

Christian Brothers Congregation (St. Mary's Province)

Response to the Staines Report

'An Assessment of the Health Status of Children Detained at Irish Industrial Schools 1940-1970' for the Commission to Inquire into Child Abuse

Appointment of Dr. Staines

We note from the letter of the Commission to Maxwells Solicitors dated 21.11.2006 with regards to Professor Staines appointment as follows:-

"Professor Anthony Staines was appointed by the Investigation Committee to carry out a report for the Investigation Committee on medical issues relating to children who were in institutions, the basic questions being how well children were cared for in institutions, what records were kept as to their state of health generally as well as any illnesses or fatalities which occurred, questions of nutrition and related issues".

Comment: We note from the summary that "this piece of work" was carried out during 2005 and early 2006. However, the Congregation was not forwarded Dr. Staines report until November 2006 when we were asked to respond in a very short period of time to a report of 139 pages plus appendixes of 57 pages.

We are somewhat surprised that Professor Staines did not visit the archives of the Christian Brothers either at North Circular Road or Booterstown. He did not inspect any original documents relating to residents of the Industrial Schools conducted by the Christian Brothers. Three researchers were sent out to the archives to record on database only very specific and limited information relating to a small percentage of the residents. In the Summary of the Report it is stated that *"Mr. Boilson wrote the first draft of the bulk of the report and the appendixes"*. Mr. Boilson was not appointed by the Commission to carry out the report but he seems to have been given the responsibility for *"the bulk"* of it. The question could be asked: Has Mr. Boilson the required academic and medical qualifications and research experience with primary source material to produce a report on the Health Status of Children detained in Industrial Schools?

Original Brief

It is noted from the Summary at line 8 that the original brief was to "study the health of children resident in the schools from 1940 to 1990 using existing records". However, it is admitted that this type of study was not possible "only to a limited degree". The limit or otherwise of what has been done has not been formally set out. However, it is noted that the original brief was altered and that the revised goals were set out in four categories. Despite the fact that the original brief could not be accomplished the report is still headed "An assessment of the health status of children detained at Irish Industrial Schools 1940 to 1990". We cannot understand how the nature and intent of the original brief and

proposed study was ostensibly retained although it was clearly admitted at line 10 to 19 that this could not be accomplished or if capable of being accomplished it was evident that it was only possible to a limited and undefined degree.

The Christian Brothers would submit that the title to this report is wholly misleading and on its own admission is not capable of accomplishing what is stated therein.

The curtailment of the assessment has become so restricted that the specific and broad intent of the original brief is hopelessly compromised and is clearly unscientific.

Revised Goals

It is noted the revised goals adapted and set out in the summary at lines 12-19 are clearly a pale shadow of what was the original intention of the Commission. The revised goals are very restrictive and the first three of them could have been accomplished more clearly and accurately by a historical sociologist and/or historians. The only matter that would need medical or health background is goal No. 4. Our comments in respect of goal No.4 are commented on hereunder. But given the admission that a very small number of children with appropriate records permit the appropriate analysis it is quite startling that this was chosen as the main medical goal of the study.

Comments on the findings, inaccuracies found in the report:

It is clear from page 2 line 20-23 that a small number of children with appropriate records permit growth analysis. Surely this admits that the purpose and intent of even the revised goals is seriously undermined.

Summary Page 2: Finding 3- *“It was possible to estimate the number of resident children year by year. However it was not possible to gather much information about the age distribution of these children”.*

Comment: This is incorrect. The date of birth for each and every resident is recorded on their register page. It would have been possible to gather accurate information about the age distribution of the children. It would have taken time, but it could have been done.

The estimation of the number of resident children year by year made in the report is hugely inaccurate (see section on population data below)

Summary Page 2: Finding 4- *“Boys grew notably less well than girls after admission”.*

Comment: It is normal for girls to grow faster than boys in their early teens (age 12-14). Boys tend to catch up on their female counterparts in the late teens (age 15-20).

The following extract was taken from bbc.co.uk Science and Nature: Human Body and Mind: (see appendix 1)

“The average **boy** is growing fastest between 14 and 15. **Girls** start earlier, growing fastest when 12 and 13. Girls also end their growth spurt earlier at 18, while boys need another two years before they finish growing aged 20”.

Summary Page 3: Finding 5 and 6:

“There were many deaths from Tuberculosis, as expected for the time. It was not feasible for us to investigate the circumstances of these deaths in detail”. “We have access to only a limited number of death certificates, and our analysis suggest that there may be more deaths as yet unidentified in the records so far located. The number of “missing” deaths is probably close to thirty”

Comments: We would submit that the final sentence in finding 5 shows that the study does not constitute a finding. A finding cannot be made where it was “not feasible” to investigate where, because of unfinished research, information is “as yet unidentified in the records”.

It is clear from “finding 5” that the investigation could not be brought other than saying that the mortality of children while resident was within general parameters and an observation that there were many deaths from tuberculosis in the 40’s and 50’s in Ireland. This is a non-finding as this is common knowledge, and no amount of research needed to be undertaken as this knowledge is in the public domain.

Just because the researchers, perhaps because of time constraints, believe they have failed to locate some records of deaths does not make these deaths, if they indeed occurred “missing”. The fact that “there may be more deaths as yet unidentified in the records” does not mean that the “number of missing deaths is probably close to thirty”. This finding which relies on probably and maybe is more akin to a *News of the World* headline than a finding in a serious report.

Later in the report (page 45) the author states that this figure of “28 deaths missing” was arrived at after using a statistical method (in which “*we have limited confidence in its reliability over such a long time period*”) as a guide to estimating how many children were not identified in the records. “*This method applied to our data suggests that there may be another 28 deaths missing*”.

In the findings the figure of 28 was increased to 30 and there is no mention of the estimation and statistical methods used.

The Christian Brothers have supplied the Commission with lists of deaths and causes of death for their Industrial Schools for the period and death certificates where requested.

1 Introduction Pages 7-10

The Congregation notes that very little in the line of primary source material has been used in the introduction. References have been made to the Rafferty O’Sullivan book ‘Suffer the Little Children: The inside story of Irish Industrial Schools’ in the introduction to the report and in the sections on the Industrial School System, the

Inspection of Industrial Schools and the Nutritional State of Children in Industrial Schools. The Congregation wishes to take issue with the comments in Ms. Rafferty's book referred to hereunder.

For example on page 9-
Line 14

"The Inter-Departmental Committee on Crime Prevention and Treatment of Offenders discussed a number of complaints relating to the conditions in [] and Artane in 1962, which the Dept. dismissed as exaggerated".

This information was extracted from the above mentioned book. If the researchers of this report had access to the Discovery documentation held by the Commission in relation to Artane they might have seen the report 'that the Inspector had examined the boy and that there was no evidence of ill treatment' (ART0385-017/1). In a special inspection of Artane in December 1962 the Medical Inspector issued a detailed report on the Medical Services in the Institution. The Report was highly complimentary in relation to all aspects of both the general welfare and medical care of the boys (Art0383-009/3).

We take issue with the view that Dr. McCabe played a more subdued role from 1945 onwards. While it is noted that between 1939 and 1945 Dr. McCabe was very active in relation to improving conditions in the system, however, Dr. Staines report does not go on to say that this activity resulted in improvements in 1945 and into the future. We would also take issue with regards to the contention made that the "survivors" of residential Industrial Schools were hungry. The report only attributes this to Ms. Rafferty's book. Clearly, the resources and information by way of discovery furnished to the Commission either has not been given to Dr. Staines team or that they have willfully refused to use it.

We would also wish to take issue with the conclusions at page 10 line 10 whether the report takes the view that the schools were paid adequate per capita grant per child from the Department of Education. We have set out in our response to the Mazar financial report that this is a completely incorrect assessment and we rely on the response to the Mazar report in these matters.

We would also take issue with the conclusion about inadequate medical attention and inadequate maintenance of diet. The Christian Brothers would direct the authors of the report to the documentation on these matters set out in the general statements of the Congregations both the Letterfrack and Artane modules together with the reports of Dr. McCabe dealing with the schools conducted by the Congregation. It is clear from the documentation furnished in the discovery in respect of Artane and Letterfrack that the medical officers attending those schools were of the highest calibre and that there were permanent nurses available in residence with regard to those schools.

We would also take issue with the comments that pupils were hungry in schools under investigation conducted by the Congregation. We draw your attention to the submissions made or to be made with regard to Letterfrack and Artane in particular and we would take grave issue with the very simplistic and non-sourced comments of the authors of this report.

The Congregation would like to comment generally on the heading “The Industrial Schools System”. All of the quotes are sourced from “Suffer the Little Children” by Rafferty and O’Sullivan. It is clear from the summary of the Industrial Schools System as set out in the report that it is a complete and utter distortion; that it gives no description of the school system at all. It is like the authors are completely in confusion, making reference to Magdalen laundries, orphanages, places of detention, modern baby homes and such like. It is a great pity that the Investigation Committee did not direct the authors of the report to the legislation dealing with Industrial Schools, and the rules and regulations issued in respect of them. However, this introduction is typical of very seriously flawed research of the authors of this report and their general understanding of Industrial Schools specifically and generally. It would be our submission that the authors confine themselves to their revised goals set out in the summary as presently constituted.

2 Methodology

-Materials Page 12 line 42.

The Christian Brothers hold the records for 6 Industrial Schools and not 5 as stated. The Christian Brothers also conducted 3 other residential institutions which come within the remit of the Commission.

Admission Registers page 13 line 7

The Admission Registers also record the child’s name, parental details, educational state and also very often the child’s date of Baptism and Confirmation, results in Primary Certificate, character and trade in school and aftercare notes.

Medical Registers page 13

These registers described as ‘Medical Registers’ are most likely to actually be Condition on Admission Registers. These registers recorded the same information recorded on the front of the Medical Form (Condition on Admission) after the initial examination by the Doctor. This is why the “entries observed were limited to the condition of the child’s teeth or whether they had any noticeable skin conditions”. On page 4 of appendix 2 the registers are correctly named Condition on Admission Registers. These Admission Registers dealt with conditions on admission on the obverse of the form the following particulars are also sought; Date of Examination-- Date of Birth Physical Conditions -- Skin Deceases Eyes--Ears -- Speech Mouth/Nose/Throat – Lungs—Heart and Circulation -- Nervous System --- Mental Condition -- General (Tuberculosis/Rickets/Deformities or Defects/Marks of injury or violence) -- Weight and Height on Admission

Incidental Returns Registers page 14

It should be pointed out that there was not a separate column for deaths. Deaths were included in the column 'Discharged, transferred or died during the month'.

3 Population Data Page 15 and 16

Table 'Occupancy of Irish Industrial Schools 1940-1970'

The number of Court Admissions to Christian Brothers' Industrial Schools for the period 1940-1970 is listed as **34,094**. This is grossly inaccurate. The correct number is: **7,929**

This number was calculated by the following method:

School	Admission Number	Totals 1940-1970
Artane: Last Admission 1969:	14817 (14600+217)	
Last Admission 1939:	<u>-11132</u>	
		3685
Letterfrack: Last Admission 1970:	2751	
Last Admission 1939:	<u>-1463</u>	
		1288
Salthill: Last Admission 1969:	3392	
Last Admission 1939:	<u>-2525</u>	
		867
Tralee: Last Admission 1969:	2238	
Last Admission 1939:	<u>-1598</u>	
		640
Carriglea: Last Admission 1954:	2875	
Last Admission 1939:	<u>-2199</u>	
		676
Glin: Last Admission 1966:	2883	
Last Admission 1939:	<u>-2110</u>	
		<u>773</u> Total 7,929

4 Archive Results

Christian Brothers Page 20

Line 24

The records of six (not five) Industrial Schools under the care of the Christian Brothers were examined.

Line 34

Documentation for Letterfrack and Artane is kept in the original order in which it was kept in the Industrial schools (all detention orders are in numerical order, all medical cards filed together by year of admission etc.) It is incorrect to say that *“it was not possible to determine the quality of information at the depot for individual children in these schools”*. It is possible and quite simple although it does require time and patience when dealing with significant numbers.

Line 44

Was it necessary to name the archivist of St. Helen's? This was not done with any other Congregation archivist in the report.

Page 21

Line 6

“Only admissions registers for court committals were available at St. Helen's for Tralee”.

This is incorrect. St. Helen's hold court committal admission registers for Tralee, Carriglea and Glin. Tralee is the only School in St. Helen's for which a non-court admission register is held (1948-1967).

Line 10

“Dates of discharge were incomplete for all these schools apart from Salthill”.

This sentence is misleading. Discharge dates are recorded on the majority of the register pages for Christian Brothers' schools. A reason for the non-recording of the discharge date would be that the boy was discharged on the date the school closed. Alternatively a boy could be recorded simply as being 'discharged' and the date of discharge was understood to be the date of the end of the sentence of detention. Form B (the Incidental Returns) could have been used to locate or confirm a date of discharge of an individual boy.

Line 31

“There were also a number of entries in the medical and infirmary registers relating to children who had suffered hand and leg injuries (sprains) and scalds. In the Infirmary Registers this information was accompanied by an explanation that the injuries were sustained as a consequence either of engaging in sports or of an occupational nature”.

This was not always the case. Sometimes explanations were given, the majority of the time they were not.

5 Health Status

Page 25

Line 27

“There were numerous entries in the infirmary registers pertaining to injuries sustained by children while under the care of the Christian Brothers at Artane ie. hand and leg injuries (sprains) and scalds”.

“A number of entries” mentioned on page 21 has been changed to *“numerous entries”* on page 25. Exactly how many is numerous? Is “numerous” considered an excessive number or simply a few? One would expect there to be a “number of” or indeed “numerous” minor sports and occupational injuries each year in a school housing up to 800 teenage boys.

The authors of the report fail to place these injuries in context. Boys working with machinery or in kitchens did most of the work manually, thereby more likely to suffer minor injuries. No comparator has been referred to.

6 Report on Heights and Weights

Page 34

“These children are very short, quite underweight, but with little evidence of wasting. The comparison group, American children measured between about 1965 and 1975, are considerably taller and somewhat heavier than this group”.

It is grossly inappropriate to compare the children of American parents of increasing wealth in 1965-1975 with children from working class Irish backgrounds in 1940-1970. Surely, a more sensible comparator would be children in either Ireland or Northern Ireland who were not in institutions and/or children in similar institutions in Northern Ireland or in the United Kingdom and/or non-residential children in those jurisdictions. It seems farcical to choose the wealthiest county in the world as a comparator with Ireland in the same period 1940-70. The authors of the report were going through the motions and no serious effort or thought went into the comparators and/or methodology of similar reports which are available in the United Kingdom and other jurisdictions.

The following extracts were taken from **Booming Economic, Inequality, Falling Voter Turnout** *Income gaps have grown* **By Holly Sklar**: (see appendix 2)

“During the 1960s, male median income grew five times as much, gaining 25.2 percent from \$20,337 in 1960 to \$25,459 in 1968 (in 1997 dollars).

During the 1960s, women’s median income grew more than twice as fast, rising 36.8 percent from \$6,285 in 1960 to \$8,595 in 1968”.

What if American children were compared with Irish children of the same age today? It would be interesting to see if similar results were found. Most Irish people would generally consider American children to be “considerably taller and somewhat heavier” than the Irish.

Conclusions of report on heights and weights

Page 43

“Our analysis show three striking features. These children are very short, both on admission and discharge, they are underweight, but not proportionately to their height. They grew a little, boys much less than girls, during their stay in residential care. Boys

