity to the coast, and we heard  
6 similar evidence, not in exactly those terms, about the  
7 location of Fort Augustus, the outdoor environment.

8            These schools could and should have provided an  
9 ideal environment for the education of pupils. That  
10 that opportunity was wasted and so many endured such an  
11 unacceptable education, the EBC accepts simply compounds  
12 the problem.

13           My Lady, if I can turn now to a couple of  
14 observations on the specific position of the EBC and  
15 it's really under three headings I was going to consider  
16 this: firstly, legal liability; secondly, the  
17 visitations; and, thirdly, looking to the future steps  
18 that my Lady's heard evidence about.

19           In relation to legal liability, the EBC has sought  
20 to explain why they have taken the position they have on  
21 that matter. I think it's also worth clarifying why  
22 a report was sought from Sister Nancy, a specialist in  
23 canon law. The aim was not to find some sort of  
24 technical or legal loophole, rather having regard to the  
25 evidence the inquiry had heard, particularly during the

1 first phase in the July phase, about the operation of  
2 the church in general, the relationship particularly  
3 between the abbey and the diocese and the Holy See and  
4 the Congregation.

5 It was felt, and in particular the view I took, was  
6 the inquiry might benefit from the views of a canon law  
7 specialist, who may be of assistance, otherwise  
8 I anticipated my Lady and I might have an exchange about  
9 it and Sister Nancy is far better placed to assist  
10 my Lady on those issues than I would be.

11 It was in that spirit that the evidence was sought  
12 and made available to the inquiry and it is offered for  
13 such assistance as it provides.

14 Having regard to Sister Nancy's evidence, along with  
15 that of Abbot Geoffrey and Dom Richard Yeo, it's  
16 submitted that the following conclusions could be drawn  
17 under this heading.

18 Firstly, that Fort Augustus Abbey existed as  
19 a separate juridical person and was independent of both  
20 the EBC and other abbeys within the Congregation, and  
21 that responsibility for running Fort Augustus Abbey and  
22 the schools associated with the abbey lay with the abbot  
23 at Fort Augustus. The abbot of Fort Augustus was  
24 subordinate in the sense of not being subject to  
25 direction by the abbot of the EBC.

1           But my Lady heard the evidence of Sister Nancy, the  
2           curiosity that when an abbot was elected, he took a vow  
3           of obedience to the Abbot President. That was novel to  
4           her, but I think the turn of phrase she used was:

5           "The Abbot President did not become his abbot."

6           There was still the structural autonomy at least.

7           In the absence of any trustees of the original  
8           Fort Augustus Trust, and in light of the suppression of  
9           the abbey, there would be no juridical person against  
10          whom to bring proceedings and then trigger insurance  
11          arrangements that were in place at the relevant time.

12          In the absence of a juridical person against whom  
13          proceedings could be brought by any former pupil who was  
14          the subject of abuse, the EBC has undertaken to apply  
15          the residual assets of Fort Augustus Abbey to meeting  
16          any such claims. It amounts to, I think to use  
17          my Lady's word, a bespoke redress scheme that steps in  
18          to avoid an injustice that would otherwise result from  
19          a suppression of the abbey.

20          My Lady, perhaps just two points to footnote this.  
21          In my Lady's discussion with Abbot Geoffrey, my Lady  
22          used the phrase "Charity Commission had given an  
23          assurance". I should say from the correspondence I have  
24          seen, I think "assurance" puts it too high. More or  
25          less what the Charity Commission had said is: if you're

1 satisfied that you can do this within the terms of it,  
2 we have no objection to it being done. So it's the same  
3 point, but I wouldn't want my Lady left with the  
4 impression it was a positive sanction from the  
5 Charities Commission. They did perhaps what you'd  
6 expect from a regulator presented with those  
7 circumstances.

8 LADY SMITH: But that really simply amounts to them needing  
9 an implement of their duty to check that the matter has  
10 been considered properly by the trustees and they have  
11 decided this is the right thing to do.

12 MR REID: Yes. It gets us to the same point. I didn't want  
13 my Lady left with the wrong impression.

14 LADY SMITH: It wouldn't be for the Charity Commission to  
15 question whether their judgement as to it being the  
16 right thing to do was correct or not.

17 MR REID: Indeed.

18 The second footnote is that I should advise my Lady  
19 that I have become aware that there has been one action  
20 raised against a defender that is said to be a former  
21 trustee of the Fort Augustus Trust.

22 From the records available to those instructing me,  
23 they are not aware of any living trustee and are unclear  
24 of the basis on which it is asserted that this defender  
25 was a trustee. I raise this because I think certainly

1 the EBC have proceeded on the basis that there is no  
2 route to suing the trust through the trustees; I don't  
3 think this changes the fundamental point that the EBC  
4 have taken steps to ensure that the absence of the  
5 trustees should not prejudice any former pupils who  
6 would have a claim.

7 But I took the view, having become aware that that  
8 one action was in existence, it was only proper my Lady  
9 was aware that that was in dependence.

10 LADY SMITH: Is that an action in Scotland?

11 MR REID: It is; it's been lodged with the Court of Session.

12 LADY SMITH: Thank you.

13 MR REID: My Lady, if I can turn then to the question of  
14 visitations. In my submission, the evidence led  
15 suggests there were two fairly fundamental shortcomings  
16 in the visitation system.

17 First, and this is a point my Lady discussed with  
18 Abbot Geoffrey, the school and how it was working ought  
19 to have been considered a good source of information  
20 about the activities of the monks concerned and the  
21 general well-being of the abbey. This was a point  
22 perhaps Abbot Geoffrey came back to later on when he  
23 recognised that if the abbey is not a happy place, then  
24 there's a real possibility that that will be projected  
25 on to the pupils that are taught by the monks.



1           Again, this perhaps chimes with Hugh Russell's  
2 evidence where he made the very valid point that there's  
3 no end of safeguarding that will protect children if the  
4 culture of the school is fundamentally flawed. That  
5 seemed to be effectively the same point Abbot Geoffrey  
6 was making, which was the point made by the inquiry  
7 about the importance of the school to understanding the  
8 proper functioning of the abbey.

9           The second aspect of the visitation process, as  
10 Abbot Geoffrey explained, was that the behaviour of  
11 a number of the monks continued despite the visitation  
12 process, and that suggests that the visitation had not  
13 had the effect on the monks that it should have.

14           I think Abbot Geoffrey described the core question  
15 of a visitation as, "Can I be a better person?" If  
16 a number of monks continued to behave after the  
17 visitation as they had behaved before the visitation,  
18 it would appear that the visitation process at best has  
19 not been sufficiently robust to have identified and to  
20 have dealt with that.

21           My Lady heard from Abbot Geoffrey the steps taken to  
22 expand the visitation process, in particular with the  
23 safeguarding report that has to be prepared in advance  
24 of the Abbot President now conducting the visitation.

25           The third heading, my Lady, in relation to the

1 future steps, the EBC suggests the following points  
2 emerge from the evidence that the inquiry has heard.

3 Firstly, the bespoke redress scheme that has been  
4 established to ensure that claims by former pupils can  
5 be met, where insurers will not otherwise respond, from  
6 the residual funds of the Fort Augustus Abbey.

7 Revisions to the constitutions have been sought to  
8 strengthen the safeguarding requirements for the abbeys  
9 that belong to the EBC. Similarly, steps have been  
10 taken to strengthen the visitation process to provide  
11 a greater emphasis on safeguarding requirements in the  
12 wider activities of the abbey.

13 The EBC is aware that former pupils and their  
14 families may need support beyond a payment of damages or  
15 a public recognition that the abuse happened and an  
16 apology, and wish to explore how they can facilitate  
17 and/or provide such support.

18 My Lady discussed this a number of times with  
19 Abbot Geoffrey. It was a point he was quite keen to  
20 make in his evidence. Abbot Geoffrey also expressed the  
21 hope that there could be some sort of external body  
22 devised for promoting safeguarding. This links into the  
23 point that wasn't really discussed in oral evidence but  
24 comes out in his statement about the American body that  
25 has been retained to conduct, if you like,

1 a safeguarding audit of the various abbeys.

2 The Congregation, as Abbot Geoffrey makes clear in  
3 his statement, are committed to publishing those audits.  
4 I think the point he was getting at there -- I think he  
5 used the phrase, "He who pays the piper". They are  
6 committed to doing that and to publishing the results.

7 He was looking to -- and it might be something for  
8 the inquiry or government to consider in due course --  
9 whether or not an external body which would, to  
10 a greater or lesser extent, make that process mandatory  
11 would be of assistance. But overall, the EBC will pay  
12 close attention to the findings of this inquiry and  
13 it is committed to learning the lessons of the past and  
14 will look to implement any further recommendations that  
15 the inquiry make.

16 But my Lady, when all that is said, the core truth  
17 remains that pupils at Carlekemp and Fort Augustus  
18 schools were subject to abuse and a schooling which  
19 robbed many of their of their childhoods. It has caused  
20 lasting damage to both pupils and their families and the  
21 EBC regrets very much that this was able to happen in  
22 schools run by an abbey in membership of the EBC.

23 As I said at the start, it has taken too long for  
24 these stories to be heard and believed. The EBC is  
25 sorry that that has been so and wishes to conclude by

1 reiterating their unreserved apology to all those  
2 affected.

3 My Lady, that with the written submission, which  
4 includes more of the references and the detail for some  
5 of the statements I have made, are the submissions on  
6 behalf of the Congregation.

7 LADY SMITH: Mr Reid, thank you very much for that very  
8 helpful and frank and supportive submission on behalf of  
9 the Benedictine Order and for the amount of work you've  
10 put into it. I'm very grateful to you.

11 At this point, could I just thank everybody here who  
12 has represented those with leave to appear in this case  
13 study for their support of the work done to further the  
14 evidence and get through what we needed to get through  
15 in the time available. It's been really very, very  
16 helpful to all of us here and it's not gone unnoticed  
17 that everybody is playing their part. That does make  
18 such a difference.

19 Mr MacAulay, I think we draw breath for a day whilst  
20 we're away working on other matters. We've got a hard  
21 day's work at our desks, I think, tomorrow and we resume  
22 here on Thursday; is that right?

23 MR MacAULAY: That's correct, when we begin the case study  
24 into the Marists.

25 LADY SMITH: We'll begin at 10 o'clock with opening

1           submissions and I think we're hoping to be able to start  
2           the evidence before lunch on Thursday, all being well;  
3           is that right?

4           MR MacAULAY: That's the plan. We have a witness planned  
5           before lunch and a witness for the afternoon.

6           LADY SMITH: Thank you very much. That's all for now and  
7           I will see those who have an interest in the Marist case  
8           study on Thursday.

9           Thank you very much.

10          (12.35 pm)

11                         (The inquiry adjourned until 10.00 am  
12                         on Thursday, 3 October 2019)

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