

Chapter 1

Department of Education

Part 1 The functions of the Department

Introduction

- 1.01** The Department of Education had overall responsibility for the Reformatory and Industrial School System and for Marlborough House detention centre. The Department provided finance to the schools and oversaw their operation, leaving day-to-day control to the Congregations and Orders that operated them. The Department had a duty to ensure that the rules and regulations were observed, that finances were correctly utilised and that reasonable standards were maintained. The principal method of monitoring the schools was the inspection system, which was carried out by members of the Department's Reformatory and Industrial Schools Branch.
- 1.02** The timeframe of this investigation falls between the publication of the Cussen Commission's Report into Reformatories and Industrial Schools in 1936 and the Kennedy Report on the Schools in 1970. The Cussen Report endorsed the system contingent upon the implementation of its 51 principal conclusions and recommendations, but the implementation of these recommendations by the Department of Education was inconsistent and intermittent. Consequently, the system continued largely unchanged until the late 1960s. By the time the Kennedy Report was published in 1970, the system had greatly declined and the report itself was more of an obituary than a death sentence. The events that led to the ending of the system had little to do with policy decisions by the Department of Education, and that also is part of the story. Consideration of the Department's role is thus largely confined to the 34 years between these two reports.
- 1.03** The Secretary of the Department of Education in evidence to the Investigation Committee in June 2006 admitted that there had been 'significant failings' by the Department:
- As Secretary General of the Department of Education and Science I wish to state publicly here today that there were significant failings in relation to the Department's responsibility to the children in care in these institutions and that the Department deeply regrets this.
- Children were sent to industrial and reformatory schools by the State acting through the courts. While the institutions to whose care they were committed were privately owned and operated the State had a clear responsibility to ensure that the care they received was appropriate to their needs. Responsibility for ensuring this lay with the Department of Education, whose role it was to approve, regulate, inspect and fund these institutions. It was clear that the Department was not effective in ensuring a satisfactory level of care. Indeed, the very need to establish a Commission of Inquiry testifies this.
- 1.04** This chapter deals with general topics: particular events and the Department's role in them are discussed in the chapters on individual schools.
- 1.05** The Minister for Education had legal responsibility in respect of schools. Under the Children Act 1908, children could only be committed to a school that was certified. The Minister held the crucial

legal power of certification (1908 Act, sections 45, 58 and 91). Certification was granted for an indefinite period, not on an annual basis. The Minister had the power under section 47 to withdraw certification from schools; certification was intended to be the means by which the Minister could control many significant features of the schools. However once a school had been certified, there were heavy pressures against the use of derecognition and there are no cases of its actually being done.

- 1.06** When certified, schools were furnished with a document that stated the name of the school, geographical location, date of certification, conditions of admission, the number of children for which the school was certified and the name of the agency running the school. The document was signed and dated by the Minister for Education and by the manager of the school.
- 1.07** Certification of a school was contingent upon acceptance by the school's management of the entire 'Rules and Regulations for the Certification of an Institution as an Industrial School', and these rules were listed in the certification document. It was a seven-page document that set out the legal framework for almost every aspect of a resident's circumstances, including accommodation, clothing, diet, instruction, conditions on which children may attend National Schools, industrial education, inspection, religious exercises and worship, discipline, punishments, recreation, visits from friends and relatives, children placed out on licence or on apprenticeships, treasury grants, discharge, visitors to the school, timetables, journals, the medical officer, inquests and returns to the Department. However, there were no regulations governing the ratio of staff to children.
- 1.08** The Rules remained in practically the same form throughout the history of Industrial Schools. They were in signed standardised form in 1933 but they were still signed in the same way by the institution and the State.
- 1.09** The Minister for Education derived further powers from the Children Act 1908, sections 54-84, which included the authority to:
- determine the amount of the government contributions towards the expenses of children;
 - sanction alterations in buildings;
 - discharge (with or without conditions) or transfer inmates;
 - allow the removal of a child by emigration; or
 - remit payments towards the child's maintenance ordered to be made by the parent.
- 1.10** The Children (Amendment) Act 1941 gave the Minister the power to direct the removal of a Resident Manager. This power which was very occasionally invoked to bring pressure to bear on the management of the schools to remove the Manager.

Part 2 The structure of the Department of Education

The Reformatory and Industrial School Branch

- 1.11** Throughout the period under consideration, the unit dealing with schools was the Reformatory and Industrial Schools Branch or RISB. This division was responsible for overseeing the certified school system and was also responsible for the administration of the detention centre in Marlborough House. This Branch predated independence and changed little following the establishment of the Free State.
- 1.12** The RISB occupied a lowly place in the Department's hierarchy. Supervising the RISB and the primary schools unit, as well as other units, was an Assistant Secretary, who was subject only to

the Secretary of the Department, but it is likely that the RISB received little of his attention. Again, compared with other branches, for instance the Primary Schools unit, which had a Principal Officer as their head, the head of the RISB was, until the reform of 1971, a relatively junior official. During the period 1941-65, he was usually at or about Assistant Principal level. The only other figure in the RISB at even a medium level was the Medical Inspector, an important and central position held during the 1940-64 period by Dr Anna McCabe.

1.13 An increased workload for the branch was brought about by the changes created by the Children Act 1941. For instance: a medical inspection was established; capitation grants were to be paid for under-sixes, teachers of literacy subjects in the schools had to be assessed in order to receive recognition as national teachers; and the Department had to allocate half of parental contributions to local authorities instead of sending the entire amount to the Exchequer. Thus the workload increased and, consequently, the level of clerical assistance had to be augmented. As of 1943 (and after 1943 there were no changes until the early 1970s), the RISB's establishment was as follows:

- Inspector (Assistant Principal);
- Medical Inspector (a qualified doctor);
- Staff Officer Grade I (approximately equivalent to a higher executive officer);
- Clerical Officers (two);
- Writing Assistants (two);
- Stenographer;
- Part-time Parental Money Collectors (two).

1.14 According to a 1960 organisation and management survey of the RISB, carried out in 1959, by P Ó Maitiú, a principal in the Department, during the period 1943-59, 85 percent of the RISB's time was spent on five main routine clerical tasks:

Collecting and accounting for parental monies	25%
Filing and registration	20%
Applications for release of children	20%
Check of county council accounts	10%
Preparation of annual report	10%

1.15 Mr R MacConchradha, a Higher Executive Officer in prisons administration but formerly in the Department of Education, wrote on 20th April 1968 to Mr McCarthy, his superior in the Department for Justice. Mr MacConchradha expresses his views frankly:

Even at the risk of breaking confidence, may I say that the Industrial School system has been centrally administrated in a very plodding way, with little sympathetic involvement or thought for the children. Finances have been ungenerous for years and what forward thinking there was, came from individuals in the conducting communities. The lot of the children, especially the boys, is very sad and there is an unbelievably entrenched 'status quo' to be overcome, not least in the Department of Education, if there is to be any change for the better.

1.16 Further evidence of the unimportance assigned to this field is the lack of written information regarding its role within the Department; for instance:

Despite a number of institutional histories of the Department of Education, to date none have explored the role of the Department in relation to reformatory and Industrial Schools. Nor does O'Connor, a former secretary of the Department of Education mention reformatory or industrial schools in his personal reflections on his role in that Department between 1957 and 1968. Likewise renewed histories of the Department of Local

Government and Public Health and from 1947, onwards the Department of Health (now Health and Children) and Department of Local Government (now Environmental and Local Government), do not explore the child welfare dimension of their work.

- 1.17** However following the publication of the Kennedy Report, the RISB became the fulcrum for instituting the changes recommended in the Report and it underwent restructuring. The section was renamed 'Special Education (2)' in 1972 and a review of the staffing structure in the Special Education Section was undertaken in November 1973. The review concluded that the staffing situation was inadequate and that the inspection system was hampered by this staff shortage. In 1975, the post of Child Care Advisor was created.
- 1.18** In general, the Department of Education was regarded as a conservative Department producing little by way of policy. Even on the wider fronts of primary and secondary education, its main concern lay with curricular content rather than wider social justice issues, such as what today would be called access to education. Further, the Department 'enjoyed a reputation for secrecy' and this secrecy would have had the effect of rendering it difficult for any countervailing pressure to that of the Church, even had there been any, to assert itself.
- 1.19** In the case of Reformatory and Industrial Schools the conservative tendency was exacerbated by the fact that the unit with full-time responsibility for the schools was located at such a low level in the Department hierarchy.
- 1.20** The unit did not initiate reform and did not confront the vested interests that reform would have stirred up.

Schools' dominance over the Department

- 1.21** The Department had the power of fixing the capitation fee and in theory this power gave it considerable control over the institutions. However, the Department did not use such increases as an opportunity to impose changes of policy on the schools. When the Department succeeded in providing increased funding for the schools, it communicated in non-specific terms its wish to see improvements made in the standard of care provided to the children in the schools. For instance the Departmental circulars to Resident Managers announcing the increases in 1947, 1951, 1952 and 1958 stated the Minister's expectation that, with the improved financial position, schools would effect, without delay, substantial improvements in the standard of diet, clothing and maintenance of the children. There is no evidence to show that these broad admonitions were followed up by attempts to verify that these substantial improvements had actually materialised. Few circulars were as specific as the following (Circular 1/1952 (10th March 1952)):

The Minister trusts that consequent on the improvements in the financial position of the schools as a result of the increase of 5/- weekly in 1951 and of this increase of 6/- weekly in the amount of the Capitation Grants that the Managers of the Schools will be in a position to effect substantial all round improvements where necessary. Each child should get as a minimum one pint of milk daily, the full ration of butter and sugar, and 4 to 6 ozs of meat at each meal at which meat is served. It is desirable, that the children's breakfast should include an egg, sausage, rasher, tomato or other suitable relish and that the dinner should be a substantial meal consisting of soup (where practicable), meat, vegetables (including potatoes) to be followed by a dessert such as pudding, jelly stewed or raw fruit, cereal.

- 1.22** The circular met a polite but prompt rebuff in the form of a message from a meeting of the Managers' Association (letter from Chairman to Department, 31st March 1952), which said that, given the prices, this 'recommendation' was not 'practical'. Indeed as the Department of Education submitted;

Evidence provided to the Commission by Mr Granville also underlines the dominant role that school authorities continued to play [into the 1980s] in the operation of residential homes and special schools post-Kennedy. The religious orders, it is clear, remained the ultimate decision-makers.

- 1.23** The real authority lay with the schools and the religious, because they owned and managed the institutions, and their constant claim was that the State under-resourced the Congregations in carrying out the State's duty. One example of what a later generation would call 'agency capture', where a regulatory body is effectively controlled by the body it is supposed to regulate, may be seen in the way in which the Resident Managers' Association looked confidently to the Department to champion them against third-party criticisms. For instance, the Association asked to meet the Minister for Education to discuss:
- (2) The extract, from Circular Letter No. 7/52 issued by the Department of Health, which reads —
- 'It is generally agreed that the institution is a bad substitute for the normal home life for children. It is recognised in the existing Regulations, which prescribe that Public Assistance Authorities shall not send a child to a certified school if the child can be suitably boarded out. Every effort should therefore be made to have children placed in suitable foster homes before having recourse to their maintenance in an institution.'
- (3) The uncalled for and offensive remarks regarding Industrial and Reformatory Schools made by some District Justices and published in the newspapers.
- 1.24** In response to this letter the Minister 'promised to do everything he could to help these Schools'.
- 1.25** The schools' control over the Department can be seen in the way decisions were made in the early 1950s about mixing offenders and non-offenders in Industrial Schools. The question whether children who had been convicted of offending seriously or repeatedly should live in the same school as those in need of care should have been a key policy issue for the Department of Education.
- 1.26** What happened in practice was that the matter was decided by the Christian Brothers. In a letter to the Minister of Education dated 19th March 1954, the Provincial advised the Minister for Education that, in future, Letterfrack, County Galway, would be reserved for boys who were offenders; whilst the Christian Brother Industrial Schools at Artane, Glin, Tralee and Salthill would no longer accept boys who were offenders.
- 1.27** Two District Justices expressed opposition to this move. In a letter dated 30th July 1954, District Justice J J O'Hora advised the Secretary of the Department that the arrangement involving Letterfrack would cause serious difficulties for the Children's Court in Limerick. The Justice requested that the Minister make representations to the Brother Provincial of the Christian Brothers to have either Glin or Tralee appointed for the reception of cases in which offences had been proved. However the Department had earlier consulted with the Christian Brothers requesting that it reconsider its decision regarding Letterfrack but the Order's position remained unchanged.
- 1.28** Secondly, District Justice McCarthy, Children's Court Judge in Dublin from 1941-57, stated in 1954 in open court, that he would not be prepared to send to Letterfrack the type of boy for whom the school was supposed to be reserved henceforth, until such time as the 'non-offenders' at present in the school were transferred to other schools. As a result, a conference was convened on 14th May 1954 and, attended by the District Justice, the Department's Secretary and Assistant Secretary (Micheal O'Siocfradha) and Br O'Hanluain, the Provincial of the Order. The compromise reached was that the Manger of Letterfrack would transfer all the boys sent by local authorities

and a number of non-offenders committed by the courts until the total number at Letterfrack was 85. They would be sent to Salthill, mainly, and to Artane and other schools.

1.29 These diverse opinions illustrate that the question of whether offenders and non-offenders should be held in the same institution was an issue on which informed opinion could differ. The Department ought to have developed a considered policy in consultation with the schools and ought then to have ensured that the schools observed it. Instead, it appears to have simply allowed the question to be decided by the Congregation. For example, in 1954 the Department noted resignedly:

The Provincial (of the Christian Brothers) has informed the Department that his Council have decided to introduce into the Industrial Schools conducted by their congregation a measure of segregation. They have, accordingly, arranged that the Industrial School in Letterfrack is to be reserved for boys brought before the court and found guilty of an offence. All such boys, if committed to an industrial school will not now be accepted into their schools by the resident managers of the Artane, Salthill, Tralee and Glin Industrial School. The Industrial Schools for senior boys at Upton, Clonmel and Greenmount [non-Christian Brother School] will continue to accept boys as heretofore.

1.30 When addressing this question, before CICA, the Department of Education simply stated:

The policy regarding the category of child admitted to and detained within a particular school was a matter for the Religious Order concerned and the Department had no role in the committal process. While the courts ordered the detention of a child, the Resident Manager of a School could exercise his/her power to refuse to accept this child into the school. Similarly the Religious Order could decide to change the category of child being admitted to a school.

The essential question, however, is broader than the legalities involved. For the schools to work properly the system needed an authoritative overseer. If the Department declined to play such a role then there was no one to do so.

Part 3 Departments of Health and Justice

Differences in attitude between the Departments of Education and Health – ‘boarding out’

1.31 One noteworthy aspect of the State’s approach to childcare was the difference between the policies and approaches of the two Government Departments with responsibility in the area of childcare.

1.32 They had divergent attitudes to boarding out as an alternative to the schools for dealing with needy children. The Department of Health’s general policy, repeatedly stated, was that maintaining children in their families of origin should be encouraged and, if this was not possible, foster care rather than institutional care should be provided. In sharp contrast, the Department of Education believed firmly that institutional care offered many benefits and in March 1946 went so far as expressly to prohibit the boarding out of children from Industrial Schools.

1.33 Reflecting on this divergence, a Department of Education memo, written in 1964, stated.

It seems strange that two Government departments should be at variance on such a fundamental issue. I spoke to an official of the Department of Health and apparently that Department considers that a home, even a disrupted home, is preferable to an institution however good...Industrial school managers are not in the most favourable position for supervising the treatment of boarded out children and this Department has no officers for

that kind of work. On the other hand the Department of Health has its own Inspectors for inspecting foster homes etc...

If the practice of boarding out children becomes widespread the industrial schools could very well become uneconomic but it is submitted that to keep children in institutions for the sake of the institutions would be inverted thinking. Modern thinking as practised by Department of Health and abroad, regards institutionalism as a dehumanising factor and instead favours a home environment as a proper place for a child to develop its personality. Moreover the decision of this Department to prohibit boarding out from industrial schools was taken at a time when economic conditions were very bad (immediately post-war) and was based on fear of an inquiry rather than on what was best for a child.

- 1.34** The enthusiasm of the Department of Health for 'boarding out' and the reluctance of some health authorities to implement this policy is apparent in a note of September 1964 from M Division of the Department of Health, which states:

Art 4 of the Boarding Out Regs, 1954 provides that 'a health authority shall not send a child to a school approved by the Minister under Section 55 of the Act unless such child cannot be suitably and adequately assisted by being boarded-out'. Health Authorities do not always comply with this provision of the Regulations and it is normal departmental procedure to challenge the continued maintenance of children in institutions who would seem to be suitable for boarding-out. Such action is taken on the recommendations of the Inspector who is supplied with a list of all children in institutions under Section 55 of the Health Act, 1953, on the occasion of her bi-annual visit to the health authority offices.

Reasons for the different attitudes of Health and Education

- 1.35** The different attitudes between two Departments of State are not easy to explain. Education had neither access to, nor direct knowledge of, boarding out and its legislative powers were confined to supervising the school authorities. By contrast, boarding out was and always had been organised by way of local boards of health, the Department of Health being the central Department for these agencies. Thus, the Department of Health had access to the information obtained by the boards of health as well as information gathered by its own inspectors whose responsibility extended to both boarding out and the Industrial Schools. In short, Health had a more informed view, whereas, short of major legislative changes, which no one in the Department contemplated, it would have been impossible for Education to get any children boarded out or to acquire knowledge of the subject.

- 1.36** The Department of Health took more individual interest in each child than Education. For example, by way of a Department of Health circular, health authorities were requested to establish arrangements between the health authority and the Manager of the school whereby a child could be visited at any reasonable time and at regular intervals, by an authorised officer of the health authority or of the Department of Health. The reason given for this decision was to ascertain if any children were suitable for transfer to relatives or to foster homes. Likewise the Department of Health, or the health authorities, kept track of family circumstances and there are files in which it is evident that the return of a child to his or her family was initiated by Health, rather than being, as in Education, a reaction to a parental request to the Minister to grant early discharge.

The Department of Justice

- 1.37** The only responsibilities that the Department of Justice had as regards the detention of persons under the age of 16 years were
- (a) if they were certified unruly or depraved by a court under sections 97 and 102 of the Children Act 1908, they could be detained in an adult prison and

- (b) the Department had responsibility for certifying places of detention for children (i) arrested in connection with an offence held pending an appearance before court or (ii) remanded in custody by the court pending trial (as ‘the police authority’) under section 108 of the Children Act 1908. There was also the possibility under section 106 for a child to be sentenced to such a place of detention for a period not exceeding one month. The Department of Education was responsible for the inspection of such places of detention pursuant to section 109(3).

1.38 Justice was mainly involved by way of its responsibility for the District Court and the Gardaí, who were the major channel by which children were committed to the schools. In addition, Justice was responsible for places of detention including St Patrick’s and Shanganagh Institutions, in other words, institutions exclusively for delinquent juveniles.

1.39 However, the public and sometimes even officials did not appreciate that the Industrial and Reformatory Schools were not primarily for delinquent children and consequently, it was often assumed that the Minister for Justice was responsible for them. The Minister for Justice, in the 1960s and afterwards, on a number of occasions, indicated disquiet at the Department of Education’s performance or made an attempt to urge that Department into reforms. A letter dated October 1963, addressed to the Minister for Education, Patrick Hillery, was drafted for the Minister for Justice, Charles J Haughey. It stated:

...I hope that the Inter-Departmental Committee’s recommendations in relation to Marlborough House and the Industrial School system will find ready acceptance, the more so as the recommendations are subscribed to by the expert from Education on the Committee. In particular I should like to see some action taken to establish Visiting Committees and After-care Committees for the Industrial Schools. Contrary to views held earlier in your Department it has now become apparent that the Managers of schools, such as Artane, are not opposed to such a development.

1.40 A civil servant had written at the top of this letter ‘Minister, Unless somebody prods the Department of Education the Committee’s work will go for nought, to a large extent.’ A second copy of the letter is scored through and endorsed: ‘Letter need not issue – I have spoken to Dr Hillary [sic].’

1.41 Evidence of confusion as to who was responsible for the schools system also came from members of the public addressing complaints regarding the schools to the Department of Justice. For instance, in 1953, an ex-resident, wrote to Justice to complain about his experiences in Baltimore, who passed on his letter to Education; and a former night watchman at Glin wrote both to Department of Education and Minister for Justice. Justice dealt with criminal justice, including the courts and prisons. In the public mind, it followed that Justice was involved with the schools.

1.42 Marlborough House Detention Centre was administered by the Department of Education, notwithstanding its repeated attempts to transfer responsibility to the Department of Justice. See the discussion of this matter in Volume I Chapter 16

Part 4 The Cussen Commission

1.43 It seems that the impetus for the establishment of the Cussen Commission came from a desire to evaluate the entire schools system prior to the long overdue amendment of the 1908 Act. The Minister for Education, in his speech at a public session, to open the Cussen Commission (*The Irish Times*, 8th May 1934; DD vol 151, vol 1621, 11th April 1934) identified as among the reasons why the system called for examination: the training provided by the schools might be out of date in terms of the gradual disappearance of village tailor, shoemaker and carpenter; the fact that some of the children were ‘mentally deficient’; and the increase in juvenile offenders. The Minister also stated that the legislation that created the system in the first place was predicated on the

assumption that it would deal primarily with delinquent children, whereas by 1934 the institutions catered primarily for poor and neglected children.

1.44 Despite this encouraging launch, contemporary press and Oireachtas reaction to Cussen, who published the Report on 17th August 1936, was slight. There appears to have been no press report on Cussen. The absence of political interest can be measured by the lack of debate that the report received in the Oireachtas. There were only six Dáil questions dealing with the recommendations. These questions were spread out over several years and centred on the monetary aspects of the Cussen proposals, including a question on whether or not teachers of literacy subjects in Industrial Schools were to be paid for by the State, and whether or not the Summerhill detention home should be closed. However, no other specific aspect received any parliamentary notice.

1.45 Overall, the Cussen Report endorsed the existing schools system, though subject to the implementation of its 51 principal recommendations and conclusions:

As a result of our investigations we are satisfied that subject to the introduction of various changes which we have indicated...the present system of Reformatory and Industrial Schools affords the most suitable method of dealing with children suffering from the disabilities to which we have referred, and we recommend its continuance.

1.46 The primary response to these recommendations came in the form of the Children Act 1941 which amended the Children Act of 1908. Although some recommendations did get a green light to a greater or lesser extent, it is revealing to examine the recommendations that were overlooked. While the non-implementation of some recommendations can be explained by way of fiscal limitations and structural deficiencies within the Department, others are more difficult to explain. Full implementation would have involved a greater role for the Department and this may have been viewed at the time as an encroachment into the Church's domain.

1.47 One objective of the Cussen Committee was to help remove negative stereotypes and criminal connotations associated with the children in the certified school system. It was the firm belief of the Commission 'that in the main the problem is one not of criminal tendencies, but of poverty'. Cussen encouraged a change in terminology to aid in the reduction of the stigma associated with certified schools: for example recommendation number 11 suggested replacing the term 'committal order' with the term 'admission order', and similarly the terms 'Industrial School' and 'Reformatory' were to be replaced with 'National Boarding Schools' and 'Approved Schools' respectively. Furthermore Cussen stated that these titles should be for administrative purposes and each school should have its own individual name, which would include any classification denoting its status. Cussen ultimately believed that neither the schools nor the public should view children in reformatories as criminals;

Although the young persons committed to the Reformatories have been found guilty of offences it is the case that the percentage of them who subsequently make a further appearance in the Courts is negligible. It follows, we suggest that such young persons cannot in any sense fairly be looked upon as criminals

1.48 In line with this proposal, Cussen wished to remove other aspects of the committal proceedings that could contribute to the idea of criminality, such as:

- the Children's Court should be separated from the District Court;
- judges should not wear robes in Children's Court;
- Gardaí should not wear uniforms in court nor when they were bringing the children to the schools.

1.49 This child-centred approach of the Cussen Report also manifested itself in a desire to maintain each child's identity and family connection. It was the belief of the Commission that school Managers were to be fully aware of all of the children under their care. Therefore, Cussen recommended that more detailed information about each child be provided to the schools upon committal. This information was to include a birth or baptismal certificate and a synopsis of each child's history including comments from Justices where appropriate. This information was to remain confidential. In addition children were to be committed to Industrial Schools as near to their homes whenever practicable – subject to the discretion of the Justices – so as to allow parents easier access to their child and thus preserve familial ties.

Cussen on Resident Manager

1.50 The functions to be performed by the Resident Manager of an Industrial School included the ability to manage all staff, control discipline within the school and, primarily, to be fully knowledgeable of the circumstances of each child in their care:

The success attained by these schools depends in large measure on the personality and fitness for office of the Managers – their capacity in directing their staffs, their power to make every pupil feel that the Manager is his guardian and his friend, while maintaining an ever vigilant but unobtrusive discipline.

1.51 The Department's concern as to the age of certain Resident Managers was a recurring theme

1.52 The Cussen Commission considered the role to be one which required 'qualifications and gifts that might not be considered indispensable in ordinary schools'. Consequently, the choice of person to fulfil this role was regarded as a most important decision and it was recommended that ultimate approval for this post should rest with the Minister for Education. The Report went further to state that the Minister for Education should also have the power to remove Resident Managers who were derelict in their duties. The report maintained 'that it should be within the competence of the Minister to report to his or her Superior, with a view to replacement, a Manager who is found unsatisfactory'.

1.53 The response to this recommendation came in the form of section 5 of the 1941 Act, which gave the Minister the power, for the first time, to direct the removal of the Resident Manager.

If the Minister is satisfied that the Resident Manager of a certified school has failed or neglected to discharge efficiently the duties of his position or that he is unsuitable or unfit to discharge those duties, the Minister may request the managers of the school to remove such Resident Manager from his position and the managers shall comply with such requests (unless withdrawn) within one month after receipt thereof.

1.54 Crucially, however, the Act did not allow the Minister for Education the power of veto over the selection of a Manager or approve appointees to the role as recommended by Cussen, though this had been part of the Bill as introduced in the Dáil. The Resident Managers' Association was against this change and protested to the Department and also lobbied the Opposition party who supported their protests. The Government withdrew the provision at committee stage in the Dáil and substituted a new section 5, which gave the Minister no power at the appointment stage and merely provided that the Minister had to be notified of the appointment within 10 days of its occurring. Following the appointment of a Resident Manager a Departmental form known as ACA 1 was completed by the new Resident Manager and by the representative of the Managers of the school and returned to the Department in accordance with the legislation.

1.55 The Department of Education was reluctant to exercise its power of removal. There are only two known occasions where the Department invoked this power: the removal of the Resident Managers from Lenaboy, Industrial School, Galway and St Michael's Cappoquin in Waterford.

Lenaboy Girls Industrial School, Sisters of Mercy Salthill, Galway

- 1.56** In 1942 an internal Department of Education memo discussed the findings of Dr Anna McCabe's inspection of Lenaboy Industrial School. The inspection report expressed grave unease at the actions of the Resident Manager.

The produce of the garden was sold. The old sister in charge of the kitchen protested against the starvation of the children – she and another old sister were removed and replaced by two young novices who dare not challenge the Superior's orders. It is rumoured that the tea ration is also sold. (It is certain that the children have not been getting it.) The suggestion made by Dr McCabe last year that skipping ropes and a net ball should be provided evoked the remark If she thinks I'm going to throw away my money on skipping ropes, she's mad.

- 1.57** The memorandum reiterates Dr McCabe's concerns

The Resident Manager is a miserly, ruthless old woman of 70 years who has as her objective the reduction of the debt on the institution. She has been hardened by age and a lifetime spent in Magdalene Homes. She has no experience of children and has no sympathy with them. Her fortes are finance and farming. She set about obtaining her end with cold thoroughness.

- 1.58** An official at the Department of Education stated in a memo that Lenaboy represented a 'clear case for action under section 5(4) of the 1941 Act'. On 14th September 1943, the Department wrote to the Mother Superior stating that the Minister felt the Resident Manager of Lenaboy was unsuitable for the role and asked that she be removed from that position and a more suitable person be appointed in her place. Over one week later on 23rd September 1943 the Mother Superior of the Order replied to the Department to say that a new Resident Manager had been appointed.

St Michael's Cappoquin, Sisters of Mercy, Waterford

- 1.59** As with Lenaboy, the removal of the Resident Manager was precipitated by an inspection by Dr Anna McCabe in 1943. Dr McCabe found the children to be undernourished, where 61 out of the 75 boys in the school were under the normal weight for their age-height groups. An internal Department of Education memorandum referred to St Michael's as 'another school run by the Sisters of Mercy' with 'a long record of semi-starvation'. After much bitter correspondence the Department was forced to issue a statutory request for the removal of the Resident Manager whom Dr McCabe described as a 'ruthless domineering person who resents any criticism and challenges advice'. After much wrangling, a new Resident Manager was eventually installed.

- 1.60** This incident is an excellent illustration of the relationship between the religious Orders and the State. The requests for the improvement in diet in the school had begun in December 1943 following an inspection report. The removal of the Resident Manger was requested under statute by the Minister in September 1944 but only came about in November 1944. The lack of urgency following a statutory request by the Minister of Education and the language used by the school in the correspondence with the Department is further evidence of the timidity of the Department in dealing with the school. For instance in response to the statutory request to remove the Resident Manager the reverend mother replied a week later 'I am looking into the matter and will communicate with you later'.

- 1.61** On the other hand, these cases demonstrate that, when the Department was prepared to insist and to invoke the statutory power, the religious authorities responded.

Smaller schools

- 1.62** The Cussen Report also recommended that schools should have no more than 250 children at one time which would permit the Manager 'to make every pupil feel that the Manager is his guardian and friend'. With this in mind the Report advocated the division of Artane, which at that time was home to over 800 boys. The Report recommended that Artane be subdivided into four separate schools, each with its own Manager, segregating the children according to age and attainments. However the Christian Brothers argued against the division of Artane in their submission to the Cussen Committee;

Again it is said: 'Artane is too large'. We reply that nevertheless it has exceeded beyond all expectations. We would go further and say that in its largeness lies its chief merit and advantage; for it is size and its multiplicity of activities that afford exercise to those following the various trades, etc within its own precincts...We hold that its great educative value is due to its size, and accompanying circumstances; for if a boy has only moderate intelligence, it must develop owing to the thousand and one influences to which he is subject.

- 1.63** This recommendation of the Cussen Commission was never implemented by the Department of Education and, as preferred by the Christian Brothers, Artane remained as a single institution.

Lack of educational qualifications

- 1.64** Until the changes brought about by the Kennedy Report in the 1970s, the staff of the schools seldom if ever had any education or training for their exacting role in childcare. The view seems to have been taken by the Department that the training and development of religious and lay staff in the institutions was largely a matter for the religious Orders.

- 1.65** This lack had been perceived by the Cussen Commission, which sent questionnaires to school Managers regarding the qualifications and numbers of teaching staff within their schools. The information received showed a large deficit in the numbers of qualified literary teachers. The schools which completed the questionnaire disclosed that in the girls schools there were 81 teachers of literary subjects of whom only six were trained; the equivalent for senior boys schools was 73 literary teachers of whom 38 were trained. Reformatory Schools' educational standards were deemed to be of an even lower standard than Industrial Schools: Cussen commented that 'the standard of teaching and qualifications of the teachers in Reformatories are not high'.

- 1.66** It was also the case that there was a lack of fully trained teachers because, commencing in 1932, on the basis of a request from the Christian Brothers, it became the policy of the Department of Education to allow Brothers to interrupt and defer completion of the required two-year teacher training after one year and to work in schools, with a view to completing their training within three years. In 1943 the Department agreed to extend this to a period of five years. Upon completion of their first year of teacher training the Brothers then became known as untrained assistants, who under the Rules and Regulations for National Schools, were allowed to teach in a temporary capacity for up to five years. This relaxation was extended to the other Orders in 1943 and came to an end only in 1962-63.

Education in the Reformatories and Industrial Schools

- 1.67** Subject to the requirement of industrial training, the same pattern of education, including the same external exams, applied in principle to residents of the Industrial Schools as to the general population.

1.68 The Cussen Commission was mandated to examine the:
... (2) the care, education and training of children and young persons in Reformatories and Industrial Schools, and their aftercare and supervision when discharged from these institutions.

1.69 Recommendations 20-29 of the Cussen Report addressed these issues.

Literary instruction

1.70 Each Industrial School signed a commitment that, in view of receiving the grant for literary teachers, out of the Vote for Primary Education, it would comply with the Rules and Regulations for National Schools. Rule 7 of the 1933 Rules and Regulations for the Certification of an Institution as an Industrial School provided that all children should be instructed in accordance with the programme prescribed for National School and, in this regard, children under 14 years of age (juniors) were required to have literary instruction and study not less than four and a half hours, five days a week.

1.71 The literary instruction included: Irish, English, Maths, History, Geography, Needlework, Music, Rural Science or Nature Study, Drawing and Physical Education. The Industrial Training, which was particular to the Industrial and Reformatory Schools, included: Cookery, Laundry Work or Domestic Economy (girls), Manual Instruction (boys). At the other stage, Seniors (children over 14) were to have literacy instruction, not less than three hours, five days a week.

1.72 Departmental inspectors' reports, prior to the Cussen Inquiry, described the educational standard of certified schools as satisfactory in general; however the Cussen Report concluded that, 'in some of the schools the work done is rather mediocre' and the teaching staff were of 'slender qualifications'. Artane was specifically mentioned for providing only the minimum standard of literary education. Cussen suggested a number of reasons for the disparity between educational standards in National Schools and Reformatory and Industrial Schools, one being that the school Managers were under no obligation to employ teachers trained to National Schools standard.

1.73 The lack of standardised teacher qualifications within the system led the Report to recommend that teachers in both Reformatories and Industrial Schools should have the same qualifications as teachers in National Schools. It was also recommended that teachers in certified schools should receive the same pay and conditions as National Schools teachers. This, Cussen argued, would attract qualified teachers and remove the stigma associated with working within this system. The financing for this was to come from the Vote for Primary Education.

1.74 Upon publication of these recommendations the Department of Education began the process of examining their feasibility. In 1939 a number of inspections took place in certified schools in order to examine the qualifications of the teachers and establish the basis for state grants. The reports from the inspectors show that although the Cussen recommendations stated that certified school teachers must be as qualified as National Schools teachers, in practice exceptions were made for teachers who, although not technically as qualified as National Schools teachers, were deemed to deserve the same recognition. Indeed Rule 73 of both 1932 and 1946 Rules and Regulations for National Schools provided for the recognition of 'untrained' teachers as National Schools teachers also. It was not until 1946 that a Department of Education circular sent to all Reformatories and Industrial Schools, stated that all religious staff must be qualified under the terms of Rule 85(6) of the Rules and Regulations for National Schools.

1.75 In February 1943, following the shift to payment of literary teachers, the Department of Education issued revised instructions to inspectors in relation to Industrial Schools. It was made clear to the inspectors that the programme of instruction in all Industrial National Schools was the ordinary National School programme, except for the Domestic Economy subjects. In furnishing a report on

a teacher the inspector was to bear in mind the circumstances in which many of them had been exceptionally recognised, and thus make allowances before deciding whether to rate a teacher as non-efficient. For those teachers whose teaching efficiency was deemed unsatisfactory, the Department approved the recommendation that these unqualified lay teachers should be given other duties or retired with a pension, the cost of which was to be defrayed by the school Managers.

1.76 The Cussen Commission included a number of further recommendations with regard to education, including sending children within the system to local National Schools where possible. This policy of sending children to local schools allowed for greater contact with other children. At the time of the Report, the Commission estimated that approximately 33 percent of the schools did send their students to National Schools. This figure did not increase substantially until the 1970s.

1.77 Cussen also recommended recognising Industrial Schools as National Schools when local National Schools were unable to accommodate the children from Industrial Schools. The object was to attract more teachers into the Industrial Schools, as there was a stigma associated with working in them. The full implementation of this recommendation did not occur until 1945 when a Department of Education submission to the Government made clear the Department's objection to the persistent inequality between National Schools and certified schools.

Differing needs of the residents: children with intellectual disabilities

1.78 A number of recommendations in the Cussen Report refer to the problem of the appropriate care and education of children with intellectual disabilities. Figures provided by the Resident Managers to the Cussen Commission show that in August 1934 there were 56 intellectually disabled children (10 boys and 46 girls) in certified schools and an additional 46 children with physical disabilities (26 boys and 20 girls). However other figures show that this may have been a gross underestimation.

1.79 The Cussen Report makes reference to the general absence of legislation regarding the care and treatment of people with intellectually disabilities in Ireland and the consequent difficulty in effectively dealing with the issue within the certified school system. Overall the Report was against the idea of sending intellectually and physically disabled children to Industrial Schools. The amalgamation of children with differing educational needs was recognised as unsatisfactory and the benefits of educating these children separately was emphasised in the report.

1.80 Recommendation 33 advocated the establishment of an institution specifically for the care of intellectually disabled children with separate departments for the physically disabled under the auspices of the Department of Education. The Report also recommended that, pending a medical report, judges be empowered to send these children to specialised institutions instead of the schools:

If it is found from the report of the examining doctor that the child is physically or mentally abnormal or if the doctor is unable to form a definite opinion the justice should, if the case is one calling for detention in a school, order the child to be sent to the institution especially certified for such cases.

1.81 The Secretary General of the Department of Education and Science told the Investigation Committee that 'the Government decided...that it shouldn't be made mandatory to have an assessment, I think that was in 1956...'. The number of intellectually and physically disabled children within the Reformatory and Industrial School system is unknown. No medical or psychological research material exists to support the figures supplied by the Cussen Report. The Kennedy Committee established that there was a significant level of educational disadvantage in the schools and there were no remedial resources available.

1.82 Br Burcet was both a teacher (1954-55) and a principal (1956-69) in Artane Industrial School. In his evidence he describes the large numbers of physically and mentally disabled children in Artane during his tenure and contends that there was a change in the type of boy sent to Artane in the late 1950s and early 60s. It is his belief that with the development of social welfare services in Ireland the demographic of the resident population of Artane began to change 'I had a sense that more disturbed children were coming into us in the 1960s, certainly in the 1960s.'

1.83 Br Burcet attempted to introduce a special needs programme within the school. He described the resistance from the Department of Education in relation to any deviation from the National Schools curriculum. His belief was that the physical welfare of the children was the primary concern of the Department

So, if you are asking me how did the Department see Artane, they were looking at it from a physical care philosophy. I would say they were quite happy.

Post-primary education in Industrial Schools

1.84 From the 1950s, the Department's annual reports indicated a concern that secondary education should be provided to children who would be able to benefit from it. For example, the Report of 1954-55 stated that: 'every effort is being made to make post-primary education available to those pupils suited to such' but the evidence is that it happened in few cases.

1.85 The annual report of 1932-33 noted that 'a few schools have afforded promising girls special opportunities for higher education' and this trend continued in the following years. But a 1952 document, noted that St Joseph's, Tralee was the only boys Industrial School to send its children to secondary school. With regards to the numbers of children, approximately 250 Industrial School pupils were in post-primary education, either in secondary tops, secondary schools, and vocational schools or in vocational classes confined to Industrial School pupils. The gender breakdown is striking: 11 percent of the girls (i.e. 180) against 4½ percent of the boys (i.e. 70).

1.86 The proportion of Industrial School pupils receiving post-primary education was always very low, and negligible in the case of Reformatories. As of 1963, out of the seven schools for senior boys, only two sent boys out to local secondary or vocational schools and only one provided a full vocational course within the institution. Conversely, almost all the girl schools, with only one or two exceptions, had pupils attending outside secondary or vocational schools. In some cases the secondary school was conducted by the religious community and was located beside the Industrial School; generally, however, the girls in full-time post-primary education were receiving it outside the institutions.

1.87 It is not until 1950-51 that the Department's annual reports started to provide data on the numbers who obtained an Intermediate Certificate or Leaving Certificate:

Year	Boys/Inter	Girls/Inter	Boys/Leaving	Girls/Leaving
1951	0	5	0	2
1952	0	11	0	1
1953	Unknown	Unknown	Unknown	Unknown
1954	Unknown	Unknown	Unknown	Unknown
1955	4	21	0	5
1956	1	13	0	4
1957	1	18	2	2
1958	1	20	0	3

Applications for extension of detention

- 1.88** The Cussen Report noted that in some schools children were retained beyond the age of 16 years (the age of discharge) so as to enable them to derive benefit from a special course of training, and that such training was undertaken at the sole expense of the school. The Report advised that the Minister be given power, where he was satisfied the circumstances so warrant, to authorise a resident to remain in a school up to the age of 17 years, subject to the payment of an appropriate grant and this proposal was implemented by the Childrens Act 1941. For the remainder of the 1940s, applications were very small, ranging from two to seven per year. The numbers of successful applications rose slightly in the 1950s, peaking at 23 a year, in a school system then catering for 4,000 or so children. The reasons for the extensions, according to annual reports for the period, were to pursue secondary, vocational or commercial courses and occasionally to sit the civil service examinations or attend nursing training.

Cussen recommendations on training

- 1.89** A number of the Cussen Report recommendations with regard to training came from a report entitled 'Report on the Occupational Training provided in the Senior Boy's Industrial Schools and in Glencree Reformatory', which was compiled by four Departmental inspectors as part of the Cussen Committee's Inquiry and was published as Appendix H of their Report.

- 1.90** The Commission was largely dissatisfied with the provision of training in the certified schools. The relevance of certain trades and the validity of the instruction provided were questioned, noting that there was a 'complete absence of fully qualified instructors'. With regard to agricultural training the Commission found that 'The training in farming is unsatisfactory, the work being unorganised with no systematic instruction in field or in the classroom'. The Commission also feared that the children were being treated as unpaid labourers and received no educational value for their time on the farm. Cussen consequently recommended the employment of a full-time farm manager with sufficient expertise allowing him to act as instructor. Cussen (para 57) advocated a wage to be held in trust for those children working in the schools, stating that:

as the labour of the inmates is of some value to them it should be provided that a special portion of the cash value of the work of the girls for whom grants have been paid should be placed to their credit and made available for them on leaving.

- 1.91** The implementation of this recommendation did not occur. No record of a discussion of it within the Department has been discovered.

- 1.92** As with agricultural training, the motivation for training children in a number of technical disciplines seemed to be predicated upon the interests of the schools. The Report stated (at para 111) 'It appears to us that in the majority of the schools the trades taught – many of which are obsolescent – have in view the needs of the institution rather than the future of the boys'.

- 1.93** Cussen recommended (para 23) therefore that more suitable and relevant crafts should be introduced in agricultural districts such as woodwork, thatching and harness making. Geographical proximity in relation to training was considered very important

Schools in the vicinity of cities and industrial centres should be set aside for the teaching of special trades, and pupils in other Industrial Schools where similar facilities are not available should be transferred to these schools, if they are considered likely to benefit by a course of industrial training.

- 1.94** In the case of agricultural instruction, Cussen recommended the careful selection of tradesmen to train the children. and that the Department establish special courses to train instructors in the methods of teaching. In order to ensure that the training received by the pupils was both

worthwhile and relevant the Cussen Report advocated regular occupational training inspections by inspectors of the Technical Instruction Branch of the Department.

Post-Cussen

1.95 After the Cussen Report, consistent criticism of the schools' training can be seen in the annual reports of the Department of Education. These reports observed once again 'the work turned out is principally for the use of the schools. The annual reports from this time also show that there was a continuing difficulty in placing the boys in employment following their training. The visitation report for Artane, 8-13th December 1952, took a rather different approach to this subject, remarking happily: 'Our institutions owe a great deal to those boys who work full time at their trades. Their work is of great financial advantage to each establishment.'

1.96 In 1946 the Minister for Education enquired as to the suitability of the trades taught. He questioned that a pupil in Artane Industrial School was being taught gardening, which he felt 'was not a suitable occupation in this day and age'. He requested that the matter of teaching trades in general be looked into. A Departmental memorandum was compiled in response to the Minister's request, outlining the challenges facing the Resident Managers in this area, not least of which was finding suitable employment for the children. The memo went on to warn that if the Department 'interferes much in the matter there might be a danger of the Managers trying to transfer their responsibility to the Department'. The memo also alluded to the severe criticism the Department had faced in 1952 from the Committee on Youth Unemployment for its failure to implement the recommendation of the Cussen Report with regard to industrial training. The author of the memo recommended that enquiries be made to the schools regarding:

- what trades were taught in the years 1943, 1944, 1945;
- the numbers of boys released into the trades taught; and
- the number of boys who were sent into different trades to the ones taught.

1.97 Significantly, the Artane statistics collected in response to these inquiries indicated that all, or nearly all, the boys went to employment in the trades in which they were trained. The gardening and tailoring figures for Greenmount, Carriglea and Clonmel, however, show that a significant number of boys did not end up in the trades in which they had been trained after they left their school.

1.98 In February 1955, the Joint Committee of Women's Societies and Social Workers wrote to the Department recommending that qualified teachers should be provided to train the children in trades. Over a decade later, the situation appears to have remained unaltered. In 1966 a delegation from the Junior Chamber of Commerce was sent to Artane Industrial School to ascertain what could be done to help. Their report identified difficulties with the industrial training provided, specifically that the workshops and equipment were out of date. The authors of the report considered the training the boys received was not adequate and would not allow them to achieve employment in their craft. It also commented that, even if a boy became proficient in a trade, his training would not be recognised by a trade union.

1.99 About the same time, a letter of 10th February 1966 by Department of Education, replying to a letter from Joint Committee of Women's Societies and Social Workers, stated:

In the matter, however, of entry of industrial school pupils to Coláiste Mhuire, Cathal Brugha Street, an Agricultural School or College, Commercial School or the Civil Service, it would be extremely unusual for any person to enter any of these before at the very least seventeen years of age. The normal entry to them would be at about eighteen years of age. On the other hand, it is unusual for children to remain in industrial schools after sixteen, which is the statutory term of their committal.

There is, however, another reason why it would be unlikely that children from industrial schools should enter such institutions as you mention. It is that entry is by competition, usually on the basis of a written examination and that the great majority of children in industrial schools are there on the grounds of 'lack of proper guardianship'. This means that they come from unsettled homes; from which most of them have not been regular attendees at school and so are educationally retarded. Their chances at a competitive examination are therefore small indeed and so, as far as I know, there are none of them at the institution mentioned.

1.100 In earlier decades, some individual trade unions seem to have had a policy of preventing employers from recognising such training, or counting it as part of apprenticeship, and giving jobs on the basis of it, thus in large measure rendering it pointless (Cussen Report, para 123). The trade unions were presumably protecting their members by upholding the traditional means of entry. However in 1968 the Department of Education was advised by the Department of Labour that the Irish Congress of Trade Unions was concerned that career guidance and apprenticeship training did not appear to be receiving sufficient attention in the schools judging by the attainments of the ex-pupils of Industrial Schools in later life. They recommended the establishment of fully trained career guidance officers and the re-assessment of apprenticeship training.

1.101 • **Cussen had stated that the whole system of training had needed revision. What followed, however, in terms of Departmental policy was a piecemeal set of circulars, and advisory actions which resulted in little change. In a statement to the Commission in 2006 the Department acknowledges that it did not give this matter 'sufficient attention'.**

The Cussen recommendations on aftercare

1.102 The Cussen Commission were deeply unhappy with the schools' provision of aftercare, which was intended to support the placing of children in trades and occupations for which they have received training in the schools. The Christian Brothers were cited as particularly negligent in their duties:

We are not satisfied as to the adequacy of the methods of supervision and aftercare of children discharged from these schools, particularly in the case of boys leaving the Industrial Schools which are under the management of the Christian Brothers.

1.103 Figures taken from the Cussen Report for the years 1932-33 illustrate what happened to both boys and girls who left Reformatories and Industrial Schools after their periods of detention:

Table 1 Boys

Occurrence after discharge	Industrial Schools	Reformatories
Returned home	191	39
Sent to employment	623	12
Retained awaiting employment	8	0
Recalled by Manager	26	0
Returned of own accord	44	4
Could not be traced	4	4
Total	822	51

Source: Cussen Report

Table 2 Girls

Occurrence after discharge	Industrial Schools	Reformatories
Returned home	148	14
Sent to employment	552	5
Retained awaiting employment	30	0
Recalled by Manager	26	0
Returned of own accord	39	4
Could not be traced	2	4
Total	730	19

Source: Cussen Report

1.104 Both of these tables show that a quarter of boys and a quarter of girls did not move from the schools into employment, with a large proportion returning home at the end of their detention. Aftercare was deemed especially important by the Cussen Commission as it was seen as a way of assisting the boys and girls who received poor occupational training.

1.105 The Report acknowledged the difficulties in securing employment in the skilled trades even for children who did not attend Industrial Schools and commented on the large numbers of Industrial Schools boys who gained work as agricultural or farm labourers regardless of their trade. Consequently Cussen advocated the payment of a capitation grant by the State towards the cost of apprenticeship. Several reasons were put forward as to why this system was so disorganised, including the idea that Managers did not fully appreciate their responsibilities in this area. Cussen suggested that school Managers take a more proactive role in securing employment for their students. This included establishing communication with the local labour exchange to determine what types of trade were in demand. In addition it was suggested that the Manager should explain to the children that if they faced any difficulties during the statutory period of aftercare they were entitled to return to the school in seek of help or advice.

Post-Cussen

1.106 In 1952 at a meeting with representatives of the Department of Education and Justice McCarthy of the Dublin Metropolitan District Court, Fr Reidy, Resident Manager of Daingean, stated the there was 'Not much done in aftercare' and expressed his views as to why the boys had difficulty securing employment:

Lads now are much lasier [sic] and more apathetic to work than 20 years ago. This problem is partly a result of social welfare schemes. (It is) important therefore to get them to work at anything at all.

1.107 In response Justice McCarthy suggested that it was this thinking, i.e. that 'getting them work at 'anything' was perhaps to some extent the cause of the trouble'. Justice McCarthy also suggested the establishment of a hostel for the boys to enable them to adjust to life after the institution. However Fr Reidy disagreed, saying that it was a better option to break up the association amongst the boys after they left Daingean.

1.108 In August, 1966, a letter to the Minister for Education from Minister for Justice, stated

...I am suggesting that you, coming to the problems with a fresh mind, might have a look at the industrial schools system. I have no doubt that the lack of proper after-care is a grievous fault in the system and that there are ample resources of voluntary assistance only waiting to be harnessed and guided. I think that a vigorous approach to the managers

of the industrial schools – individually or collectively would make it extremely difficult for them to maintain a negative attitude.

1.109 The file shows a reply from the Minister for Education stating that he would have a good look at the Industrial School system and would be in touch. A few months later, the Kennedy Committee was set up, by the Minister for Education.

1.110 Thirty years after the publication of the Cussen Report, a Department of Education memo to the Minister of Finance highlighted the lack of progress in the area of aftercare stated, 'In general, with the exception of Artane, they (the schools) lack any kind of aftercare or organisation'.

Part 5 The inspection system

1.111 From the late 1920s until the mid 1960s there were three types of inspection. Firstly, there was the educational inspection, which was concerned with education in the National School. Secondly, there was a medical inspection performed by the Medical Inspector. Thirdly, there were general inspections to ascertain the quality of residential care provided for the children, which were sometimes carried out by the official in charge of the Reformatory and Industrial School Branch, but were generally done by the Medical Inspector at the same times as the medical inspection. While there were occasions, particularly in the early 1940s, where general and medical inspections were held separately, a trend developed over time where both would be carried out simultaneously in the one visit by the same Department inspector. The Department's archive of medical and general inspections shows that, from 1939 to 1965, Dr McCabe carried out the medical inspections and the majority of the general inspections of the Industrial and Reformatory Schools.

1.112 Following Dr McCabe's retirement in 1965 the Department of Education left the post of Medical Inspector unfilled until the appointment of Mr Graham Granville in 1976. In the intervening decade a number of changes took place. In the absence of a dedicated Medical Inspector, inspections were initially augmented by, and then replaced with, medical reports by medical officers retained by each individual school. From 1961 to 1963, these medical reports were submitted to the Department on a quarterly basis. From 1963 to 1978, the medical reports were submitted on a twice-yearly basis.

General inspections

1.113 The benchmarks for standards of residential care were set out in the Rules and Regulations that were issued to school Managers by the Department on certification. Department circulars were issued from time to time to supplement them.

1.114 The general inspection covered premises including playground, dormitory, kitchen; living conditions generally such as clothing or diet; as well as staff and accounts. The report was based in part on a printed checklist with entries for accommodation, equipment, sanitation, health, food and diet, clothing, recreation facilities and precautions against fire. The reports were impressionistic in character – they were structured so as to give a general account of conditions within a school, dealing generally with the quality of residential care provided and the condition of the children. They left out everyday treatment, including corporal punishment. They did not give detailed information and did not deal with policy matters.

1.115 The inspectors' reports were not published. If a school was satisfactory, the inspection would result in only a short record. After the particular headings, there was a section for general observations and suggestions, which might be as brief as 'well-run school'. On the other hand, where there was something wrong, these observations could run for several pages. Comments in inspection reports under the various headings ranged from excellent to fair to poor. Where

standards fell below what was expected (e.g. inadequate diet) the Department wrote to the Resident Manager in the school with a view to having this rectified, though with mixed success.

Medical inspections

1.116 The Cussen Report (para 86) was critical of the inspection system operated by the Department of Education up to that point. Cussen described as 'unsatisfactory' the system of medical inspection in schools and urged that, in addition to the medical examination of children on admission, a periodic medical examination should be carried out by a doctor 'specially trained in the diagnosis of children's diseases, physical and mental'. In response, Dr Anna McCabe was appointed in April 1939. One part of the medical report was a checklist focussed on the health of individual children, with headings such as teeth, thyroid, nail biters, stammer, eyesight.

1.117 The principal duties of the Medical Inspector were:

- (1) protecting the health of the children;
- (2) making arrangements for the children when they are sick or when they need some medical attention such as for eyes, teeth etc.;
- (3) general health considerations – food and clothing, sleeping facilities, conditions of work and so on;
- (4) evaluating the medical services to schools, i.e. care provided to children by the school doctor, including:
 - (a) keeping a record of the medical examination given to a child when committed;
 - (b) the medical examination the school doctor performs on the children when he/she visits the school from time to time.

1.118 Dr McCabe's appointment coincided with efforts to revise the system used for recording medical information on pupils and the issue was the subject of two Department circulars between 1940 and 1943. The first of these, Circular 205/39, issued to Resident Managers on 5th June 1940, announced the introduction of a 'standardised' form, which would give both the particulars of the medical examination on admission and the subsequent medical history of the child while in the school. Such a record, which was the responsibility of the Manager, had the advantage of easy reference and was intended to be forwarded with the child on transfer to another school. In terms of medical history, the form included a record of illness section, under which was entered any treatment a child received in either the school infirmary or external hospital. A quarterly reading of height and weight was also to be entered on the form. It was evident from the documentation available that the Department placed great importance on the physical health of the children and wrote to the schools following Dr McCabe's suggestions regarding referrals for treatment and dietary recommendations. A continuous reduction in weight would raise concerns in relation to adequacy of diet.

1.119 A second circular was issued on 28th September 1943 to remind Resident Managers of their responsibilities in the matter of the 'safeguarding' of the health of the children. They were also advised that the Minister attached the 'utmost importance' to the punctilious observance of Rule 22 of the Rules and Regulations for Certified Schools, which required the appointment of a medical officer for the school who would issue quarterly medical reports on the sanitary state of the school and the health of the children. The circular continued:

It frequently happens that the Quarterly Medical Return furnished by a School to this Department states that no children, or merely a small number, are suffering from disease, while the inspection by the Department's Medical Inspector carried out at the end of the quarter in question, reveals that a much larger number of children are suffering from diseases. It should be clearly understood that the primary responsibility for the health of a School rests on the Resident Manager and on the School Medical Officer. The function

of the Department's Medical Inspector in this matter is to satisfy herself that their arrangements for keeping a watch on the children's health and providing medical attention where required are working satisfactorily.

1.120 The annual reports of the Department of Education frequently refer to the fact that the medical inspector had viewed the quarterly medical reports kept by school Managers in consultation with the local medical officers. Furthermore, despite what appears as initial resistance to their use by some school Managers, Dr McCabe was able to cite evidence from medical records as proof of underfeeding in schools in the mid 1940s.

Frequency of inspections

1.121 Not all schools were inspected each year, as required by the legislation. The frequency of school inspection varied from school to school and from year to year and some schools were visited more frequently than others.

1.122 For example, Baltimore school was subject to three inspections in one year (1947), while Artane went three years without any inspection (1950-52). The records did not reveal why some schools were inspected more often than others. In certain cases complaints or issues of a serious nature were brought to the Department's attention and a special inspection of a school was ordered. Geography and accessibility may also have been a factor. In 1949, for example, no Industrial School in either Connacht or Ulster received a visit from a Department inspector. In the same year, the inspectors had five contact days (days where the inspector was present in a school to conduct a general or medical inspection or both) with Dublin's seven Industrial and Reformatory Schools; seven contact days with the 12 schools in the rest of Leinster; and five contact days with the Munster schools. The following year, 1950, the number of contact days between the Department and the various schools revealed the following regional spread: Connacht (1); Dublin (1); Leinster (9); Ulster (2); and Munster (3).

Table 3 Frequency of inspections 1940s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht	10	86	.86
Dublin	7	82	1.17
Leinster	12	129	1.07
Munster	23	212	.92
Ulster	2	16	.8
Total	54	525	.97

Table 4 Frequency of inspections 1950s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht*	10	118	1.18
Dublin	7	112	1.6
Leinster*	12	229	1.91
Munster*	22	235	1.07
Ulster	2	26	1.3
Total	53	720	1.36

Table 5 Frequency of Inspections 1960s

Province	No of schools	Total no of inspections	Average inspections per school per year
Connacht	9	74	.82
Dublin	6	43	.72
Leinster	12	112	.93
Munster	21	146	.70
Ulster	2	14	.70
Total	50	389	.78

Note that 12 schools closed between 1965 and 1969 and all are included in the above list.

1.123 With regard to the rate of inspections Dr McCabe wrote in 1943:

I agree that these institutions should be subject to frequent inspection – my practice at present is to pay a visit at least once a year to such institutions and if there is any need I revisit them within three or four months to find if my instructions have been carried out.

1.124 The figures show that in the 1950s the average number of inspections increased significantly. By the 1960s the number of inspections fell again, to below 1940s levels. There were on average 0.78 inspections per school per year during the 1960s, although the number of schools decreased steadily in the second half of the decade as a result of closures. Another reason for the decline in inspections at this time was the retirement in the mid-1960s and non-replacement of Dr Anna McCabe as Medical Inspector.

1.125 144 inspections for 32 schools were carried out during the 1970s, representing an average of 0.45 inspections per school per year. The lowest point was 1975, when the Department inspected no residential or special school.

Other limitation on the inspections

1.126 A significant limitation that runs through the school system was that the Department's inspectors were in no position to promise or provide additional resources to schools to enable them to address shortcomings and bring about improvements. Inspections and action taken on the basis thereof were pursued within the context of the available resources at the relevant time. The focus was confined to material and physical aspects of residential care and, until the establishment of the Child Care Advisor, was without reference to the developmental and emotional needs of children. It would appear that, in the main, schools were given advance notice of inspector's visits and residents have described how, as a result, proper blankets, eiderdowns, dishes – never otherwise used etc. – were all on display. However, unannounced visits were not uncommon and were used on occasion to check on schools where concerns had arisen. The Resident Manager of Letterfrack, for example, protested that Dr McCabe periodically visited the school unannounced.

1.127 Instances of abuse would not normally be brought to the attention of inspectors during the course of a routine inspection of a school. Occasionally, as in Newtownforbes in 1940, inspectors identified evidence of mistreatment, and in this case the threat of censure was mooted: 'I was not satisfied in finding so many of the girls in the infirmary suffering from bruises on their bodies', Dr McCabe informed the Resident Manager in a letter: 'I wish particularly to draw attention to the latter as under no circumstances can the Department tolerate treatment of this nature and you being responsible for the care of these children will have some difficulty in avoiding censure.'

1.128 However, most of the abuse cases were not discovered as a result of normal school inspections.

1.129 Official concern at conditions in the school – and also the incomplete character of the information available and perhaps a feeling of helplessness – was apparent from the response of the senior childcare officer in the Department of Health to the medical report of the death of a child in St Joseph's Ferryhouse. She wrote:

This shocking report confirms some unofficial information that I have had over the years concerning Ferryhouse...from what I have heard the ill treatment of the boys could do with investigation also. One person who spoke to me about this matter was an inspector of the ISPCC. It is scandalous that only the death of one of the boys has led to the conditions there coming to light.

One-off inspections

1.130 Sometimes particular complaints or episodes were serious enough to lead to an inspector's being sent to make a more wide-ranging investigation than the usual regular visit. The following are examples from the Department's records.

1.131 In Rathdrum in December 1947 a child of three was put in to a very hot bath and died a few days later from his injuries. Dr McCabe was sent to inquire and discovered that at the time the victim was in the care of a 14½-year-old laundry maid. The school was inadequately staffed, partly because the 14 nuns in the Rathdrum Convent were old and incapable. The next month Dr McCabe returned to see what improvements had been made and wrote the following internal report:

I informed the Resident Manager that I did not consider she had sufficient staff at present and that she should employ at least two extra helpers immediately, one religious if possible and the other a capable woman with experience of children. She told me she accepted this suggestion and would try to meet my requirements. She then informed me that she expected a castigation since the school had been 'in the news' so often. I told her that the most recent episode amounted, in my opinion to criminal negligence...

I then informed her that I had given her one last chance to remedy her deficiencies and that if the school had any further complaints, which on investigation proved to be true that I would ask for her removal. Also I informed her that I would like to see the Mother-General in Carysfort and ask her aid in insisting on this Resident Manager carrying out her duties properly.

One facet of the resident manager I do not like is that she is inclined to be parsimonious and grasping about money and again on this occasion she said the grant was not adequate. I told her not to talk nonsense that schools catering for big boys 10-16 years could very well manage and that these boys eat far more than little boys and required more clothes! I consider it would be well to follow up my visit with a letter insisting on my suggestions being carried out and warning the resident manager that if she cannot cope with the situation she will have to be replaced.

1.132 In fact, the letter of 25th February from the Department to the Manager, which was issued on the basis of this internal report, recommended an increase of two staff but did not repeat any of the condemnations or threats that, according to Dr McCabe's memo of 14th February, she had made orally. These oral directions from Dr McCabe as to how the school should be improved were unusually specific.

1.133 An earlier visit to Rathdrum in October 1944 by the general inspector gave rise to an internal memo to the Assistant Secretary, prepared as part of the discussion as to whether to dismiss the Resident Manager (which did not in fact happen):

Since I was appointed to this branch I have frequently drawn attention to the fact that children in industrial schools are, in general, not properly fed...This is a serious indictment

of the system of management of industrial schools by nuns. If the children's parents subjected them to semi-starvation and lack of proper clothing and attention from which they suffer in some industrial schools, the parents would be prosecuted. No laywoman, for instance could treat children as the former resident manager of Lenaboy did and escape punishment. Evidence is not wanting that the public have a shrewd idea of the conditions in many of these schools and that the public conscience is stirring. Last February for instance, the Minister for Local Government and Public Health sent the Minister the following extract from a letter which he had received from Deputy B Butler: —

'A strong supporter of ours in the Ranelagh area – I think he is a sort of Probation Officer – asked me on Monday night to pass on the hint to you that the Labour Party are about to make capital out of the fact that the children in industrial schools are being literally starved through stoppage of supplies of oaten-meal and meat. I don't think this can be so, but he appeared very earnest and insistent.'

Dr McCabe and myself have conducted a strenuous campaign against this semi-starvation. On her inspections she has attacked it in every school where she found it ... I have followed up her reports in all such cases with official letters, generally in strong terms. We have before us the task of uprooting the old idea that industrial school children are a class apart who have not the same human needs and rights as other children. There may have been something to this idea in the last century, but the present position is that from a material point of view, running an industrial school on an aggregate grant of about 18s/3d per head per week is a business proposition and the community should get value for its money.

1.134 Nothing more was heard of the matter.

1.135 Another example of an effective inspection is described in an internal memo of 2nd December 1944 from Dr McCabe to the Assistant Secretary:

We arrived unexpectedly a short time before 12 and went straight to the refectory where the dinner was set out. Dinner consisted of one big slice of bread and jam for most of the children who come in and make short work of the bread together with a tin cupful of milk (about half a pint). We were told that the rice which, according to the dietary on the wall, should have been issued, did not arrive from Cork.

I took the whole up fairly strongly with the Resident Manger. She kept up appearances for a while and then confessed to me that everything I said was true that things were worse even than I thought. One of her remarks was that she thought the children so badly nourished that their little legs were hardly able to carry them and that she had warned her authorities that they would lose their certificate. At their suggestion I sent for the Revd Mother, and the secretary and myself warned her in strong terms that the situation which had existed there could not be tolerated any further. I pointed out that the two other schools run by the Order in Cork-Cobh and Kinsale – were at the very top of the list in the matter of food whereas Passage West had become a kind of a bye-word. The Revd. Mother assured us that arrangements had been made to bring the diet fully up to the required standard and that there would, in future, be no cause for complaint.

1.136 A letter from the Department to the Provincial of St Joseph's Clonmel in December 1944 began by thanking the Provincial for substituting a younger Manager at the behest of the Department and went on to describe conditions of considerable squalor:

Incidentally, I feel bound to say a word in defence of the inspectorial system. Admittedly an inspector who visits a school like yours for one day in the year cannot get a full and complete picture of the manner in which it is conducted. All we claim is that a lady like Dr. McCabe, who spends all her time at this work, acquires the ability to get a picture

satisfactory as a result of her reports. The system has its faults but is there a better alternative?

Dr. McCabe suggests that the dormitories should be washed out at least once each month, and that one sheet should be changed on each bed weekly. The sanitary annexe should be cleaned each day, and whitewashed and pointed as required. (On the occasion of her visit it was very dirty and the walls were defiled with excrement.) The trouble here and in kindred matters is, in her opinion, due to the failure of the widow and daughter in charge to do their work properly. Apparently they got a lot of help from the boys before the School was recognised as a national school. The boy's time is now more fully occupied by literary and trade training and apparently the cleaners have been letting things slide.

Kennedy on inspections

1.137 The Kennedy Report was especially critical of the inspection system. Criticism was made concerning the inspectors' failure to pay attention to the circumstances of individual children, the piecemeal character of the inspections and the missed opportunities. Its verdict was damning though it should perhaps be noted that Kennedy was reporting at a time when for personnel reasons the inspection system was in a trough. The Report was made between the retirement of Dr McCabe in the mid 1960s and the appointment of Mr Granville in the mid 1970s, in other words a period when the Department did not have an inspector with professional expertise. The Report concluded:

The system of inspection has, so far as we can judge, been totally ineffective. In other countries the Inspectorate acts as a link between those in the field and those in central authority. In this way the system ensures that no one school or centre is working in isolation, unaware of development in other regions. This has not been the position here. There is only one Inspector and he is, in fact, the Administrative head of the RISB of that Department. His time is, primarily, taken up with the administration of his Branch rather than the inspection of the schools.

We are satisfied that the statutory obligation to inspect these schools at least once a year has not always been fulfilled but, even if it had, this would not have been sufficient. There must, in addition, be meetings where ideas are exchanged and discussed – they should not be merely fault-finding missions.

We have been advised by those in other countries who operate such a system that, on the basis of the figures given of those at present in residential care, [a much lower figure than formerly] approximately five or six Inspectors would be required to operate a proper inspectorate based on a central authority. In this way, every school or Residential Home could be visited frequently. Every child's case history could be periodically reviewed. These visits might be made to inspect a particular aspect of the running of the home – on other occasions they could be 24-hour visits to study the ordinary routine of the home. Faults, grievances, suggestions and requests could be examined in a general context and the inevitable result would be an overall and continuing improvement in the system.

1.138 One of the results of the Kennedy Report was an overhaul of the inspection system and the appointment of Mr Graham Granville as Child Care Advisor in 1976. The difference between the previous inspection system and the post-Kennedy system was that the new Child Care Advisor's role was to inspect the schools while focusing on the individual child rather than the institution. Prior to Mr Granville's appointment, inspectors had adhered to a standardised checklist of conditions, but in 1976 a new form was introduced. This new basis for assessment was a departure from the old thinking and included enquiries into psychological services and individual child assessment. The welfare of the child was paramount. Mr Granville's inspection reports also referred to medical aspects of each school ensuring that appropriate health and medical services were available.

Diet and nutrition in the schools

1.139 The widespread underfeeding of children was of particular concern to Dr McCabe, who disagreed with the Cussen Report's findings of 1936 that had described the diet of these children as 'on the whole adequate.' Dr McCabe instituted a system of revised diet scales, nutritional education and comprehensive medical charts recording the weight and height of each child, which she used as evidence of underfeeding in the schools. In a letter sent from the Department of Education to the Department of Finance, recognition is given to the value of correct medical records and stated that these charts 'brought about a marked improvement'.

1.140 The Department did try to address the near-starvation level of diet during World War II. An attempt at serious thinking is shown in a letter of 13th January 1945 from the Assistant Secretary in the Department to the Minister for Finance.

The Medical Inspector has stated time and again that the general standard of nutrition is too low. This grave state of affairs is due, to a degree, which varies depending on the individual School, to:

1. Inability to provide adequate quantities of food owing to the rise in prices;
2. Failure to do so owing to parsimony; and
3. Failure to provide a properly balanced diet (even when the quantity is adequate) owing to lack of training in the management of institutions for children and ignorance of fundamental deictic principles.

As to (1), the payment of the State capitation grant on all committed children and the increase from 5s to 7s per week of the State and local authority grants for children under 6, (both changes took effect as from the 1st of July last), have done something to ease the schools' financial position. When pressed to improve diet, however, managers complain continually that they cannot afford to do so, or that they can do so only by economising elsewhere e.g. in clothing. The Association of Managers has applied for an emergency bonus of 5s per week per child. There is no doubt that the schools, particularly the smaller ones and those that have no farms or very small ones have a case for an emergency increase in their income if they are to be compelled to maintain, and in many cases, to improve upon, their pre-war standards of food and clothing.

As to (2), the strongest possible action has been taken in all cases where the Department was satisfied that parsimony was the predominant cause of gross malnutrition. Two resident managers have been removed from office at the request of the Minister for Education. Others have been solemnly warned and will be removed in due course if there is no adequate improvement. (in one such case in Co. Cork the warning was given personally by the Secretary of the Department accompanied by the Inspector of Reformatory and industrial Schools.)

As to (3), this is a contributory cause of malnutrition in all schools, particularly those conducted by nuns, and an effort to eradicate it is an essential part of the general attack on malnutrition. It is proposed to have a course in institutional management next summer and to invite the Sister or Sisters in charge of the catering in each of the 43 schools conducted by nuns to attend. The City of Dublin Vocational Committee will be asked to conduct the course in Coláiste Muire la Tigheas, Cathal Brugha Street, and to make available the services of professors on their staff who are highly skilled in those subjects. From preliminary discussions between officers of the Committee and the Department it has been ascertained that the course could be specially designed to suit the actual conditions existing in the schools. It would deal with fundamentals of institutional cookery as applied to industrial schools needs, on costing, storage, and preparation of foodstuff. In addition, the Department's Medical Inspector would avail of the opportunity to give some lecture on balance in diet, hygiene, etc. The course should last for four weeks.

Having regard to the background out of which this proposal emerges persistent pressure by the Department on the schools to spend more money on food and constant complaints from the schools that they cannot afford to do so it will be clear that the course must not involve the schools in any expense if there is to be a reasonable prospect of securing their cooperation. It is proposed to make a grant of £9 towards the expense of each nuns travelling expenses, £6 for four weeks hostel expenses in Dublin, and £1 for materials and part maintenance (they will eat the meals they prepare). Nuns from Dublin City schools would receive the grant of £1 only.

- 1.141** In a long memo of 25th November 1944 written by Dr McCabe to a senior colleague she enclosed height and weight charts as a background to her scientific account of her attempts to get the schools to feed the children appropriate and nourishing food. The following quotation gives the flavour:

For a considerable time past I have been carrying on a campaign for an improvement in the diet scales in the industrial and Reformatory Schools. Shortly after my appointment in 1939 I revised all the diet scales and advised individual schools as to deficiencies in the diet scale. On the whole I secured a measure of cooperation. I introduced many items of food to the school diet which were not then in use because they were unknown to the school managers. For a time all went well but that was in the halcyon days when food was plentiful and fairly cheap. The position on this regard cannot now be regarded as satisfactory.

Dr McCabe and the Managers

- 1.142** In the early part of her career Dr McCabe was vociferous in her demands for improvements in diet and conditions in the schools and was quick to inform the Managers of her dissatisfaction. In a memo sent by Dr McCabe to the Department on 25th November 1944, it is clear that her reforms were often met with resistance from the schools and only instituted when Departmental pressure was applied:

In the great majority of schools the children get a bare subsistence diet and nothing more. I have had abundant and convincing proof of this and have effected an improvement in conditions in some of the schools only after the strongest measures were used, e.g., Lenaboy and Passage West.

- 1.143** The Resident Managers often ascribed failings on their part with regard to the shelter and diet of the children to the inadequate funding received from the Department. The unavailability of funds was proffered as an excuse by both the Department of Education and the Resident Managers, in response to many of the weaknesses cited in the inspection reports. Consequently, Dr McCabe's work was hampered by the ongoing capitation negotiations between the Congregations and the Departments of Education and Finance. At the end of her period in office in 1964, she wrote:

I am constantly pressing for further improvements but I am met with the same query from all concerned 'Where is the money to come from'... This state of affairs puts me in a very invidious position as I am unable to have the further improvements envisaged by me implemented.

- 1.144** Following an inspection of Letterfrack in 1957, Dr McCabe described the difficulty she faced in attempting to improve conditions in the schools:

I would really like to see a number of improvements here- clothing, living conditions and cooking arrangements. I have often made suggestions but each time I feel up against a stone wall as always I am told increase the grant – give more money and of course I realize their difficulties – but all the same I will have to insist on better conditions for the boys. Br. Murphy the Resident Manager is very argumentative and difficult to persuade.

1.145 Dr McCabe advocated a strong response to Resident Managers who refused to implement recommendations: in striking contrast to the usual emollient words used by the Department, her correspondence with certain Resident Managers was often peppered with strong language and demands for improvements. One such letter to the reverend mother of Newtownforbes in 1940, in relation to unsanitary conditions and neglect of sick children, states: 'I cannot find any excuse which would exonerate you and your staff.' The inspector felt the best course of action was to hit the schools in their purses and threatened to reduce or remove state funding or certification if the Resident Managers did not comply. Nevertheless, the Department considered it 'impolitic' to withdraw the certificates of suitability. However, Dr McCabe did succeed in having two Resident Managers removed from their positions as a direct result of her inspection reports.

Corporal punishment

1.146 Ensuring that the children received adequate food appears to have been Dr McCabe's primary focus; the common use of excessive corporal punishment does not figure as prominently in her work. In her general report of 1964 she states:

Corporal punishment was very prevalent when I first visited the schools, beating of children being quite commonplace; in addition there was a form of sadism deplored by me the cutting of girls hair and the shaving of boys heads. All this has been virtually eliminated except for the unfortunate example of the nuns in Bundoran.

1.147 Yet, so far as one can make deductions from a negative, there exists little to suggest that Dr McCabe actively attempted to prevent the excessive physical punishment of boys. Where criticism did exist it was levelled mostly against the girls schools. In 1940, upon finding girls in the infirmary in Newtownforbes showing signs of physical abuse, Dr McCabe wrote a scathing letter to the Resident Manager, in which she wrote;

I was not satisfied in finding so many of the girls in the infirmary suffering from bruises on their bodies. Under no circumstances can the Department tolerate treatment of this nature and you being responsible for the care of these children will have some difficulty in avoiding censure.

1.148 Conversely in a boys' reformatory the punishment received by a number of the children appeared to contravene Department regulations, Dr McCabe is not recorded as having challenged the Resident Manager. In a report to the Department on the basis of a complaint from the father of a resident of Daingean concerning excessive corporal punishment, Dr McCabe wrote: 'I failed to discover any marks on any boy including ...'. She also made disparaging remarks about the boys in general, referring to them as 'terrorists' and stating that the boy whose father complained 'is an unpleasant type of boy'.

1.149 Despite the 1946 circular stating that principals could draw on the advice of the Department's Medical Inspector 'regarding any children who are specially troublesome or difficult to control', there is no evidence that Dr McCabe offered advice on how the troublesome boys could have been treated differently. The standard forms completed by Dr McCabe and the other inspectors did not contain references to issues of discipline or punishment until Mr Granville, Child Care Advisor to the Department, noted that corporal punishment was still in use in the schools.

Punishment book

1.150 The requirement to keep punishment books is provided for in Rule 12 of the Department's Rules and Regulations which states:

The Manager or his Deputy shall be authorised to punish the Children detained in the school in case of misconduct. All serious misconduct, and the Punishments inflicted for it, shall be entered in a book to be kept for that purpose, which shall be laid before the Inspector when he visits. The Manager must, however, remember that the more closely

the school is modelled on a principle of judicious family government the more salutary will be its discipline, and the fewer occasions will arise for resort to punishment.

- 1.151** Department files do not provide examples of these punishment books being kept by schools or 'laid before the Inspector'. The inspector did not refer to the checking of punishment books in her/his inspection report but would at times record that 'Records were well kept'. It is possible that schools kept these journals for a time and subsequently disposed of them when they were no longer needed. On 16th December 1970, the Minister for Education informed the Dáil that: 'No industrial school now keeps a punishment book'.

Dr McCabe's illness

- 1.152** In the early part of her career, Dr McCabe was heavily critical of the schools, reporting findings very different from the relatively favourable conclusions in the Cussen Report just a few years earlier. She stated that she was 'simply horrified at the conditions existing in the majority of the Schools'. However, her reports from the 1950s show a marked decline in detail with little of the critical commentary that had characterised the reports of the 1940s. While it is possible that improvements were made during her tenure, and that the schools were better resourced, it is also necessary to take into consideration the fact that from the late 1940s Dr McCabe was suffering from recurrent illness.

- 1.153** Although there is no definitive diagnosis of Dr McCabe's condition, it is evident from medical reports in her Departmental personnel file that she suffered from severe depression for much of the period during which she held the position of Medical Inspector with the Department. This illness seems to have commenced in the late 1940s, with a severe episode in 1951 requiring hospital therapy.

Unfortunately, over the following number of years Dr McCabe's health did not improve and began to deteriorate seriously in the mid-1960s. Dr McCabe resigned in 1965.

Part 6 Innovations and Improvements

Structural reforms

- 1.154** Before Kennedy, there was little thought given to a fundamental overhaul of the system. One of the few considerations of structural change is contained in the following brief statement. T O'R on 15th March 1967 wrote in an internal memo.

A new development in recent years in a number of the Industrial Schools has been the introduction of the Group System. Under this system it is claimed that the children feel a greater degree of security, become more alert, make better progress at school, are generally more friendly and more easily overcome their handicaps. The Minister would be glad if Managers would give consideration to this new development with a view to its introduction, where possible, into their schools. 4.12.24 noted that in a small number of schools, laudable efforts are being made to break the residential portion of the school into units and encouraged stronger efforts in this direction.

One line of approach to the problem of the Industrial Schools is the provision of a Prevention Centre. The importance of the Prevention Centre will lie not only in the turning back of the youngsters from their first steps in delinquency and the caring for innocent youngsters from broken homes, but also in that it will reduce considerably the number of children who will be committed to industrial schools.

This raises the question of the second line of approach. It is that the industrial schools will in future have to devote themselves more to rehabilitation type of work. This will mean that they will have to organise the children into smaller groups and so have to employ a

much larger staff of skilled personnel. The children will, learn by doing (as Senator Quinlan mentioned in the Seanad debate on 'Investment in Education').

It might be unwise to bring up the matter of industrial schools as we are in no position to defend our achievement as far as the size of grants goes.

1.155 Another rare example of this fundamental question being squarely addressed comes in a letter of response by the Department to criticisms put forward by the Joint Committee of Women's Societies and Social Workers in 1955.

The slogan that 'a poor home is better for a child than the best institution' is alright as a catch cry but is certainly not true if it is meant by a poor home a home of squalor, hunger and malnutrition, vice and bad example. People before using such slogans should become familiar with bad homes and with institutions such as industrial schools or orphanages which are conducted on proper lines. These latter, at least the industrial schools administered by this Department, have considerably improved in the last 12 of 15 years, mainly through (1) a consciousness on the part of the conductors following the Report of the Commission of Inquiry into the R&I. School system of 1934-36, and the passage of the 1941 Children Act of the need for improvement standards in the schools, (2) efficient and regular inspection, (3) the Course in Childcare in 1953 for nuns engaged in Orphanages and Industrial Schools. The improvements resulting from this Course are becoming evident as time goes on.

With regard to the recommendation of the Women's Committee the following comments are made in the order set forth in the Joint Committee's letter.

1. That the maximum number in any institution should not exceed 250. The only school which accommodates more than 250 is Artane. The question of breaking up that school into smaller schools was recommended by the Commission of Inquiry 1934-36 but nothing came of it mainly due to the opposition of the conductors and the extra huge expenditure involved. I consider that in fact 250 is altogether too big a number for a school and that 50-100 would be the ideal number.
2. Division of children into groups.

Kilkenny Girls School (accommodation 130) and St. Georges Limerick (170) have introduced the group system. (Kilkenny in 1952 and Limerick quite recently). This means the grouping of the girls over 6 years of age in sections of 30 approx-each section under the care of a nun who acts as 'House mother'. In Kilkenny each section has its own Dormitory, Dining Room, Living Room. I attach a description of the grouping system as given by Sr. Laurentia for the Kilkenny school at the Child Course held in Carysfort College in August, 1953.

The group system is new to our schools. It involves the school in extra staff and in considerable expenditure to adapt the accommodation to the system. It is probable that with a little encouragement and coaxing from the Departments schools. The question of adopting it in boy's schools, both senior and junior would present more difficulties than in the case of girl's schools.

Closure

1.156 The schools' population peaked in the late 1940s. There was a steady decline in numbers through the 1950s and the process accelerated in the 1960s. The Department of Education noted as early as 1951 that since 1945 there had been an average of 250 vacancies in the Boys' Schools.

1.157 In 1955, the subject of closure was tentatively mentioned by the Secretary of the Department of Education in negotiations with representatives of the schools. In a letter from the Minister for

Education to the Minister for Finance on 21st January 1965, the former noted ruefully that Finance had been urging closures for years and then continued:

Naturally your main concern is economy while mine is the upbringing of children. Certain aspects of the matter of transferring children to other schools have to be carefully considered. Many children have god-parents in their school localities and quite a number of children attend schools, national, secondary and vocational outside the industrial school. It may not be possible to accommodate such children suitably if transferred to another district.

1.158 In 1950, there were 50 Industrial Schools. In the 1950s five schools closed: four senior boys schools – Baltimore (1950); Killybegs (1950); Carriglea (1954); and Greenmount, Cork (1959) and one girls school, Sligo (1958); but in the case of each of the boys' schools there were particular reasons that were at least as significant as the general trend. The next closure was Birr, Offaly (1963). During 1964-70, 17 more schools, more than a third of the total, closed, including the senior boys' schools at Upton, Glin and Clonmel, in each case with the full agreement of the Orders concerned. By the time of the Kennedy Report in 1970, another 13 had closed leaving a total of 29 still operating.

1.159 The impression is that the closures that did occur pre-Kennedy (1970) did not come about because the Department pursued a coherent policy and took a considered decision to bring them about. The closures happened because the Orders wished them. On 23rd May 1966, the Managers' Association wrote to the Department:

At their meeting on last Friday there was a consensus of opinion amongst the Resident Manager that most of the Schools will be forced to close.

If the present system is not acceptable to the public or the Government the Managers are prepared to close the schools next year, because they feel that the strain of working under present-day conditions is too acute to be continued.

1.160 Making allowance for some element of bluff in this letter, it is unlikely that the schools would have expressly raised such a fundamental issue as closure unless they believed that matters had reached crisis point. In 1968, the Manager of Artane visited the Minister to warn him that the Christian Brothers had decided to close Artane, though this closure did not in fact occur until 1969.

1.161 One feature of the timing of most of the closures is that they coincided with the doubling in demand for secondary school places, which followed on the abolition of secondary school fees. This was announced suddenly by the Minister for Education, Mr O'Malley, in 1966 and came into effect in August 1967. As a result, enrolment in day secondary schools rose from 148,000 in 1966-67 to 239,000 in 1974-75.

Part 7 The beginnings of change

1.162 Both the public and the authorities began to lose confidence in the Industrial School system at the same time. The Christian Brothers believed the 'public had turned against them', the image of the schools having being damaged by 'negative newspaper and television coverage ... and by criticism from professional sociologists, [and even from] the clergy and the bishops'. The Christian Brothers referred also to 'Authorities charged with improving social matters', who they felt had become 'hostile to schools such as Artane... County Councils, the Department of Health and those various organisations involved with the care of children would prefer to put them in foster homes or with families, anywhere but in institutions such as Artane'.

1.163 At the same time, there were various practical improvements in the schools, mostly because of rising economic prosperity in the 1960s. The following contemporary account, from Michael Viney's 1966 *Irish Times* series, provides some examples:

A hundred boys is probably the most any one centre should contain, if the staff are to have any chance of treating them as individuals. So consideration of closing Upton and Letterfrack has not been without its ironies. For a hundred boys, more or less, is just what each of them has now. They were built, of course, to hold far more, and the present capitation system makes it uneconomic to run them at less than three-quarters full – about double their present population. Both Upton and Letterfrack have undergone major reconstructions and improvements in the last few years. The Department of Education has granted large sums to build or convert new classroom wings and the orders themselves have borrowed heavily from the banks to pay for other, very welcome improvements. So just as these schools have been brightened out of all recognition, their future has never seemed more uncertain.

Reports and other indicators

(1) OECD Report

1.164 In 1961 one of a set of national surveys, a wide-ranging study of Irish education and training by economic experts, was prepared by officials from the Department of Education in cooperation with the Organisation for Economic Co-operation and Development (OECD), under the chairmanship of the economist and ex-civil servant, Professor Patrick Lynch. It included a section dealing with the treatment of children in detention. This section criticised the operation of the schools attributing many of their defects to the inadequacy of the capitation grant and also the substantial surplus capacity within the schools, especially the girls schools, where there was only 37 percent utilisation of space.

(2) The Commission on Mental Handicap

1.165 In 1965 the Commission on Mental Handicap raised doubts about institutionalisation in a wider context. Its report observed at para 138:

Orphans and unwanted and illegitimate children are a very vulnerable group. Many fail to realise their potential through loss of firm ties of affection, lack of stimulation and absence of suitable adults to provide a feeling of security and to meet their emotional and psychological needs. Legal adoption, where it is possible, is undoubtedly the most satisfactory method of dealing with the problem....family care is preferable to care in an institution.... We are well aware of the wonderful work carried out in these institutions and our regret is that because of a lack of appreciation of the psychological and emotional needs of children or because of inadequate staffing, the best results are not always achieved.

(3) The Inter-Departmental Committee on Crime Prevention and Treatment of Offenders

1.166 In September 1962 an Interdepartmental Committee was established to inquire into possible approaches to the prevention of crime and the treatment of offenders. The Committee was composed of senior officials of the Departments of Justice, Health, Education and Industry and Commerce. Its proceedings concerning Fr Moore's views on Artane are discussed in the chapter on that institution (Volume I, Chapter 7).

1.167 The Committee's more general recommendations as to Industrial and Reformatory Schools anticipated those of Kennedy in some respects and echoed Cussen in others. One of its central recommendations was the introduction of proper aftercare supervision, the lack of which they viewed as 'a most grievous fault in the system'.

(4) The Tuairim Report

- 1.168** The Tuairim Report of 1966 was another harbinger of change and bookmarked a change in thinking within the Department. Tuairim was a private group interested in publishing ideas for practical, social or governmental reform. One of its best-known reports entitled ‘Some of our children’ evaluated the certified schools system in Ireland. In some ways its content also anticipated that of the Kennedy Report. The Tuairim Report drew attention to the ‘failure to implement, other than a few’, the recommendations of the Cussen Commission. The Department of Education concurred with a number of Tuairim’s findings and stated in an internal memo ‘it is true that the whole system is in need of complete overhaul’.

(5) A play at the Abbey Theatre

- 1.169** On 30th January 1961 a play by Richard Johnson, *The Evidence I Shall Give*, was premiered at the Abbey Theatre. It ran for 42 performances, and then was restaged in July of that year when it ran for a further nine. It returned in August for 21 more, in September for nine, and finally in October for six. Such a run, with a total of 87 performances, was most unusual.
- 1.170** The author was a District Court judge. The play depicted a day in the life of a District Justice and the principal case was an application to have a 13-year-old female inmate of an orphanage transferred to an Industrial School because her alleged disobedience made discipline impossible. The protagonists were the defending solicitor, who was a kind and humane character, and who argued that ‘small children need kissing and caressing’ and the Mother Superior of the home, who was unloving and was driven by the need to enforce severe discipline and through it to bring the children ‘to humility’.
- 1.171** The children had been committed because their father could not afford to engage a woman to look after his six children. The solicitor then calculated that with the capitation fee of £2.10s per week per child, the Order was being paid £390 for the three sisters, and the other institution was being paid £370 for the other three. ‘Will you agree’, he asked the mother-general, ‘that for £150 a year he could have got somebody to look after all six?’
- 1.172** The play ended with the young girl removing the scarf covering her head to reveal it to be shaven, her punishment for absconding. The solicitor then addressed the court, saying ‘...what a dreadful commentary on our so-called Christian State that the soul of a little child should be thus crucified in order to instil humility’.
- 1.173** Far from being controversial, the message of the play was well received by the audience and its success reflected the readiness of the public to hear the criticisms made by the play.

The Kennedy Report

- 1.174** In retrospect, the establishment of the Kennedy Committee to review Reformatory and Industrial Schools seems more like an obituary than a death warrant for the existing system. In a memorandum prepared by Tarlach O’Raifeartaigh, the Secretary, for the Minister for Education in March 1967, he suggested that it would be ‘well worth considering whether the whole problem of reformatory and industrial schools should not be our next major target’. The Minister, Mr O’Malley, said he had always ‘felt deeply’ that children in care there had ‘a very special claim on society’.
- 1.175** Formally, both the Department and the Minister emphasised that a revision of the existing schools system should not be construed as an adverse reflection upon the management of schools by the religious Orders, which deserved praise for the ‘excellent manner’ in which the schools were conducted. However, there is no doubt that Minister O’Malley privately suspected that harsh conditions were pervasive in the schools as is evident from an informal remark to his Department’s

representative on the Kennedy Committee: 'I'm depending on you to see that this whole area is properly cleaned up. I'm behind you.'

Kennedy's recommendations

1.176 The Committee made a crucial finding in relation to the existing system. Paragraph 4.2 of the Report said that:

...there is, in general, a lack of awareness of the needs of the child in care. By this we do not mean physical needs which are, in the main, adequately if unimaginatively catered for. We are referring to the need for love and security. All children experience these needs from their earliest days; the child who has suffered deprivation has an even greater need for them.

1.177 Noting that most of those working in Industrial Schools and Reformatories had little if any qualifications, the Report recommended: proper training, the transfer of administrative responsibility for childcare to the Department of Health, and the system of payment on a capitation basis to be replaced by a system based on agreed budgets so as to encourage improvement in the children's circumstances. However the Committee's major recommendation was that:

The whole aim of the Child Care system should be geared towards the prevention of family breakdown and the problems consequent on it. The committal or admission of children to Residential Care should be considered only when there is no satisfactory alternative.

1.178 Like the Cussen Commission before it, the Kennedy Committee also supported the view that Resident Managers should have detailed knowledge of each child under their care. It was also agreed that a proper system of determining a child's background and capabilities was essential in preventing an escalation of anti-social behaviour or educational disadvantage. In the Kennedy Report it was concluded that:

As the system operates at present, a child is often admitted or committed to the care of the school manager, who knows little, if anything, about the child's background. This can lead to great difficulties, particularly in the case of delinquent children, or those with delinquent or anti-social tendencies. The child may be retarded, suicidal, homicidal or homosexual, but the school authorities have no way of knowing this and by the time they learn it, much damage may have been done.

Part 8 The Department's handling of complaints

1.179 The chapters in Volumes I and II on the schools recount many instances of complaints that came to the notice of the Department and the manner in which they were handled. Those cases are not repeated here and the following remarks are confined to general issues.

Complaints from parents and members of the public

1.180 The Department of Education wrote to the Kennedy Committee to explain its procedures for dealing with complaints from the public:

Upon receipt of a complaint from a parent or guardian about the treatment of a child in an industrial school, the Manager is furnished with a copy of the complaint and his observations are requested. Depending on the seriousness of the complaint the Inspector of Reformatory and Industrial schools will also interview the child and the school authorities and take appropriate action where necessary.

1.181 The Department also told the Committee it had 'no complete record of all complaints received' as many were of a 'trivial nature'. It provided the Committee with nine examples of complaints

received in the previous five years, all but two of which were deemed to be baseless. Mr Mac Uaid, an executive officer in the Department, wrote on another occasion: 'Complaints about the treatment of children in industrial schools are not infrequent but from experience I would say that the majority are exaggerated and some even untrue.'

1.182 The Department's submission to the Commission to Inquire into Child Abuse summarised the situation:

The procedure for dealing with parent's complaints was to refer them to the Manager of the school for consideration and depending on the response of the Manager and the seriousness of the complaint to determine whether the matter should be pursued with the school management. There does not appear to have been a defined system of assessing the seriousness of a parental complaint and generally the Department did not interview the parent or child concerned... There is no indication that complaints supported by public representatives were taken more seriously than others.

1.183 It added:

There is also evidence to suggest that in many cases the Department accepted the explanations given by the Resident Manager when complaints were brought to his/her attention and that the Department may have viewed some complaints with a degree of scepticism.

1.184 The Department's submission also stated:

Where complaints were aired in the public media, the Department appears to have been concerned to protect the reputation of the school while privately addressing concerns with the religious order.

Enforcement

1.185 At the conclusion of the Department's investigation of a complaint or episode, some kind of judgement had to be reached. The Department generally gave the benefit of the doubt to the school. Where an adverse conclusion was reached, the question of sanction, if any, depended on the nature of the complaint. One possibility where a member of staff was personally culpable was the removal of the staff member, which did happen but only on a very few occasions. As each side knew, there was also the ultimate sanction of derecognition, but, as each side also knew, this was the nuclear option, to which there were big disadvantages from the Department's point of view.

1.186 • **The Department did not have a system for examining and investigating complaints. It had a system that managed complaints in a way that minimised adverse publicity and scandal. Its trust in the religious Congregations led to a sceptical approach that rejected complaints in the majority of cases. The Department relied on the Resident Managers to respond to complaints and tackle the issues raised. This approach was a serious failure of the Department's supervisory role.**

Part 9 Missing files

Introduction

- 1.187** The principal sources of documentary evidence in relation to Industrial and Reformatory Schools are:
- the Department of Education and Science;
 - other Departments of State including the Department of Health and Children and the Department of Justice, Equality and Law Reform;
 - the archives of the Congregations that managed the schools and reformatories.

- 1.188** Records on Industrial Schools comprise a wide range of internal Departmental files, covering areas such as: certification, general inspection and medical inspection. Registers on all children who were admitted to the schools through the courts also exist and in some of these cases there are files with varying degrees of detail on individual children. The completion of a comprehensive archivist exercise on these records by the Department has resulted in the creation of a database of approximately 36,000 entries.

Archival and discovery reports

- 1.189** In 1996 the archives of the Reformatory and Industrial Schools were catalogued by an archives and records management company, at the behest of the Department of Education and the National Archives. The records relating to the schools were mostly kept in the basement of Talbot House, a building on the grounds of the Department of Education headquarters, Marlborough Street, Dublin. In April 1998 the company submitted its final report to the Department. It noted the poor storage conditions in which these sensitive documents were kept, so much so that documents had to be cleaned before cataloguing could begin. Its findings were:

- (1) Case files and registers:
 - a total of 41,714 entries made in registers and case files
 - there were no registers or case files for three schools.
- (2) Certification files:
 - 72 entries in the certification files.
- (3) Administrative files:
 - 792 entries in the administration files.
- (4) Miscellaneous registers
 - 31 entries in the miscellaneous registers.

- 1.190** In 1999 Dr Gerard Cronin undertook to complete a report on the Reformatory and Industrial Schools' Archives in Athlone. In his 'Initial Report on the Reformatory & Industrial Schools' Archives Athlone' Dr Cronin stated:

...every so often I have come across items (sometimes misfiled) which directly or indirectly throw unfavourable or critical light on the conditions which the young offenders had to endure at the Daingean School.

- 1.191** In 2004 Mr Noel Dempsey TD, the Minister for Education and Science, appointed Mr Matthias Kelly QC to conduct an independent review and report on the provision of discovery by the Department of Education and Science to the Commission. There was a particular background to this decision, which is explained at para 6 of Mr Kelly's report:

There has been criticism of the way in which the Department of Education and Science has handled the process of discovery of documents to the Commission. In the Third

Interim Report, Ms Justice Laffoy recorded that the Commission were not satisfied that the department had complied fully with an order for discovery. There were concerns that the process of discovery was experiencing problems. It was against this background that I was asked to undertake this review.

1.192 His main objectives were:

- (1) to review the processes and procedures operated by the Department of Education and Science in main discovery to the Commission to Inquire into Child Abuse; and
- (2) to make such recommendations as are appropriate in relation to discovery by the Department of Education and Science.

1.193 Although the Department had disclosed its historic archive to the Commission voluntarily, this archive did not contain the total number of files relevant to the work of the Commission. Files not included and identified by Mr Kelly QC were:

- 27,000 pupil files;
- incomplete and early discharge papers;
- the working papers of the Kennedy working party;
- material separately held in safe storage within the Department;
- incident books;
- precedent books;
- miscellaneous files one would expect to find.

(1) 27,000 missing pupil files

1.194 The 3rd Interim Report by CICA describes how the Department of Education sent to the Commission a 'Database of Former Residents of Reformatory and Industrial School', containing approximately 42,000 entries of pupils who were committed by the courts to Reformatories and Industrial Schools during the allotted timeframe relevant to the Commission; however the database does not contain records of pupils placed in Industrial Schools by local authorities under the Public Assistance Acts or the Health Acts or voluntary placements. The Department should be in possession of 41,000 pupil files. However files exist relating to only 14,000 pupils, therefore 27,000 pupil files are missing. Of these 27,000 files, 18,000 relate to children who were admitted to institutions from 1936 onwards. From 1960 onwards the Department is in possession of virtually 100 percent of pupil records. Matthias Kelly concluded that these files were thrown out in the Department's 'general clear out'.

(2) Incomplete and early discharge files

1.195 Early discharge papers relate to applications made by parents to the Department to have their children released from institutional care. Some of the discharge papers are missing and in other cases the record in relation to the individual is incomplete and some of these applications may have been placed on the individual child's pupil file. The Department has a register of applications for early discharge dated 1951-60 only. Matthias Kelly stated within his report the importance of these records for former Industrial School pupils, emphasising the need for these people to know that their parents tried to ensure their release from the schools. Mr Kelly concluded that the papers were lost as a result of the 'general clear out'.

(3) The Kennedy working papers

1.196 The report of Matthias Kelly concluded that the 10 working papers of the Kennedy Commission were missing. Subsequently, in May 2004, seven of the working papers were given to CICA, and an eighth was handed over in 2007. Mr Kelly in his report stated 'In my view those working papers

are or may be relevant to the work of the Commission.’ However his report concluded that the Department had done all within its capabilities to locate the two papers.

(4) Material separately held in safe storage within the Department

- 1.197** In his evidence before the Commission Mr Liam Kilroy, when asked about the process of storing files, suggested it was a practice within the Department to store documents in a separate filing cabinet if the official was personally involved or the file was deemed unsuitable for general filing. He explained: *‘If it was an issue with which I was personally involved ..., then I would retain the papers in my room, in my office.’*
- 1.198** Furthermore in his evidence before CICA on 4th March 2003 Mr Paddy Matthews referred to the use of a safe to hold sensitive and confidential files. Mr Matthews claimed that Mr Luttrell, Head of Document Registry Unit, kept confidential files in a little safe in the document registry in Tyrone House. When asked what type of documents were kept in this safe, Mr Matthews replied: *‘I am only going on what I heard now, but that any offences with a suggestion of a sexual offence in them were kept there.’* Although the Kelly Report stated that all reasonable steps had been taken regarding the issue of safe storage, Mr Matthews later went on to state that he too had a safe in his office, which contained documents of a ‘sexual nature’. He said he had no log of the documents contained therein. In further evidence before CICA, Mr Matthews claimed that he had only ever heard of one complaint of a sexual nature (relating to Clonmel) He added: *‘I cannot remember any other complaint now, to tell you the truth. I think if there was, I would have heard it.’*
- 1.199** The report prepared by Mathias Kelly QC was critical of the way the Department had kept sensitive papers on the Clonmel sexual abuse allegations in a temporary folder.
- 1.200** The file known as TN030, short for Temporary Number 030, was kept in Liam Kilroy’s private office. Liam Kilroy went on to affirm knowledge of two other files in his office relating to abuse – Lisnagary in Limerick, Daughters of Charity (Q 20) and Finglas Children’s Centre.
- 1.201** Mr Kelly concluded, however, that the case of TN030 was an isolated one and that in any large organisation there will be the occasional instance of documents being wrongly filed and individual idiosyncratic filing. He concluded, ‘I cannot, therefore, attach any weight to the suggestion that “sensitive” documents were stored separately.’

(5) Incident books

- 1.202** Incident books, sometimes called ‘log books’, were kept by the various schools to record significant incidents or events within the schools or institutions. Matthias Kelly concluded:

The Secretary General has assured me that the Department does not generally hold incident books at all. The point is made, that if such books do exist, and I would expect that such books do exist, they will be held by the various institutions themselves.

(6) Precedent books

- 1.203** The precedent book was a record of decisions made relating to the certified schools system, catalogued in one place to allow for administrative ease. Mr Matthews, a former Assistant Secretary within the Department of Education, made reference to the existence of such a book in his evidence before the Commission. He stated that:

the precedent book should still be there. No, there is no reason why it shouldn’t, because all the sections in the place, it was an essential feature of Government business, to know what the precedents were, just the same as in law.

- 1.204** However Mr Kelly concluded: *‘In my view there is no hard or reliable evidence that the book, as described, ever existed.’*

(7) Miscellaneous files one would expect to find

1.205 This category refers to the general gaps in information regarding the Department of Education's running of the Industrial Schools system. These files include certification files, general and medical inspection reports, internal Departmental memos, letters and general correspondence.

Sex abuse files

1.206 The Department of Education Statement to CICA in May 2006 stated:

There are few cases of reported sexual abuse in the industrial and reformatory schools recorded in Departmental files (7 in all). We have no record of sexual of abuse issues surfacing during the course of normal inspections.

1.207 The seven abuse files are:

- Upton 1945
- Kilkenny 1954
- Ennis 1956
- Daingean 1959
- Artane 1960
- Mr Brander
- TN030.

1.208 Ms Bridgid McManus, Secretary General of the Department of Education, gave evidence before CICA on 13th June 2006. In light of the absence of Departmental records relating to incidents of sexual abuse in the Industrial Schools and Reformatories over which the Department of Education presided, Ms McManus was asked if any efforts were made to ascertain from old employees, retired employees or even existing employees of the Department who worked in the relevant section, whether incidents of abuse may have been passed on to the Department, but were not reflected in the files. All senior administrative staff in the Department, at principal officer level and upward, and all existing and former Department inspectors were contacted. Following this line of questioning CICA was furnished with the responses received by the Department from former officials within the section; these responses did not give any information regarding undocumented cases of sexual abuse.

1.209 Subsequently other former staff members who had previously worked in the RISB or Special Education Section were contacted regarding specifically:

- the historic management and storage of files relating to the Industrial and Reformatory School system;
- their knowledge of any destruction or purging of such files;
- any information they may hold with regard to missing files or gaps in the Department's records;
- departmental files relating to the Kennedy Committee;
- the use of a safe to hold sensitive and confidential files.

1.210 With regard to information ascertained from these efforts the Department of Education informed CICA that:

While these interviews provided information in relation to the destruction in 1958/59 of some industrial and reformatory ledgers which predated the 1900s, they did not throw any light on any of the other matters mentioned above or on any particular arrangements for holding sensitive or confidential records in relation to incidents of abuse.

Mr Brander and TN030

- 1.211** The case of Mr Brander and the file entitled TN030 are of most relevance to this chapter.
- 1.212** In September 1997, the Gardaí in Tullamore, County Offaly, wrote to the Department of Education (Primary Branch) informing them that Mr Brander, a former principal of Walsh Island National School, was the subject of a Garda investigation. The investigation related to incidents that took place during Mr Brander's time in Walsh Island. The Gardaí requested any information regarding complaints the Department may have received during the time in question. The Department stated that they conducted a 'thorough search... Primary and Second Level Branches, but nothing came to light at the time'. In January 1998 a file containing papers relating to Mr Brander was discovered in Second Level Branch, Athlone. The papers included a letter, sent to the Department on 27th May 1982, by Mr Rothe who identified himself as a national teacher, living in Edenderry, alleging sexual abuse of boys by Mr Brander. Although a number of internal memos were found discussing a possible course of action, no reply to Mr Rothe was found amongst the papers.
- 1.213** Among these memos was correspondence from a higher executive officer, dated October 1983, stating that there were no records regarding Mr Brander as his cards and appointment file were missing.
- 1.214** The full story of this man's career of abuse is told in Volume I Chapter 14.
- 1.215** TN030 is a Department of Education file titled 'Meeting with Clonmel Authorities, Wednesday 04th December 1996'; the TN refers to the 'Temporary Number' assigned to this file. Contained within this file is correspondence between the Department of Education and Science and the Rosminian Order who operate St Joseph's Special School, Ferryhouse, Clonmel. In particular it deals with a series of contacts from 1980-97 between Departmental officials and the institution and refers to incidents of child sexual abuse in the 1970s that are discussed in detail in Volume II Chapter 3.
- 1.216** In total there were three separate allegations made to the Department.
- 1.217** The Commission learned about the existence of these allegations following the receipt of a statement from a former Manager of St Joseph's Special School. The Department had been made aware of allegations of abuse as early as 1979. The Investigation Committee conducted a thorough search of the documents given to them by the Department, but no file relating to these reports of sexual abuse were discovered.
- 1.218** Following correspondence with the Chief State Solicitors office, the file relating to these matters was located and furnished to the Commissions. The full account of the cases appears in the chapter on Ferryhouse Industrial School (Volume II Chapter 3).

Renmore

- 1.219** In 1969, during a routine inspection of Renmore, a Department of Education inspector was approached by a 15-year-old boy who claimed to have been sexually abused by a senior member of the staff of the school. Following questioning of the boy the inspector became satisfied that he was telling the truth and informed his superior in the Department of Education, the Provincial of the Brothers of Charity and the school Manager.
- 1.220** The Manager told the inspector that he would investigate the complaint and within a matter of days informed him that the Brother had admitted to the sexual abuse of the boy and had been transferred to a psychiatric hospital.
- 1.221** The inspector's superior in the Department of Education requested a written report on the matter. The Department of Education were unable to produce this report and consider it missing. The

report was last seen in the Department in 1989 by an inspector. The Department believe it is impossible to say how or when the report went missing.

St Joseph's Cabra

1.222 A teacher in St Joseph's Cabra was the cause of numerous complaints between 1980 and 1985. The matter was being investigated by the Department of Education, which had withheld his teaching diploma pending investigation of the complaints.

1.223 Fifty nine St Joseph's teacher files were furnished to the Commission by the Department of Education, but this teacher's file was not among them. A letter dated 10th October 2007 from the Chief State Solicitor's office confirmed that the Department's file register had a record of the file. The letter also stated that the file could not be located and that the Department had no record of any complaints in respect of this teacher prior to 1985.

Lota missing files

1.224 Several files relating to Lota were also missing. The files, which should have been given to the Commission but which had not been located, were listed by the Department. These files are described as having gone missing since 2001 when they were catalogued. The Department gave no explanation as to why these files have gone missing.

Concluding comment

1.225 The Department of Education bore responsibility for the children placed by the State in its care. There was no other body to watch over the interests of one of the most vulnerable groups in the community.

1.226 The Department retained the Industrial and Reformatory School system inherited in 1922, making only a few minor changes when circumstances demanded them. The Department continued to see itself, as Richard Mulcahy, the Minister for Education, put it, as 'the man with the oil-can' who goes around attending to squeaks but makes no fundamental change to the machinery.

1.227 The unit dealing with the schools was at a very low level in the hierarchy of the Department. It had considerable powers, but it lacked the initiative and authority to do anything more than maintain the status quo, and keep the costs down. When alternative strategies for helping children in care emerged, such as boarding out, they were ignored. The Department of Education's submission to the Commission stated:

We do not have any records to suggest that this was actively considered by the Department. The Department did not see itself as having an active policy or operational role in the committal of children to institutions and it seems likely that it would have taken the view that the question of boarding out was a matter for the Department of Health.

Could the government have done more to make the schools better run?

1.228 Assuming that the Industrial Schools or something like them would have had to exist for some children, much could have been done by the Department of Education to improve their operation.

1.229 The Department was, firstly, lacking in detailed information. The inspections were too few and too limited in scope. The failure to insist on an external review on at least two occasions during the period between Cussen and Kennedy was supine. The need for some kind of external informed supervision of the certified schools is self-evident. If the

Department had been in possession of better information about the schools, it would have been in a stronger position to exercise control. In addition, greater openness would probably have reduced the level of abuse: sunshine is the best disinfectant. It is plain too from the chapters on individual schools that officials did know of many of the abuses that were going on in the schools.

- 1.230** The Department of Education should have exercised more of its ample legal powers over the schools in the interests of the children. The power to remove a Manager given to the Department in 1941 should have been exercised or even threatened on more than the handful of occasions when it was invoked. This would have emphasised the State's right to intervene on behalf of a vulnerable group.
- 1.231** The Department was woefully lacking in ideas about policy and made no attempt to impose changes that would have improved the lot of the detained children.
- 1.232** Finally, evidence of the failures by the Department that are catalogued in the chapters on the schools can also be seen as tacit acknowledgment by the State of the ascendancy of the Congregations and their ownership of the system. The Department's Secretary General, at a public hearing, told the Investigation Committee that the Department had shown a 'very significant deference' towards the religious Congregations. This deference impeded change, and it took the Kennedy Report in 1971 to begin the process of dismantling the Industrial and Reformatory School system.

