

## Chapter 13

# St Joseph's School for Deaf Boys, Cabra ('Cabra'), 1857–1999

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### Introduction

#### *Background*

**13.01** St Joseph's School for Deaf Boys, Cabra ('Cabra') was founded in 1856 by the Catholic Institute for the Deaf as a residential school for deaf Catholic boys. The Catholic Institute invited the Christian Brothers to manage the School and, after some persuasion, they agreed. The School opened in 1857, and the Christian Brothers managed it until 2000. The School today is under the trusteeship of the Catholic Institute for Deaf People, formerly the Catholic Institute for the Deaf. The Archbishop of Dublin is the Patron of the School.

**13.02** St Joseph's, Cabra was not like any other residential school run by the Christian Brothers. They stated in their Opening Submission:

St Joseph's was first and foremost a school for deaf children from all parts of Ireland. It had a residential component for those children who could not travel on a daily basis to the school. All children who came to school did so voluntarily and it is this feature of electing to come to school that differentiates it from any other residential service that the Congregation ran for children such as the Industrial Schools in Artane and Letterfrack.

**13.03** A number of Brothers who had experience in industrial schools were appointed to Cabra and served there at some point during their careers.

**13.04** In 1929 the School at Cabra was recognised by the Department of Education as a national school and, in 1952, as a special national school. In 1986, a secondary school was opened on the premises. Both the national and secondary school are administered by a Board of Management and one school Principal. In 1986, six residential houses were built, and these are managed by a Director of Residential Care. The move was designed to change the School from an institutional character to a smaller 'family' unit facility, and it introduced lay staff with responsibility for the care of the boys. It was a well-equipped and impressive facility that offered education and care to children who might otherwise not have benefited from the ordinary national school system.

13.05 The following photograph has been made available to the Committee:



*An Aerial View of St. Joseph's and the Vicinity taken by the Aero Club.*

**Source:** Congregation of the Christian Brothers

### **Population**

- 13.06 Boys were admitted to the School on the basis of direct application by parents or a referral by a doctor, priest or an education inspector. The School also accepted boys from Northern Ireland who were referred by the Education Board there. Others progressed from Mary Immaculate School for Deaf Boys in Beechpark, Stillorgan, County Dublin which accepted boys up to the age of 10. That school closed in 1998.
- 13.07 In the 1930s and 1940s, boys as young as four years of age were admitted, as the prevailing view at that time was that it was in the interests of children with hearing loss to admit them as young as possible. These trends changed over time, and the age of admission rose to six or seven. The boys remained in the School until 18 years of age.
- 13.08 Cabra was both a boarding school and a day school, but the majority of children who attended were boarders. They came from all parts of the country including Northern Ireland. The numbers of children boarding fell from almost 100% in 1938 to less than half in 1998. In the mid-1970s, funding was made available which made it easier for pupils to travel home at weekends. Prior to that, boarders would generally only go home during the school holidays. The authorities in Northern Ireland organised escorts for the children on their journey home, but the same facility was not available for children from the State.
- 13.09 Between 1930 and 2003, approximately 2,018 pupils attended St Joseph's. In 1938, there were 164 pupils in the School. In 1948, there were 154 and, in 1958, this had increased to 206. Numbers peaked in 1979, when there were 314 boys in attendance. By 1998, numbers had fallen to 164. The number of admissions from Northern Ireland peaked in 1949, when 29 were admitted.

## ***Management and staff***

- 13.10** The head of the Institution was the Superior, and the primary and secondary schools were managed by a Principal who was usually the Sub-Superior.
- 13.11** Between 1935 and 2000, the total number of Brothers who had served in the School was 103. There were 13 Superiors during the period 1935 and 1991, seven of whom served a six-year term. Between 1935 and 1991, eight Brothers served as Principal. Because the pupils were either totally or partially deaf, a lower pupil-teacher ratio applied than in ordinary schools. In 1950, this was 14 to 1 and, by November 1955, it improved to 10 to 1 and, by 1987, to 6 to 1.
- 13.12** In 1986, a new management structure came into being with the opening of the post primary school with a Board of Management with a Chairperson. In 1987, a lay Director of Residential Care was appointed to manage the day-to-day running and supervision of the residences. In 2000 the Christian Brothers relinquished the management of the School.

## ***Inspections***

- 13.13** The primary and, secondary school were inspected by officials of the Department of Education. However, no inspection of the residential areas was conducted by the Department. The Provincial and General Councils of the Christian Brothers carried out annual inspections of the School, which included the residential quarters of the boys and the school premises in general. Details of these annual inspections are contained in the Christian Brothers' Visitation Reports. Officials from Northern Ireland also regularly visited the School in respect of children admitted from the Education Board in Northern Ireland. The Hospital Trust Fund Committee was also entitled to inspect the School. There is a reference in the Visitation Reports of the Christian Brothers to a visit by this Committee in October 1942.
- 13.14** The only detailed reports available to the Investigation Committee were the annual inspections carried out by the Christian Brother Visitors from 1938 to 1989.

## ***Funding***

- 13.15** Although some parents did pay fees for their children in Cabra, most of the costs were covered either by the State or by the Catholic Institute for the Deaf. The Hospitals Act, 1939 made provision for deaf schools to get funding from the Hospitals Commission, subject to a number of conditions, one of which was the entitlement of officials in the Department of Health to inspect the School. Annual capitation grants were provided by the Department of Education and the equivalent department in Northern Ireland. The School today receives some funding from the Department of Education and the Catholic Institute.
- 13.16** The Visitation Report of 1945 set out the position:
- The income is derived from Farm, Capitation grants and a grant from the Committee. A new arrangement has now been entered into between the Brothers and the Governing Committee as to method of payment. By this agreement the Brothers are to get £44 per head for each boy in the school. They are to meet all expenses from this source, along with this they may also retain the Capitation grant and the net income from the farm. The Pro-Rata last year was £50. Two accounts are kept. No1 for school. No2 for house. In the former there is an overdraft of £612 at the end of Dec. last. In No.2 there was a surplus of £3,015. With judicious management the new arrangement should provide sufficient funds to support the Institution.

- 13.17** This proved to be a correct prediction. The following year, the Visitor commented:

The financial state of the Institution is very sound and the funds are carefully disbursed.

- 13.18** The healthy state of the House accounts continued and, in 1954, the Visitor noted:
- Finances are simple from the Community point of view. The Committee feeds, clothes and lodges the Brothers even to the extent of buying their cigarettes. Vacation, travel, alms and Provincial dues are paid out of the Brothers' salaries as National Teachers. One Brother is recognised for every 14 pupils ... The balance is considerable, and the question is what is to be done with this balance. The committee should certainly get some of it.
- 13.19** In 1958, the Visitor stated:
- The Financial position of the establishment is sound and with the increased Capitation Grant there should be a marked improvement in the surplus income even in this present year.
- 13.20** This position continued into the early 1960s and, in 1962, the Visitor noted that, between the capitation grants and the salaries paid to the Brothers, 'there is a considerable income to the school'.
- 13.21** From 1959, the Congregation developed a new secondary school for boys in Cabra West, St Declan's, and for the first number of years this school was directly and indirectly supported by the Community in St Joseph's, Cabra.
- 13.22** Indirect support came in the form of accommodation to the Brothers working in St Declan's, who did not acquire their own separate monastery until the 1970s.
- 13.23** The situation was summed up by a letter from the Provincial Council in 1963:
- Your finances are sound throughout the school for the Deaf but all monies should be well spent as there might be a change over-night. St Declan's could not support a Community on what is over from the Secondary Balance.
- You could probably send us £3000 from the Brothers' account in payment of loan due to Building Fund on St Declan's.
- 13.24** By 1970, St Declan's had become a viable separate institution, and a monastery for the Brothers teaching there was recommended. In 1970, the Visitor noted: 'To date St Joseph's carried the expenses incurred in the building of St Declan's'.
- 13.25** Numbers in Cabra continued to be high into the 1970s. In 1973, there were 160 boarders and 120 day pupils. Although the Institution showed a loss of £3,361, the House accounts for the same year showed a credit balance in the bank of over £47,500.
- 13.26** The premises were not owned by the Congregation, and the maintenance costs were paid by the Committee. In 1954, the Visitor noted:
- The property belongs to the Committee which finances the establishment. The Superior keeps the place in repair and submits the accounts to the Committee. He is expected to keep expenditure within certain limits, but he need not get the Committee's approval for minor repairs in advance. In general the place is in good repair, and the boys keep it neat and clean.
- 13.27** Although Visitors were in general positive about conditions in Cabra, criticism was made of some matters that directly affected the boys. The boys' dormitories, kitchen and refectory all came in for criticism in 1949. In 1954, the Visitor commented:
- Many of the faces seemed pinched in contrast to the rosy, chubby faces of the Artane boys. This could be partly explained by the serious illness of some in the past ... but I

think some of the blame lies in the feeding ... The boys never get milk except what partly colours the tea. Indeed half the farm milk supply goes to the boys, the other half to the Community! In general the quality, quantity, variety and service of the food could be improved. They have aluminium dishes and no knives at dinner. The main trouble is £.s.d. The grants are £61 per boy (except for boys from Northern Ireland who get £84). In contrast 30/- per week is paid on Industrial School boys in Eire, and even the authorities admit that this is not sufficient.

**13.28** According to the Visitor, the Committee was loath to increase the funding to the School and stressed that 'the school is a charitable institution'. This Visitor was the same Brother who also commented in the 1954 report on how the surplus funds in the House accounts could best be used.

**13.29** The Visitation Report for 1948 would indicate that different standards applied to boys whose parents paid fees to the School:

There are two distinct kitchens in the establishment. The larger one is for boys only and in the second one adjacent to the Brothers' refectory cooking is done for the Brothers, teachers, workmen, and about a dozen boys whose parents pay the whole fee for them. The Brothers get clean wholesome food and a plentiful supply of same. For meat the boys get puddings and sausages never beef or mutton.

### ***The investigation***

**13.30** The Investigation Committee was unable to conduct a full hearing into this Institution. The principal difficulty was in obtaining statements of complainant witnesses. Protracted correspondence and discussion failed to produce agreement as to arrangements for taking statements. The result was that the investigation into the School was confined to a review of the discovered material produced by the Department of Education and Science, the Christian Brothers, the Catholic Institute for the Deaf, the Archdiocese of Dublin and the Garda Síochana. The Committee was, however, able to make its own arrangement for all complainants to be interviewed by its lawyers. A total of 44 complainants attended for interview, out of 65 who were invited to attend.

**13.31** At the Emergence hearings held in public, when the investigation recommenced in 2004, Mr Kevin Stanley of the Irish Deaf Society highlighted an issue that was of major concern to his members, namely the policy that was imposed by the Department of Education on deaf schools of preferring oralism over signing as a method of communication. The contention was that this policy was ill-considered and unjustified. It made communication difficult between children educated under the new system and their families, who were used to sign language. It was also argued that the methods employed to implement the policy were abusive, because the school authorities used corporal punishment for that purpose. This last point could be examined in the general context of physical abuse in the School, but the policy issue was a different matter. The discovery material and Submissions make it clear that there was a real question of principle that had to be decided as to the method of communication to be taught in schools. There were arguments on each side as between oralism and signing, with advantages and disadvantages accompanying whichever was chosen. The decision that was made can be rationally justified. In those circumstances, it was not the function of an investigation into abuse to try to determine whether the policy choice was the best available, even if it could be argued that a different option would have been preferable. Another problem about this issue is that the policy does not appear to have been applied in more recent times. This complaint, accordingly had to be excluded, subject to the point about the implementation of the policy by means that constituted physical abuse.

**13.32** This School is of particular interest because it had to deal with abuse that occurred in recent times, compared with other institutions, and the chapter concentrates on these modern cases and summarises the records of earlier allegations.

## Physical abuse

### *Attitude of the Christian Brothers*

- 13.33** The Christian Brothers in their 2006 Submission stated that their approach to corporal punishment in St Joseph's was similar to that in primary schools throughout the country at the time, in which corporal punishment was permitted until 1982. Apart from the Departmental regulation of corporal punishment, the Christian Brothers were also bound by their own Constitution Rules and Acts of Chapter, which sought to reduce corporal punishment to a minimum. These provisions also emphasised that it was not to be used for failure at lessons, and that the sole authorised instrument of punishment was the leather strap, to be used only on the hand. In a letter written in 1958, the Provincial wrote to the Superior of Cabra, advising that 'There must be no punishment except as permitted by rule and that is to be applied as seldom as possible'.

### *Documented cases of physical abuse by staff*

- 13.34** The documents furnished by the Congregation revealed instances of physical abuse by Brothers and lay staff from as early as 1955. The Brothers in their Submission asserted that known incidents of physical abuse 'were dealt with in a responsible and appropriate manner'. A case that is more fully documented is set out first, followed by information about other episodes gleaned from records.

### *Allegations against a teacher, Mr Ashe<sup>1</sup>*

- 13.35** The allegations against Mr Ashe span a period of five years, beginning in the 1980s. In the year following the commencement of his employment at St Joseph's, the first complaint about him was made at a Parent-Teacher meeting in the School. A parent complained to the Chairman of the Board, Br Noyes,<sup>2</sup> that Mr Ashe had struck her son. Br Noyes responded by defending the teacher and 'eventually smoothed over the situation'. In March of the following year, the parents of a boy wrote to the Principal, Br Ames,<sup>3</sup> complaining about the aggressive and arrogant manner in which Mr Ashe had spoken to them. The Principal pointed out to Mr Ashe that such behaviour was unacceptable, but the teacher was unresponsive and Br Ames noted that he 'got so little satisfaction from talking' to him that he did not reply to the letter of complaint.

- 13.36** Following a number of subsequent incidents involving this teacher's aggressive and threatening behaviour towards pupils and staff, the Board of Management met and the minutes of this meeting recorded their view that:

He was an excellent teacher ... but he appeared to lack understanding of a deaf child's problems. He would appear to be more suited to a teaching position outside a school for the deaf.

- 13.37** The Chairman conveyed the Board's views to Mr Ashe who undertook to seek alternative employment. He was given a reference by Br Noyes, but was apparently unable to get another teaching position, and instead sought leave of absence. However, he did not take leave of absence and continued teaching at the School. Further complaints of physical abuse and threatening behaviour were made against him the following year.

- 13.38** Parents of a boy wrote to Br Ames, alleging that Mr Ashe had struck their son and had used foul language. Six months after this complaint, a boy complained that Mr Ashe had struck him on the nose causing it to bleed; and, one month after that, four boys wrote letters to the Principal complaining that Mr Ashe 'thumped' them. Furthermore, he had threatened and tried to intimidate the school Principal.

<sup>1</sup> This is a pseudonym.

<sup>2</sup> This is a pseudonym.

<sup>3</sup> This is a pseudonym.

**13.39** The Department of Education withheld Mr Ashe's teaching diploma, pending investigation of complaints by parents and pupils. The Department sought a comprehensive report from the Board of Management. The Board decided that an investigation would have to be undertaken and a report was prepared and submitted to the Department, which set out the allegations that had been made against Mr Ashe over the previous three years.

**13.40** Two members of the Board of Management had a formal meeting with Mr Ashe, at which the Chairman outlined a series of complaints and invited the teacher to respond. The first item was an allegation that he had struck a pupil in the face and made his nose bleed. Mr Ashe denied the allegation, claiming that, while he had snatched a pen from the boy's mouth, he had not hit him and that the boy's nose bled for some other reason. He also denied showing disrespect to the Principal, and rejected a charge of setting excessive homework and hitting boys for failure at lessons.

**13.41** The final allegation put to Mr Ashe at the meeting was that he threatened and tried to intimidate the Principal, Br Ames, by words and gestures. In reply, he described an angry meeting when he accused the Principal of trying to set him up and of being hypocritical. The minutes of the meeting include the following comments that Mr Ashe made to Br Ames:

Are you up to your old tricks again or what? You have some neck to try to set anybody up with all the beatings and spankings and all the other stuff you have been up to lately. The Guards never come down to me over hammering. Remember, in case you forget it, that it was to you, yes you, the Guards came, after the daylights being kicked out of a pupil.

**13.42** The Board was conscious of potential difficulty and embarrassment. Other teachers could be expected to support Mr Ashe, notwithstanding the history of complaints and incidents. There was also the matter of the Principal's own history, which is dealt with below:

There are some points that could be made to look awkward for Br Ames, eg. that a pupil went to the Garda station to complain about Br Ames, and the Gardai came down to meet him.

**13.43** The Board's solicitors advised that Mr Ashe should be dismissed, and approved a proposal to terminate his employment at the end of the school year. The Chairman, Br Noyes, wrote to Mr Ashe, stating that the allegations of physical abuse were 'well founded' and therefore justified his dismissal from the School. However, he urged Mr Ashe to take the option of resigning:

This should help you in your future career. A reference could be furnished as I am sure you could get on well in another type of school. I just do not think you are suitable to a special school such as St. Joseph's.

**13.44** Br Noyes also wrote to the Patron of the School, the Archbishop of Dublin, seeking his permission to dismiss Mr Ashe, but the Archbishop refused. In a letter he said:

The matter was investigated on my behalf by [the parish priest]. [The parish priest] has given me a full report on the case. Having studied the documentation and report, I am not prepared to give my permission to the Board of Management to give notice of dismissal to Mr Ashe at the present time.

**13.45** The Priest appointed by the Archbishop held meetings with Mr Ashe and the Board of Management separately. He advised the Archbishop as follows:

Having consulted with the Education Secretariat and [a Solicitor], I have come to the conclusion that the permission sought by the Board of Management of St. Joseph's to dismiss Mr. Ashe should not be granted. The case made against Mr. Ashe does not warrant dismissal and would probably not stand up to testing in court.

It is generally agreed, however, that Mr. Ashe would be better suited to teaching in an ordinary second-level school or at third level. In view of this and of the poor relationship between Mr. Ashe and the Principal of the school, every effort should be made to assist Mr. Ashe in finding alternative employment as soon as possible. The attempt should be also made to establish better relations between Mr. Ashe and Brother Ames for as long as Mr. Ashe is in the school. That might be for some considerable time due to the general employment situation for teachers.

**13.46** In a replying letter, the Chairman of the Board of Management stated that the Board, whilst accepting the decision of the Archbishop, was concerned about this teacher remaining on in the School.

**13.47** As a result of the Archbishop's decision, Mr Ashe remained in the School. However, the concerns of the Board of Management were justified, as two further allegations of physical abuse were made against Mr Ashe the following year. A parent wrote to the Chairman of the Board of Management complaining that Mr Ashe had punched his son twice in the stomach. A month later, another teacher witnessed Mr Ashe physically assaulting a boy in a classroom. Both incidents were reported to the Principal, Br Ames, who carried out an investigation by interviewing relevant witnesses. He received no co-operation from Mr Ashe. Following his investigation, Br Ames informed Mr Ashe in a letter that he would be dismissed if he again breached the rules of the Department.

**13.48** Br Ames wrote to a Priest in the Education Secretariat of Archbishop's House recalling the representations that had been made the previous year and reporting 'a repetition of the same kind of behaviour this year'. He enclosed documentation 'on this years crop' and commented: 'Once again the Board are powerless'. Although he had written to Mr Ashe, he had received no response, and on the advice of the FUE [an employers' organisation], that the case would not stand up in court, he said that:

We are wondering if this is to go on for ever with no come back? We think that the Patron must issue a final warning to this man as it is he will have to consent to the dismissal. Is this kind of behaviour acceptable to the Patron?

**13.49** The Priest replied on behalf of the Archbishop and expressed his dismay with the continuing problems with Mr Ashe. He pointed out: 'The Patron becomes involved directly in the situation only if the Board of Management wishes to proceed with dismissal. Although he would be concerned that proper professional standards be maintained by all teachers, it would not be proper for him to communicate with an individual teacher.' He noted that Mr Ashe had been issued with a formal warning and added: 'I am sure you will continue to look for his explanation of the incidents in the school. I would be glad to be kept informed of any developments'.

**13.50** Around this time, Br Ames wrote to the Secretary of the Department of Education informing him of these incidents. He also sought advice from the Department in dealing with Mr Ashe, as the Board of Management 'find that they are helpless'. Within the Department, Br Ames's letter was referred from the Special Education section to the Reformatory and Industrial Schools Branch for the following reason:

as your section has a file regarding this case, perhaps, R and I could examine this whole issue with a view to arriving at a solution acceptable to all concerned.

**13.51** There is no information on the file regarding the solution reached, if any.

**13.52** The Commission sought records from the Department of Education and any report which arose out of an investigation of complaints into Mr Ashe during the 1980s, as no such records had been

furnished in discovery. The Department stated that these records were contained in a numbered file but 'the file cannot be located'. They added that 'the earliest records of complaints held by this Department regarding Mr Ashe relate to incidents in 1985', but this file does not contain any information as to the action taken by the Department. The Christian Brothers in their Submission claimed that 'management clearly sought' to have Mr Ashe 'removed from his employment but this was not possible as the Patron of the school did not give his consent'.

**13.53** Mr Ashe taught for over 20 years in the School. As to the circumstances in which he came to St Joseph's, a Board minute in the 1980s noted that he was taken on by Br Noyes and that 'Later he found out that he was unsatisfactory in two other schools although he was satisfactory for one year in St Joseph's', which implies that references were not obtained prior to his engagement.

**13.54** This case is disturbing, particularly the handling of it by the Department and the Archbishop. The Department's investigation file on this teacher is missing. There is no information available as to the outcome of the Department's investigation, or indeed if the Department even conducted an investigation. Despite numerous complaints of physical abuse, Mr Ashe continued teaching in the School for an additional 15 years. The decision of the Board of Management to dismiss him was overridden by the Archbishop of Dublin, and the Department of Education, it seems, took no action.

### **Allegations against Br Ames**

**13.55** It appears from correspondence in the early 1980s that Br Ames believed he and other school staff were entitled to resort to physical chastisement when occasion required. In the course of a reply to a parent's letter complaining about physical abuse by another Brother, Br Ames admitted hitting the boy himself for what he thought was good reason: 'We must look at the case realistically'. He said that the boy was 'by no means an easy boy to manage' and at times he 'found it necessary to give him a good "clip" and I make no apology for this as I have been put to the end of my tether with him'.

**13.56** The unfortunate boy who was treated in this fashion by the staff fared no better with his fellow pupils. The boy's father complained again to Br Ames, some two years later, that his son was being bullied by other boys in the School because of his religion, displaying acceptance of a prejudice that should have been wholly unacceptable to the management of the School:

As [the boy] has been the only boarder of his religion; it is understandable that certain pupils would give him a hard time. He has had his hair torn out by the root, his clothes taken from his locker and his head battered against a wall necessitating us taking him to [hospital] for a brain scan to ascertain any permanent damage to his skull.

**13.57** It appears from the Visitation Reports that Br Ames was not very popular with the staff at the School, but it is not apparent whether this had anything to do with his treatment of the boys. The Visitor in the late 1980s said:

Brother Ames has made an enormous contribution to the development at Cabra. It is most regrettable that relationships with the staff have broken down. I do not believe that he has any adequate realisation of the impact of some of his behaviour on those for whom he is responsible. For his own sake and that of others, he ought not to remain in Cabra.

**13.58** Br Ames did in fact leave the School in the late 1980s. The Christian Brothers in their Submission of 2006 said:

The fact of a manager being of a dour disposition does not of itself support the veracity of any allegation of physical abuse made against him. Before being posted to Cabra, Br Ames had been appointed as Manager in [an] Industrial School where he introduced many changes and innovations.

### **Allegation against an Assistant House Parent, Mr O'Sullivan<sup>4</sup>**

- 13.59** In the mid-1990s, a pupil made a number of allegations of physical abuse against his Assistant House Parent, Mr O'Sullivan, who had worked in the School for many years. The allegations, which were made to an Eastern Health Board social worker, were that Mr O'Sullivan hit him with a fish slice, caught him under the chin and attempted to lift him off the ground, had kicked him and twisted his arm. He also alleged that Mr O'Sullivan was rough with the boys, would twist their arms and was cruel to the younger boys and had thrown a cup at a boy. The boy who made the complaints had been resident in the School for a period of three years but, at the time of making the allegations, was a day pupil.
- 13.60** The social worker informed the Director of Residential Care, Mr Gallagher,<sup>5</sup> who requested that the allegations be put in writing, which was duly done by letter. The Principal, Br Grissel,<sup>6</sup> and Mr Gallagher interviewed the boy who made the allegations and Mr O'Sullivan, who denied the allegations. They decided to suspend Mr O'Sullivan on full pay, pending further investigation and inquiries into the allegations. It was intended that he would be suspended for a period of one week; however, this suspension continued for approximately one month. During the internal investigation, six staff members and 13 boys were interviewed.
- 13.61** A meeting was held in which the findings of the internal investigation were revealed to Mr O'Sullivan. The findings were: (1) Mr O'Sullivan was rough and cruel with the smaller boys; (2) he shouted at them and twisted their arms; (3) several boys had witnessed him hitting the boy with a fish slice; (4) he had a habit of grabbing children under the chin and lifting them up; and (5) he had a habit of throwing cups at children expecting them to catch them during wash up. In addition, Management was of the view that:
- Generally there were certain underlying themes coming forward some in relation to roughness with smaller boys and a kind of mocking, teasing attitude which in some cases was seen as cruel.
- 13.62** Mr O'Sullivan was given two weeks to respond to these findings, and he was informed that a final decision would then be taken. He responded by denying the allegations in a letter, and was informed shortly afterwards that the Management had reached their final decision, which was to transfer him to another residential house at the School. They also decided that he should be psychologically assessed by a doctor from the Granada Institute in order to assess his suitability as an Assistant House Parent. However, he was reinstated, despite the absence of a psychological assessment. Four weeks later, Mr O'Sullivan had still not been psychologically assessed, but arrangements were being put in place for that to be done. It is uncertain whether he was ever psychologically assessed, as no such report was furnished in discovery.

### **Other incidents**

- 13.63** In a Visitation Report from the mid-1950s, the Visitor O commented that Br Mason<sup>7</sup> had 'on a few occasions ... struck boys with his fist'. By the following year, Br Mason had ceased to be a member of the Community at St Joseph's but no reason is recorded for his departure.
- 13.64** In the mid-1960s, a report by an Inspector in the Department of Education observed that Br Hamlin<sup>8</sup> '... besides having very defective speech, was very cross with the boys and was hitting them'. The Visitor the following year noted that Br Hamlin was 'a bit hasty in his manner of dealing with the boys but with some experience he should be able to control himself'. Br Hamlin remained

<sup>4</sup> This is a pseudonym.

<sup>5</sup> This is a pseudonym.

<sup>6</sup> This is a pseudonym.

<sup>7</sup> This is a pseudonym.

<sup>8</sup> This is a pseudonym.

in the School until the early 1970s, when he was dispensed from his vows on the grounds that he did not like teaching and was not happy at it.

**13.65** Br Odil,<sup>9</sup> who taught in the School during the 1990s, had been the subject of a complaint of ‘excessive punishment’ when he was teaching in another school in Dublin, which he left to attend a course of studies for two years in university. However, no allegations were made against him concerning his time at St Joseph’s.

**13.66** A report by Dr Byrne,<sup>10</sup> Consultant Psychiatrist, in the early 1970s on an eight-year-old boy from St Joseph’s who had been referred to him for assessment, referred to comments made by a nurse at St Joseph’s when she had attended with the boy. The report stated that:

She was able to control his behaviour by giving him work to do but has found that slapping and isolation methods have not worked.

**13.67** In the early 1980s the school Principal, Br Noyes, received what he regarded as ‘minor complaints’ from boys that a lay supervisor, Mr Lynch,<sup>11</sup> ‘was too harsh, cross and slapped them’ and was very strict. Mr Lynch was the subject of an allegation of sexual abuse, which resulted in his resignation.

**13.68** A few years later, a parent wrote a letter of complaint to the Principal, Br Ames, alleging that Br Seaton<sup>12</sup> had punched his son in the stomach and slapped him around the face when he was wearing his hearing aids. Br Ames wrote a very unsympathetic letter in response, stating that the boy was ‘by no means an easy boy to manage’ and, as stated above, admitted that he had found it necessary to give him a good ‘clip’ and made no apology for it. Br Ames also alleged that the boy had been sedated in his former school, which was the reason he had had no problems there, a fact denied by the boy’s father who had spoken with staff at that school. It would appear that no action was taken against Br Seaton on foot of these allegations.

**13.69** Br Seymour,<sup>13</sup> who taught in the School from the late 1950s to the mid-1970s, was the subject of an allegation of physical abuse when he was teaching in another school in the late 1980s. A pupil there alleged that Br Seymour had hit him on the back of the head, which caused his head to shoot forward and his mouth to hit the desk, thus damaging his teeth. Legal proceedings were instituted and the matter was settled without admission of liability. Br Seymour was transferred to a school in Galway following this allegation.

**13.70** In the mid-1990s, a number of the boys stated that their House Parent, Mr Moore<sup>14</sup> was rough and cruel and slapped them. These allegations were made in the course of an investigation into allegations of sexual abuse against Mr Moore.

### ***Conclusions on physical abuse***

- 13.71**
- 1. Physical abuse of boys in the School is documented in the records.**
  - 2. Corporal punishment, at times excessive, took place at the School as late as the mid-1990s, despite the ban on corporal punishment which had been in place since 1982. It is particularly regrettable that this form of punishment was used on children with disability, who should have been treated with kindness and consideration.**
  - 3. In a case involving a teacher, Mr Ashe, about whom numerous complaints of physical abuse had been made, the Board of Management was unable to dismiss him because**

<sup>9</sup> This is a pseudonym.

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it was overruled by the school patron, the Archbishop of Dublin. However, it is noteworthy that the Board sought his resignation first and was prepared to give him a reference to enable him to transfer to another school.

4. The Department of Education was ineffective in investigating complaints of physical abuse in the School. In the case of Mr Ashe, no action was taken against the teacher and the file is mysteriously missing.
5. The requirement of the Archbishop's consent to dismissal made it more difficult for the School Management to deal with the serious problem that affected the lives of the pupils.
6. Even as late as the mid-1990s, a care worker, Mr O'Sullivan, was not dismissed from his employment despite the fact that senior management found that he had been physically abusive towards younger children. The solution of transferring him to another residential house within the Institution ignored the safety of the children in the School.

## Sexual abuse

### *Attitude of the Christian Brothers*

- 13.72 The Christian Brothers in their Submission dated October 2006 acknowledged that individual Brothers had sexually abused boys in their care, but argued that there was 'no evidence that it was a systemic phenomenon'. They defended the manner in which the Congregation dealt with such allegations, saying that there was no cover up and that:

Each incident was investigated thoroughly as soon as it came to the attention of the relevant authorities, and action was promptly taken. There was no cover up.

- 13.73 They admitted that their approach to allegations of sexual abuse at the time was 'seriously inadequate', but added that this arose 'through lack of awareness or knowledge rather than through neglect'. They cited the lack of clinical research into child abuse and the recidivist nature of such abuse in support of their approach. They submitted that there was little or no understanding or regard given to the effect of such abuse on the child concerned. Sexual abuse, they argued, was seen as a moral failing on the part of the Brother in question, and this and 'the danger of scandal arising out of that moral failure were seen as the primary matters to be addressed when a case of child sexual abuse presented itself'.
- 13.74 They also conceded that complaints of sexual abuse were not reported to the Gardaí. This they justified on the basis that at the time 'an incident of sexual abuse was considered more of a failure in morality than a criminal act and therefore the idea of reporting to the Garda was not considered to be usual practice'.
- 13.75 The Christian Brothers referred in detail to the documented complaints of sexual abuse against various Brothers. Based on these cases, they asserted that the Congregation of Christian Brothers 'sought to protect children who were under their care. As soon as an allegation or incident of abuse came to their notice, the authorities took action'.

## *Documented cases of sexual abuse by staff*

### **Allegations against a care worker, Mr Moore**

- 13.76** In the early 1990s, a pupil, Brian<sup>15</sup> complained to a pastoral care teacher, Sr Clarke<sup>16</sup> about his House Parent Mr Moore, who was in charge of one of the residential homes at St Joseph's Cabra. Brian also complained to Mr Hogan,<sup>17</sup> Assistant House Parent, that Mr Moore showed 'blue movies' to the boys, and was constantly engaging in sex talk. Mr Hogan noted these complaints and reported them to Mr Gallagher, Director of Residential Care.
- 13.77** Later that year, Brian described how he had gone into his Mr Moore's room in one of the residential houses, and discovered him engaged in sexual activity with another of the boys, Fergal,<sup>18</sup> who was in his teens.
- 13.78** Brian reported this incident to the same staff member he had spoken to earlier that year, Sr Clarke. The following morning, she reported the allegation to the Principal Br Grissel. That afternoon, she met with both Br Grissel and the Director of Residential Care, Mr Gallagher, and repeated the allegations to them. She also set out the allegations in a report. That day, Br Grissel and Mr Gallagher interviewed Fergal. A member of staff acted as interpreter during the interview. During this interview, Fergal outlined the events of the night, and confirmed Brian's account.
- 13.79** Br Grissel and Mr Gallagher held two meetings with Mr Moore, who denied the allegations. He was suspended on full pay, pending the outcome of an investigation.
- 13.80** Br Grissel and Mr Gallagher met two Eastern Health Board workers at their offices the following day and briefed them on the situation. Over a week later, Br Grissel had a meeting with a social worker from the Eastern Health Board to discuss informing the boy's parents, contacting the Gardaí and setting up an internal inquiry. Br Grissel then contacted the School's solicitor.
- 13.81** Br Grissel informed Fergal's parents who were very anxious and were particularly worried about the possibility of AIDS. It was stressed to them that what took place 'was of a masturbatory nature'.
- 13.82** Fergal was assessed two months later by a team from the St Clare's Unit, an assessment unit attached to Temple Street Children's Hospital. It was concluded that he had been abused in the manner he described.
- 13.83** Brian, who had witnessed the incident, was also seen by the assessment team. He informed them that Mr Moore had shown him on many occasions how to masturbate, and he named two other boys who had been similarly instructed. He also informed the team that Mr Moore used to show adult-blue movies to the boys. A case conference took place between the St Clare's team, members of the Eastern Health Board and Br Grissel, where it was decided that an initial screening process should be undertaken of all children in both residential houses where Mr Moore had worked. In addition, staff of St Joseph's were to be informed of the situation, and the parents of the boys named were to be contacted with a view to having their children assessed.
- 13.84** Arrangements were for the screening and assessment of pupils at St Joseph's who it was felt could have been the subject of sexual abuse by Mr Moore. This was a slow and lengthy process. At the same time, the Eastern Health Board conducted an inquiry into the allegations, and a Garda

<sup>15</sup> This is a pseudonym.

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investigation was also underway which continued early into the next year. Approximately two months after the investigations commenced, Mr Moore was dismissed from his employment.

**13.85** There was a delay in actually commencing the screening process of past and present pupils at St Joseph's, which was to be conducted by the social workers of the Eastern Health Board together with a member of staff at Cabra. The St Clare's team had stressed the need to begin the screening process quickly. However, the minutes of a case conference held following the dismissal of Mr Moore noted that the screening process had not begun and parents had not even been informed at that stage, some five months after the initial complaint of sexual abuse had been made. The screening process began shortly after this case conference. Initially, 17 boys were screened. However, further screenings took place and were expanded to include past and present pupils of the School, which resulted in 70 boys being screened.

**13.86** There were communication problems and poor organisation. There was a lack of co-operation between the Eastern Health Board, the Gardaí, St Clare's and the authorities at Cabra. At one point, criticisms were levelled against the management of Cabra by the Eastern Health Board on these grounds. It was stated that the senior social worker and his assistant and the St Clare's Unit were 'not getting full co-operation from St Joseph's, Cabra, especially from the Principal'. This was challenged by the Congregation at a subsequent meeting, and it was acknowledged that there had been co-operation from management, but that there had been difficulties and differences of opinion. It was raised at a meeting that there had been a lack of communication with the parents and the setting-up of an independent inquiry was discussed. Some parents were upset by the delays in informing them and there was a lack of clarity as to who should inform them. The issue of peer abuse and its prevalence in the School was raised and it was stated that 'there was evidence of a kind of culture of abuse having developed in St Joseph's among the boys themselves' which had to be dealt with. Br Grissel wrote a letter defending his actions in the handling of the investigation, stating that there had been full co-operation from him and his staff.

**13.87** The case was reported in the media and the investigations then took on a more urgent role; two teams worked in tandem at St Clare's to assess the boys, extra staff were involved at St Joseph's in carrying out the screening process, and extra Gardaí were recruited to assist in conducting the interviews with staff and pupils of the School. A treatment programme was also devised by the Eastern Health Board for pupils affected. Staff training was also mooted and there was counselling for staff affected by the issues. A total of 11 case conferences were held over a 12-month period.

#### **Allegations against Br Farber<sup>19</sup>**

**13.88** In the course of the investigation into Mr Moore, allegations were made against a Christian Brother, Br Farber, who had been on the staff of Cabra since the late 1950s, by one of the boys who had been assessed. Allegations were also made by an ex-pupil who wished to remain anonymous.

**13.89** Sr Clarke reported that she had met with the past pupil who was prepared to 'come forward in relation to allegations against Br Farber'. In the report of the Health Board, two allegations of sexual abuse were recorded against Br Farber. Br Farber did not return to Cabra.

**13.90** Given that the allegations against Br Farber arose in the course of the investigation into Mr Moore, it seems extraordinary that no similar investigation was conducted into Br Farber by either the Congregation or the State agencies.

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<sup>19</sup> This is a pseudonym.

**13.91** In 1994, the Christian Brothers commissioned a review of the management structures, care practices, care programmes, administrative practices, staff selection, training, deployment, supervision and liaison with teaching staff and parents. An interim report was issued followed this review. One of the issues identified in the report was the lack of reporting and communication structure between teachers in the School and the care staff of the residential units regarding each child. Problems were also noted in communicating information to parents. It was recommended that the Director of Residential Care should be the conduit for liaising and communicating information regarding children. The report said that there was a lack of information about children on admission to the School. It was also recommended that care staff should have professional qualifications, which was something that had previously been recommended in a 1977 report by the Department of Education on the Education of Physically Handicapped Children. The unsuitability of mixing younger children with older children in residences was also raised. Other recommendations included staff training programmes, care programmes geared towards the particular needs of younger children, and staff counselling. The issue of sexual abuse was not addressed in this report.

### **Reports of the Eastern Health Board**

**13.92** A few months later, the Eastern Health Board produced two reports. The first dealt with complaints about staff at the School, and the second with observations on the management and operation of the residential units. The first report catalogued complaints against members of staff that came to light during the course of the investigation, but it did not come to any findings. The second report identified three main issues of concern: (1) matters of sexuality; (2) communication; and (3) child care issues. With regard to matters of sexuality, the Health Board identified that there was a lack of a clear policy in this area, which they felt could ‘only have contributed to the likelihood of sexual abuse occurring in the units’. This was stated, in particular, with regard to sexual abuse amongst the boys. The report noted that there was a ‘sexualised culture within the school in general’ which they felt could only ‘be shifted by radical and ongoing management and training’. They concluded that institutional abuse had occurred in the School.

**13.93** The report found that there was a ‘tendency to discredit complainants by, for example, alluding to their personal characteristics or family history’ and continued:

Even at the highest level there does not seem to be the skills, or the inclination, to suspend judgement, or even to think it possible that the complainants might be telling the truth. A protocol is required whereby guidelines can be followed in a standard way, regardless of the opinions of the staff, or their line management.

**13.94** The report pointed out the need for sex education and that a modified version of the ‘Stay Safe Programme’ was also needed. Moreover:

As is obvious to everyone by now a guideline for identifying and reporting sexual abuse needs to be implemented and should include the teaching as well as care staff.

**13.95** The investigators commented that the School was a ‘total institution’, in that it was self-sufficient and divorced from its immediate community, but suggested that much could be done to integrate pupils with the local community. The residential units were completely independent of each other, with no sense of integration between them, which resulted in a ‘hierarchy of deafness where one house can feel superior to another house in which the level of disability may not be equal’.

**13.96** An added complication with the pupils was that some of them, in addition to being deaf, were also mentally handicapped. The report recognised this as an issue and felt that ‘consideration also needs to be given to the separation of “deafness” from “mental handicapped”’.

- 13.97** The report found communication with parents was poor and liaison with them slow and incomplete. Communication between childcare staff and the Director of Care was also unsatisfactory, because it was ‘formalised on an administrative, rather than a professional basis for instance, rosters, leave etc. will be organised efficiently but there is little evidence of professional supervision or professional accountability’. A problem with communication between management and staff was noted, and staff complained of being ‘kept in the dark’. Lack of communication between one shift of staff and another was found. The relationship between the residential and teaching staff was poor. The Eastern Health Board felt that a formal liaison system needed to be established between both staff groups to discuss matters of mutual concern.
- 13.98** Another disturbing problem of poor communication was the high number of staff members, including those at management level, who did not have sign language. The report commented ‘it seems incredible that so few members of staff can use the language of their clients. There ought to be an in-service training programme for staff’. Even senior management did not have training in sign language and needed to use interpreters.
- 13.99** As to childcare generally, the report found that the residential units were very institutional in character, where staff were referred to as supervisors and there was a lack of trust on the part of the boys. The boys perceived the system in the School as unresponsive. There were examples of boys going to senior staff and feeling dismissed. Each unit operated completely independently in terms of discipline, and there was a need for a co-ordinated and harmonised system throughout the School.
- 13.100** It is significant that the review commissioned by the Congregation of management structures and care practices in Cabra failed to address the urgent issue of sexual abuse and sexualised behaviour of children in the School. The Christian Brothers review was conducted during a period of intense investigation, by both the Gardaí and Health Board, of the activities of at least one care worker in the School, which in turn led to the uncovering of a high level of sexual abuse and sexual activity amongst the boys. The Health Board review considered this to be the most important problem facing the Institution. The Health Board blamed a failure on the part of management to ‘suspend judgement’ and even allow for the possibility that complainants could be telling the truth. The failure of the Congregation to address the issue at all would indicate that the Health Board assessment was correct.

## Conclusions

- 13.101**
- **In a climate of scepticism and undermining of complainants, sexual abuse will remain undetected. Children were not encouraged to make complaints, and those who did were not dealt with properly. It could not be claimed that there was a lack of understanding of the seriousness of this abuse on the subsequent development of victims or that the matter was seen as simply a moral issue.**
  - **The allegations against Mr Moore and subsequent investigations highlight numerous problems at that time in the area of reporting and investigating child sexual abuse allegations.**
  - **When a pupil made a complaint to a staff member about the sexualised behaviour of his House Parent, no action was taken. Steps were only taken when another boy reported an actual incident of sexual abuse that he had witnessed.**
  - **This case demonstrates failings in communication and co-operation between the various State agencies. When all official bodies had eventually been notified, there was further confusion and delay in dealing with the complaint.**
  - **There was delay in notifying the parents of the boy who was assaulted and of the boys who were screened.**

- Staff at St Joseph’s were not properly informed.
- The serious extent of the abuse perpetrated by Mr Moore only came to light when a full investigation was conducted. In the past, Congregations handled allegations by dealing with perpetrators without ascertaining the extent or prevalence of their abuse. When an investigation screened possible victims of abuse, as in this case, it revealed a level of sexual abuse by this man that should have caused deep concern for the system of care in operation. This case has implications for all the allegations of sexual abuse that were so inadequately dealt with over the years.

### **Allegation against Br Boucher<sup>20</sup>**

**13.102** In the mid-1980s, an allegation of sexual abuse was made against Br Boucher, who had worked in the School from the early 1980s. The allegation was made separately to a care worker and to a teacher by a pupil. These two staff members reported the matter to the school Principal, Br Ames, who in turn informed the Provincial, Br Sandler.<sup>21</sup> The pupil told the care worker, Mr Kennedy,<sup>22</sup> that Br Boucher had fondled his genitals.

**13.103** The Provincial interviewed the two staff members and Br Ames concerning the allegations. The care worker, Mr Kennedy, stated that he regularly saw Br Boucher go into the boy’s room at night, and vice versa, when the Brother would give the boy biscuits and sweets. The teacher, Ms O’Connor,<sup>23</sup> reported that the pupil had told her in class that this Brother had power over him and ‘made him do things of a sexual nature which he did not want to do’.

**13.104** The Provincial, Br Sandler, held separate meetings with Mr Kennedy, Ms O’Connor and Br Ames. Br Sandler also interviewed Br Boucher, who denied the allegations and appeared confused and unable to recall details. Br Boucher then went on his summer holidays, during which time he was taken seriously ill and was transferred to a nursing home. No further action was taken despite other meetings being held with the Brother. He applied for a dispensation, which was granted approximately two years later.

**13.105** Six months after the reporting of the alleged abuse, it was decided by the school authorities that the boy should be sent to a psychiatrist, Dr Byrne, for counselling. A few weeks later, the school authorities received legal advice regarding the setting-up of an internal inquiry to investigate the allegations. It was mooted that Dr Byrne should head up this inquiry, but he declined to do so on the basis that he had a conflict of interest. Dr Byrne had had two counselling sessions with the boy and he felt that it was not necessary for him to see the boy again.

**13.106** Br Sandler informed Dr Byrne that progress had been made in establishing a small committee of inquiry. However, no inquiry took place and no reasons were given for not proceeding with it.

**13.107** The Christian Brothers in their Submission claimed that ‘following this allegation immediate steps were taken to undertake a full and formal investigation by outside experts in this matter’. The documents revealed that this was not the case. Contrary to what the Brothers say, ‘immediate steps’ were not taken to undertake ‘a full and formal investigation by outside experts’. Six months elapsed before the idea of convening a small committee of inquiry was even mooted. It was then decided not to proceed with the inquiry without any clear reasons given. No decisive action was taken regarding the setting-up of an inquiry, as a letter stated ‘things were in an “on-off” situation for a long time’. It may have been due to the fact that Dr Byrne felt that the boy had improved and there was no need to pursue the matter further. The Christian Brothers in their Submission stated that ‘the investigation did not proceed because of the lack of any further information’.

<sup>20</sup> This is a pseudonym.

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**13.108** The proper course would have been to report the matter to the Gardaí and to co-operate fully with the Garda investigation. The school authorities did not report the matter to the Gardaí at the time. The Christian Brothers defended their actions on the basis that the complaint was unclear:

The reason why the Gardaí were not informed of the nature of [the person's] complaint of [Br Boucher] allegedly interfering with him was because the complaint was not very clear and we were waiting on clarity.

**13.109** The allegation did not lack clarity. It was alleged that Br Boucher had fondled the boy's private parts, and this was plainly a matter for the Gardaí to pursue.

**13.110** There is no evidence that any attempt was made to identify other children who might have been victims of this Brother, or to establish the extent of his activities.

**13.111** Allegations against this Brother arose again in the course of the Garda and Health Board investigations that had been triggered by the Moore affair. At that time, an investigation by the State agencies could have taken place but there is no record of this occurring. Neither is there any evidence of an investigation on the part of the Congregation. As in the case of Br Farber, it is inexplicable that this matter was not fully investigated, given the amount of information that emerged in the Mr Moore investigation.

#### **Allegation against a staff supervisor, Mr Lynch<sup>24</sup>**

**13.112** In the early 1980s, the school Principal, Br Noyes, was informed of an allegation that staff supervisor, Mr Lynch, sexually abused a boy in the School. The boy complained to Br Ramond<sup>25</sup> that Mr Lynch, while on night duty, had shown 'dirty books' to him and had abused him. Br Ramond reported the matter to Br Noyes, the Principal.

**13.113** Br Noyes interviewed the boy and six other boys who slept near him in the dormitory. Some of them verified what the boy had alleged, but others claimed it was a conspiracy against Mr Lynch, as he was supposed to be very strict. Br Noyes then interviewed Mr Lynch, who was 'completely astonished' and denied the allegation and 'claimed that it was part of the ongoing conspiracy to have him fired'. However, later on the same day, Mr Lynch tendered his resignation to Br Noyes, as he felt that his name would be ruined if some boys and staff believed the allegation. Br Noyes accepted his resignation, and Mr Lynch left the School later that evening. In a document recording the resignation, Br Noyes stated that he could not locate any file or background information on Mr Lynch.

**13.114** In this instance, the school authorities acted swiftly when an allegation of sexual abuse was made. That was considered to be the end of the matter. There was no review of recruitment procedures, despite the fact that no background information was found regarding this person, there was no internal review of procedures in the School, nor any meetings or guidelines issued. It might have been considered a satisfactory outcome that the staff member accused of abuse had resigned and left the Institution, but it was not proper practice. There was no attempt to resolve the issue of whether the man committed sexual abuse or not. The Gardaí were not informed, so there was no criminal investigation. The employee was able to seek work with children in a different facility. If he was innocent, he deserved to be cleared. If guilty, he should have been the subject of Garda inquiries and possible prosecution. Leaving the matter unresolved once the man resigned was the easy but irresponsible option.

<sup>24</sup> This is a pseudonym.

<sup>25</sup> This is a pseudonym.

## *Other cases*

- 13.115** In the mid-1980s, an ex-pupil who had left St Joseph's in 1961 told Br Sumner<sup>26</sup> that he had been sexually abused by three Brothers and a priest whilst at the School. The allegations were disclosed to Br Sumner when he went to visit this ex-pupil in jail, where he was waiting to stand trial on charges of incest. In an internal memorandum, the three Brothers were identified only by their initials. The Christian Brothers have suggested that the three Brothers could be Br Dax,<sup>27</sup> Br Sydney<sup>28</sup> and either Br Alain<sup>29</sup> or Br Philippe.<sup>30</sup> The priest in question was Fr O'Neill.<sup>31</sup> The memorandum also stated that this was the first time that allegations of this nature were made against two of the Brothers. The documents do not indicate what further action was taken on foot of these allegations, and it would appear that nothing further occurred. With regard to one of the Brothers, whom the Christian Brothers say could be Br Alain, it is clear from the Visitation Reports in the 1970s that it was well known within the Community that he had a drink problem. This Brother spent over 20 years in the School.
- 13.116** A Br Baron<sup>32</sup> was a source of concern to the Congregation. There is no actual allegation of sexual abuse against him and none in relation to his time in Cabra. However, Br Baron, who was stationed in another school in the mid-1950s, wrote to the Provincial seeking a transfer on health grounds. He considered himself a misfit in the School and that at no other period had he had 'so many temptations' against his vocation. His request was acceded to, and he was transferred to a school in Dublin, and two years later to Cabra. There is no explanation for his transfer to Cabra. While he was in Cabra, the school chaplain, Fr Doyle,<sup>33</sup> wrote to the Provincial, informing him that he had advised Br Baron to seek 'a change away from residential boys'. Br Baron had told Fr Doyle that this had been suggested to him before. Fr Doyle emphasised in his letter to the Provincial that he felt that a change on conscientious grounds was a necessity and the Provincial agreed to the request and he was immediately transferred out of Cabra to a day school in Dublin.
- 13.117** In the early 1960s, Br Baron applied for a dispensation. In a letter to the Provincial, he stated that he had his 'old troubles' again. It is clear from the correspondence at this time that the Christian Brothers were very keen to have him removed from the Congregation. The Provincial wrote to the Superior of Cabra and said that 'one thing is certain we could not employ him in school again'. The Provincial was anxious to be rid of Br Baron quickly, with as little contact as possible with the Congregation. He asked the Superior to arrange for Br Baron to travel to Dublin, where another Brother would meet him at Clerys in order to provide him with a set of clothes and £30 in cash. The Provincial wrote: 'Let him arrive in Dublin in time so that it will not be necessary for him to spend a night in a Brothers' House but if he has to well and good'. He added that he had sent Br Baron a reference and stated 'I hope I have now covered all points in this ugly matter'. Br Baron was dispensed from his vows two years after his departure from Cabra.
- 13.118** Allegations of sexual abuse in St Joseph's were made against two Brothers who committed sexual abuse in other institutions. Both served in Letterfrack Industrial School, and one also served in Artane Industrial School. In a case of documented abuse, Br Dax was sent from Cabra to Letterfrack, where he abused numerous boys in a long career of sexual misconduct, but he denied abuse in Cabra. Br Dax pleaded guilty to sample charges of indecent assault and buggery of boys in Letterfrack and was sentenced to terms of imprisonment. As for Br Adrien,<sup>34</sup> the Superior of Letterfrack had previously appealed to have him moved in circumstances that clearly implied that

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he was sexually abusing boys. He was sent to Cabra for two years, which demonstrated complete indifference to the risk he posed to children there.

### ***Conclusions on sexual abuse***

- 13.119**
- 1. There was a lack of follow-up by staff to whom complaints were made. There were no clear reporting systems or guidelines once an allegation of abuse was made.**
  - 2. Brothers who were the subject of complaints in the course of the Moore investigation were not investigated by the State agencies or the Congregation.**
  - 3. There was delay by management in informing the parents of children who had allegedly been sexually abused.**
  - 4. Sexual abuse was not reported to the Gardaí until the 1990s.**
  - 5. As late as 1986, when Br Boucher was under suspicion, no proper inquiry took place.**
  - 6. Management at the School paid no heed to the early indicators of abuse, particularly with regard to boys who were highly sexualised with each other.**
  - 7. Br Baron was clearly unsuitable for work with young boys. He was granted a dispensation and given a reference to facilitate future employment. This showed disregard for the safety of children and prioritising of the interests of the Congregation.**
  - 8. There was a failure on the part of management to recognise that children with special needs demanded a high standard of care, and that all staff needed to be informed and trained appropriately.**

## **Peer sexual abuse**

### ***Documented cases***

#### **Eastern Health Board**

- 13.120** One of the Eastern Health Board reports made a very serious finding against the management in Cabra. It stated that:

There is a history of staff ambivalence regarding what might be considered normal or abnormal sexual interaction between the boys. For example, some boys who abused other boys were suspended or expelled. Others remained in the same unit as their victim. A lack of clear policy in this area can only have contributed to the likelihood of sexual abuse occurring in the units.

- 13.121** The report concluded that the information about sexual abuse in the form of direct allegations, stories and rumours ‘all add up to produce a sexualised culture within the School in general. Such a culture can only be shifted by radical and ongoing management and training’.

- 13.122** The report faulted the school management for a number of failures. They were slow about informing parents when children were involved in sexual activity, and the information they gave was inadequate. They misinterpreted incidents between boys and singled out individuals in cases where they should have identified patterns of group behaviour. They were insensitive: ‘there have been examples of quite a judgmental approach to boys who were acting out sexually due to having been abused themselves in the centre’.

- 13.123** The report also found that there ‘is a tendency to discredit complainants by, for example, alluding to their personal characteristics or family history. Even at the highest level there does not seem to be the skills, or the inclination, to suspend judgement, or even to think it possible that the

complainants might be telling the truth. A protocol is required whereby guidelines can be followed in a standard way, regardless of the opinions of the staff, or their line management’.

### General comment

**13.124** The documented cases of sexual activity between boys afford confirmation of some of these points. The information in the records is often vague as to the conduct of the boys and fails to distinguish between different categories of prohibited behaviour. In particular, the records do not distinguish between consensual activity engaged in by boys of equivalent status, and peer abuse consisting of predatory behaviour perpetrated by stronger and usually older boys on vulnerable and usually younger boys.

**13.125** Despite the fact that these cases came repeatedly to the attention of the school management, they were dealt with individually and there was no appreciation that they were part of a pattern of behaviour or of an issue that should be approached on a more general level. It was necessary for the School to deal with individual offenders, but they did not address the issue as a problem for the management of the school, despite the large number of cases that they had to deal with. The records document cases going back to the 1970s and, for the reasons identified in the Eastern Health Board Report, there may have been many other cases of that kind. Nevertheless, the management never devised a policy for dealing with the issue, by way of education of the boys or of the teachers or of the care staff.

### Mid-1980s

**13.126** In the mid-1980s, a 16-year-old pupil was a cause of concern to the school authorities and he was referred to Dr Byrne because of his ‘anti-social behaviour, which has included outbursts of temper and violence, and more important, because of attacks of a homo-sexual nature on peers’. Dr Byrne advised that his behaviour should be monitored daily. Some months later, the boy was involved in a ‘homosexual/assault episode’ and he was again referred to Dr Byrne, who advised Br Ames not to let the boy return to School until he ‘had satisfied himself that he posed no homosexual risk to the school population’. But it is not clear how the Brother was to achieve this state of knowledge.

**13.127** In a separate incident, a staff member, Mr Williams,<sup>35</sup> saw an older boy holding the hand of a younger boy and bringing him into a dark room. He followed them and found the two boys in a corner of the room with the lights off. When questioned by school management, it transpired that the older boy had attempted to sexually assault the other boy. He had asked him to pull down his trousers and, when the boy refused, he then ‘rubbed his penis up and down his backside’ while both were fully clothed.

**13.128** The parents of the older boy were notified immediately by telephone of the incident by the Superior, Br Porteur.<sup>36</sup> The following day, Br Porteur wrote to the boy’s parents telling them that their son needed help and, until he was willing to accept such help, he was suspended. The boy was allowed to return to school once he agreed he had a problem and required help. His mother was of the view that he needed to see a priest. The school management agreed to offer him assistance with his problem, but from the file it does not appear that this boy was referred to Dr Byrne for assessment. Management was aware of this boy’s ‘deviant behaviour’ in the mid-1980s.

**13.129** The parents of the younger boy were not informed of the incident. The victim in this case also features in other recorded episodes, in one as the alleged victim in the early 1990s, and in another case as the perpetrator of abuse.

<sup>35</sup> This is a pseudonym.

<sup>36</sup> This is a pseudonym.

### Early 1970s to late 1980s

**13.130** The mother of a boy, who had been resident in St Joseph's from the early 1970s to the early 1980s, contacted a Bishop in the late 1980s to complain about sexual abuse that her son had suffered in the School. She subsequently met the Provincial, Br Sandler, and informed him that the sexual abuse by older boys had begun shortly after her son's arrival in St Joseph's. She said that he had reported the abuse and that the offenders were expelled. But some of them were re-admitted and they again sexually abused him, until he left the School. The boy attempted suicide in the late 1980s, which resulted in him attending a psychiatrist, and that is how details of the abuse came to light. Br Sandler assured the woman that the matter would be investigated and he would report back to her. From the file furnished, no action appears to have been taken by Br Sandler, nor are there any documents concerning the abuse that led to the boys' being expelled in the early 1970s.

### Late 1980s

**13.131** In the late 1980s, an Assistant House Parent, Mr Smith,<sup>37</sup> found that a boy was upset and 'had problems', and had written down details of many instances of sexual abuse perpetrated on him by boys in his class over a period of seven years, including fondling, masturbation, anal penetration and oral sex. Mr Smith informed the Principal, Br Grissel, of the allegations, and the Principal with another teacher spoke to the boy and decided to allow him home early due to his agitated state.

**13.132** The Principal, Br Grissel, and the Superior, Br Sumner, visited the boy's mother at her home. They had been advised by Dr Byrne to inform her of the sexual abuse of her son and the urgent need for counselling and therapy. The mother's response was that the family doctor was a lady and she would seek her advice. She also informed them that she was taking her son out of the School because she did not feel he had the ability to pass the Leaving Certificate. There is no record of any follow-up in the School by way of internal investigation, and the matter appears to have been considered closed once the boy was gone.

### Early 1990s

**13.133** During an investigation in the early 1990s, it was discovered that two boys were forcing another boy to engage in sexual acts with them. The victim, at the request of his mother, was transferred to another residential unit. When the mother spoke to her son, the full details emerged that there were five boys sexually bullying him over the course of the year. The two boys who perpetrated the sexual abuse were suspended from the School, but one was allowed to return to school to complete his studies.

**13.134** A letter dated one year later reveals the dissatisfaction felt by the father of the boy who was the victim of Fergal's predatory behaviour. He complained that he was given inconsistent information whether such incidents had happened. In relation to the particular episode involving his son, the father stated that he and his wife:

would in the ordinary way be upset and sad that such a thing should happen, but if it were an isolated incident which was then handled appropriately, we would accept that it is impossible to guard completely against such a thing. In this case, however, it appears on the information available at present to have been part of a series of events which should have put you on guard to take appropriate precautions ...

**13.135** He expressed surprise that there was not an immediate investigation of the incident, and was unable to understand why he and his wife had not been immediately informed. He went on to protest that 'no apparent effort was made to assess and monitor in a professional way the impact

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<sup>37</sup> This is a pseudonym.

of the incident on [his son]'. He said that failure to take action to prevent a re-occurrence 'appears totally irresponsible'.

**13.136** The father questioned the adequacy of arrangements to protect other boys in St Joseph's, and wondered if there was a sex education programme in existence. Although he had been impressed by the calibre of the staff that he had met, he nevertheless could not 'understand why there is not a specific course of instruction in sign language for them'. Neither was there any professional counselling service available which would be accessible to boys using sign language.

**13.137** The boy's father protested that the Principal of the School had neglected the matter totally and for so long, and that his concern at that stage one year on 'appeared to be to minimise the significance of what happened and the shortcomings' which he had described. He found Br Grissel's suggestion that what the boy was doing with his son might be described as 'horseplay' to be offensive and ridiculous, and thought that attempted rape would be more appropriate. The writer went on to claim that the way this and other similar events had been handled was unfair to the boys engaged in predatory behaviour as well as to their victims.

**13.138** The letter as a whole constituted a major list of serious failings on the part of the Institution and its management, and it called for a considered and comprehensive response. There is a dearth of documented material relating to the case in question.

**13.139** The discovery of two nine-year-old boys in bed together, engaged in sexual activity in the early 1990s, gave rise to concern about the ringleader because his interest in and knowledge of sex was beyond that of a nine-year-old boy. However, although the sexualised behaviour was suspicious, no investigation into practices in the house where the boy was living was carried out.

**13.140** A note on the file about this incident makes the following observation:

Mr Moore the Senior Houseparent submitted a document to Mr Gallagher which in hindsight we now realise that he was covering up some kind of inappropriate activity.

**13.141** The only action by the school management was to decide that staff would monitor the situation closely. The parents of the boys were notified six weeks after the incident had taken place. Both boys, during the screening process which came about as a result of the mid-1990s investigation were referred for assessment to the St Clare's unit. The boy who was the instigator in this incident was himself the victim of abuse in another case, which may alone or with other episodes have accounted for his sexualised behaviour at such a young age. The case is another illustration of the cycle of abuse that sometimes occurred, whereby a victim copied what had happened to him by doing it to another child.

#### **Peer abuse notified to St Clare's Unit**

**13.142** During the investigation of the mid-1990s by the Eastern Health Board into allegations against the care worker, Mr Moore, many allegations of peer sexual abuse came to the attention of the assessment team in St Clare's. The extent of the abuse uncovered by this investigation was alarming. Although some of the cases could have been regarded as sexual activity between boys of a similar age, much of what was disclosed involved predatory sexual abuse of older boys on younger boys. In one case, a child as young as nine was involved with a much older boy, who had himself been abused by the care worker, Mr Moore.

**13.143** Over 20 boys were interviewed, and many had either direct or indirect experience of sexual abuse by other boys. In some cases, the boy interviewed named multiple offenders, up to five boys in one case.

**13.144** The allegations ranged from lewd conversations to masturbation and anal rape.

**13.145** The Health Board's conclusions on peer abuse in Cabra have been outlined above, and it was uncompromising in its criticism of management in Cabra for its failure to address this issue.

### **Conclusions on peer abuse**

- 13.146**
- 1. The fact that such a serious problem of sexual abuse among boys was only uncovered when the Health Board became involved in the Moore investigation, and boys were encouraged to speak in a confidential and safe environment, has serious implications. It is probable that sexual activity was ignored or tolerated for some considerable time before the Health Board intervened. Complaints were dismissed or ignored and no attempt was made to protect children from predatory behaviour.**
  - 2. The extent of the problem as revealed by the Health Board investigation should have triggered a full-scale inquiry on the part of the management as to how children could have been subjected to such abuse whilst in their care. In fact, it appears that staff were not even properly informed of the ongoing investigations, and there is no evidence that there was any urgency about putting safeguards in place to prevent future occurrences.**
  - 3. Despite numerous reported incidents of peer abuse in the early 1990s involving the same boys, the school management did not undertake an investigation into the residential units.**
  - 4. The attitude of management displayed ignorance on how children should be protected whilst in their care. Incidents of peer abuse were treated as one-off events and did not lead to any systemic changes that would make abuse more difficult for the perpetrators and easier for victims to report.**
  - 5. The amount of sexual activity amongst the pupils suggests that they were not given adequate education or training about the social rules that control normal sexual behaviour.**

### **General conclusions**

- 13.147**
- 1. St Joseph's School for Deaf Boys in Cabra was a well-equipped school that promised the best possible care and education to boys who were deaf or who had hearing difficulties.**
  - 2. Cabra did not deliver on its promises. It failed to provide a safe or secure environment for the children it purported to protect. It operated a system of corporal punishment that was excessive and capricious and reliant on the discretion of individual teachers. Some of these teachers were harsh and cruel towards the boys, and there was no mechanism for addressing complaints. Children were fearful and helpless in the face of management failure to put controls in place.**
  - 3. The management in Cabra failed to protect children from sexual abuse by staff. When complaints were made, they were not believed or ignored or dealt with inadequately. The level and extent of abuse perpetrated by one lay worker, as late as the 1990s, was an indication of the lack of any proper safeguards.**
  - 4. Cabra offered little protection to younger boys from sexual abuse by older boys. The level of peer abuse uncovered by the Health Board investigation in the mid-1990s was disturbing. The investigation also revealed a pattern of physical and emotional bullying that made Cabra a very frightening place for children who were learning to overcome hearing difficulties.**

5. In caring for children, the provision of good facilities is no substitute for an environment that protects and cherishes the individual child. Swimming pools and recreation halls are of little value if children are frightened, bullied and abused. Many of the problems in Cabra could have been alleviated by a change in attitude towards the children. Although professional training would have undoubtedly helped, a truly self-critical approach by management that was not defensive in the face of criticism would have brought about many of the necessary changes.

