

Chapter 16

Marlborough House, 1944–1972

Introduction

Establishment

- 16.01** Marlborough House in Glasnevin, Dublin was registered as a detention centre for up to 50 boys on 24th March 1944, pursuant to Part V of the Children Act, 1908. It had four purposes:
- (a) It was used to accommodate boys sent on remand pending the hearing of their court cases,
 - (b) It was used as a substitute to imprisonment, at the discretion of the court, for periods of detention not exceeding one month,
 - (c) It provided temporary accommodation for boys who had been committed to industrial schools awaiting transport/escort, and
 - (d) It was used by the Gardaí or NSPCC¹ to lodge boys in for safe custody, pending disposal of their cases, where the boys had no fixed abode, or had parents who had refused to provide bail.

Departments responsible for Marlborough House

- 16.02** Throughout its existence, from 1944 to 1972, Marlborough House was an anomaly. The Department of Justice certified it, but was not responsible for its management, or for the children within it. That responsibility fell to the Minister of Education. Under the Children Act 1908, Adaptation Order 1928, he was made responsible for the inspection of places of detention for children and young persons.
- 16.03** The Department of Justice did run some facilities for older children. It certified and administered St Patrick's Institution, which housed young male offenders between the ages of 16 and 21 years, and Shanganagh Castle, bought by the Department of Justice in 1968 to serve as an open prison for juveniles. It opened in 1969 with a bed capacity of 60.²
- 16.04** This left Marlborough House in a unique position. The Department of Justice certified it as a suitable place of detention, but, pursuant to section 109(3), the Department of Education was responsible for its administration.
- 16.05** It came under the remit of the Department's Reformatory and Industrial School Branch, whose Inspector had the duty to carry out inspections relating 'to all the children and the entire accommodation in the school at the time of his/her visit'.³ 'All the children' meant the responsibility

¹ The National Society for the Prevention of Cruelty to Children. It later changed its name to the Irish Society for the Prevention of Cruelty to Children. (ISPCC)

² The average cost of keeping a prisoner in Shanganagh Castle in 2002 was €169,450, the second highest in the state outside of Portlaoise

³ Department of Education & Science Statement to Commission to Inquire into Child Abuse 19th May 2006, p 220.

extended to children on short term remand as well as those committed by the Courts to be detained in the school.

16.06 With responsibilities disputed between these two Government Departments, it is not surprising there were chronic problems. The Department of Education did not regard Marlborough House as being rightfully in its remit. Tarlach O’Raifeartaigh, Assistant Secretary of the Department of Education, wrote a letter on 19th March 1952, to the Department of Justice making his Department’s position clear. The Department of Education, he wrote:

...had absolutely no power whatever regarding the entry, removal, transfer and disposal of the inmates in the Institution. All these powers are exercised by the Minister for Justice.

16.07 Moreover, he went on:

This Place of Detention cannot in fact be regarded as anything more than a Prison for Juveniles, whether used as a place of remand or as a place of detention, and should accordingly be administered by the Department of Justice.

16.08 In reply, on 24th April 1952, Mr Costigan, of the Department of Justice, conceded that the administration of Marlborough House might well be more appropriate for his Department, but nonetheless argued that ‘the transfer would be bound to be criticised as a retrograde step’ as it would be seen as running the place ‘as a prison rather than a Juvenile Remand Home’. He then rejected the argument made by O’Raifeartaigh that it would be more cost effectively run by Justice, as it ‘would be unlikely to result in the Place of Detention being run more satisfactory or more cheaply than at present’.⁴

16.09 Rivalry, often amounting to hostility, marked the relations between the two Departments. 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. For example, 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.

16.10 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 Hillery’.

16.11 The Department of Education failed in its many attempts to get The Department of Justice to take over Marlborough House, which remained under its control until its closure on 1st August 1972.

Inspections

16.12 Despite being legally responsible for inspecting all the children and the entire accommodation in the school, the Department of Education did not carry out its supervisory role. In its submission it wrote:

Records indicate that there were no formal or regular inspections of Marlborough House. With the exception of Departmental Officials accompanying visiting dignitaries on

⁴ Correspondence cited in Department of Education submission, p 223.

walkabout inspections of the facilities or Departmental Officials calling to the centre to report on urgent matters such as the investigation of a serious complaint, records indicate that Departmental officials did not inspect the facilities in Marlborough House as a matter of routine.

In the absence of a formal or routine inspection system, contact with Marlborough House was mainly in the form of written correspondence between the Superintendent of Marlborough House and the Inspector of the Reformatory and Industrial School Branch when dealing with issues such as the investigation of complaints and incidents, staffing, funding, requisitions, etc.

- 16.13** The children in Marlborough House, then, were afforded even less protection than the children in Industrial and Reformatory Schools, where the Department did set up a regular inspection system. The Department relied almost exclusively on responding to complaints as its means of monitoring the running of the institution.

The complaints procedure

- 16.14** The Department's submission to the Commission explained the complaints system by quoting from a letter dated 17th May 1971 from the Secretary of the Department of Education to the Minister for Education.

All complaints from parents, guardians or other sources about the treatment of children in Marlborough House are investigated by the Department. The Attendant-in-charge is furnished with a copy of the complaint and his observations are requested. Should the seriousness of the complaint warrant it, an Officer of the Department will also interview the child and the Attendant-in-charge and/or the attendant against whom the allegations are made and the Department takes appropriate action where necessary. No complete record of all complaints received is available since many of the complaints received are of a trivial nature.

- 16.15** The procedure was largely the same as that set up for the Industrial Schools, except that these schools would have been visited by the Department's Inspector, who would have regular contact with the school.
- 16.16** It is unclear from this account how the seriousness of a complaint was judged, since this judgement was made before the child and Attendant-in-charge were interviewed.

Background

- 16.17** Marlborough House was acquired by the Department of Education in 1944, to replace Summerhill Police Barracks that had been used as a place of detention since 1912. The premises at Summerhill had been condemned the Cussen Commission in 1936, who said of it:

The building itself we regard as entirely unsuitable as a Place of Detention. It is situated in a densely populated district and its structure is such that it might prove a death-trap in the event of fire. The play-ground is merely a moderately-sized yard, and is altogether too small to afford the boys anything like sufficient space for exercise.

- 16.18** The Cussen Commission advocated a move as soon as possible to better accommodation. It wrote:

We strongly recommend that suitable premises with sufficient space for adequate playground and recreation rooms should be acquired at the earliest possible moment.

- 16.19** The responsibility for implementing this change fell to the Department of Education and it took eight years to find a replacement. The lack of urgency was partly because of the falling numbers

of boys under detention, which made it a considerably less urgent matter, although it was also because the Department was reluctant to take responsibility for this facility, which it believed properly came within the remit of the Department of Justice.

16.20 In September 1936, on foot of the Cussen Report, the Department of Education instructed the Office of Public Works (OPW) to make inquiries about alternative premises, and to assess, in particular, the suitability of the Infirmary Buildings at the Royal Hospital Kilmainham, but these however, had been assigned to the Garda Síochána. In November 1936, the Department of Education again asked the OPW to ‘make immediate inquiries’ about alternative premises. There were no developments for six months, and the Department contacted the OPW again in March 1937. It suggested using a part of the Royal Hibernian Military School, but this proposal was dismissed as too costly.

16.21 Meanwhile, falling numbers in Summerhill raised questions about the need for a separate place of detention. In 1938, the maximum number of boys detained in Summerhill was four and at times there were none. District Judge Little of the Children’s Court took the view that ‘As the Law in this country stands the accommodation of Summerhill is sufficient’.

16.22 The Department of Education recommended suspension of the search for alternative premises. The decrease in numbers prompted the Department of Finance, in March 1938, to ask the Department of Education whether there was a real need for a special place of detention, to which the Department of Education replied that there was ‘no immediate urgency’ to look for alternative accommodation. In this letter of 19th March 1938 to the Department of Finance, the Department of Education made clear the Department’s position on having to run a remand centre:

This institution has been the source of much bother to our Department which is all the more annoying when it is remembered that the provision of Places of Detention is the business of the Police Authorities and not a proper function of our Department. However, since we have accepted the responsibility, we can hardly rid ourselves of it now: we tried unsuccessfully to do so a few years ago and Summerhill is one of the many troublesome “babies” that we must continue to hold.

16.23 The Department of Education informed the OPW that there was ‘no immediate urgency’ to acquire alternative premises but, if one was found at a reasonable cost, it should be acquired.

16.24 The small number of admissions was raised again by the Department of Education which found that, in the year from September 1937 to September 1938, there were 116 days when only one boy was admitted, and 115 when there were no admissions, giving a daily average for the year of 1.4. This prompted them to state that the existing facilities at Summerhill ‘should suffice until more suitable premises have been secured’.

16.25 In November 1939, the Department of Education inspected Marlborough House. Although it was considered too large, it was deemed to be suitable for adaptation as an alternative premises, and the thinking at that time was not to take immediate possession of it but to put a lien on it for future use. However, the onset of the Second World War expedited matters and, from 1941 onwards, the acquisition of Marlborough House became a matter of priority, because Summerhill was considered to ‘be unsafe in the event of serial bombardment’ as it had no air raid shelter and there were no plans to build one. Such was the urgency of finding alternative premises that the Department enlisted the services of an estate agent in February 1942. All but one of the premises he found were deemed unsuitable, and there is no record as to why the one suitable was not purchased.

16.26 In March 1942, the Department asked the Christian Brothers if Artane and Carriglea Industrial Schools might ‘take charge of the boys on remand so that the Place of Detention might be

discontinued', but they declined. It was only then, in October 1942, that the OPW inspected Marlborough House to assess its suitability. At the time of inspection, it was around 100 years old and was being used for the storage of furniture.

16.27 Marlborough House was a large domestic dwelling which had been used as a teacher training college. It was situated in Glasnevin in Dublin and it consisted of three floors, containing 18 rooms, with kitchens, larders and five bathrooms, and a garden of half an acre. A large extension had been built to the rear of the building which was of more recent vintage. The OPW reported:

The condition of the front, that is, the older portion of the premises, is rather poor; the roof is bad and some of the walls are secured by iron tie bars.

16.28 As a result, the OPW concluded, 'A considerable amount of repair work will be necessary to this portion of the premises in the course of years'. In contrast, the rear of the building was in good condition and required 'little work other than ordinary routine maintenance'. Overall, they advised the Department 'that the premises lend themselves fairly readily to adaptation as a Place of Detention'. This they felt could be achieved by initially utilising the ground and first floors, which would involve the division of a large room on the ground floor to form a refectory, a day room and the installation of a range in the kitchen. A large room on the first floor was to be divided up to provide dormitories, with two heating stoves and the provision of a protected playground space. Provision was not made for new fire escape stairs or for an 'escape-proof' garden separate from the playground. The cost of these alterations was estimated between £900 and £1,000. It was also proposed to operate a medical clinic on the premises for young offenders.

16.29 The changes met neither the criticisms of Summerhill outlined in the Cussen Report, nor the needs of the wartime emergency. There was no secure outdoor recreation yard and there was inadequate provision of indoor recreation accommodation geared towards keeping the boys secure and occupied during their incarceration. In addition, no provision was made for an air raid shelter, which had been the impetus for its urgent acquisition.

16.30 Further delays ensued in the acquisition of Marlborough House, as sanction was required by the Department of Finance, and a complication arose when the Department of Defence also sought possession of the house for use as a food and rest centre during the war. Matters were further complicated, as legal objections were raised by the lessor of Marlborough House who objected to its use as a detention centre.

16.31 In June 1943, the Chief of the Dublin Fire Brigade inspected Summerhill and 'condemned' it and wanted its immediate closure, but he was unwilling to take such action 'against a Government department'. The Department of Education informed the Department of Finance of this development, but sanction was still not forthcoming. The Department of Education resorted to making a submission to Government on 19th July 1943 on the issue. Finally, on 12th August 1943, the Department of Finance sanctioned the proposed alterations and finally made possible the use of Marlborough House as a place of detention for young boys.

Population

16.32 The Minister for Justice registered Marlborough House as a place of detention for up to 50 male children under 17 years of age, to be administered by the Department of Justice. While in Summerhill children aged 4 years and upwards had been detained, in Marlborough House the lower age limit was 7 or 8. Between 1944 and 1972, there were approximately 21,500 admissions to Marlborough House. In 1943 the daily average number of boys detained in the School was 10. The daily average number in 1960 was 15. On 1st August 1972, when it closed, records show that there were 16 boys detained there.

Management and staff

16.33 Whilst the Department of Education had sole managerial responsibility for the Institution, the role of the Department of Justice pursuant to section 108(3) of the Children Act, 1908, was to satisfy itself as to the 'suitability of the accommodation' at Marlborough House. The Department of Justice in their Statement to this Committee wrote:

The files in the Department of Justice ("the Departmental files") reveal that the practice was that the administration and operation of Marlborough House was dealt with by the Department of Education and that this position was maintained by officials of the Department of Justice in dealings with the Department of Education ...

16.34 The management and administration of Marlborough House remained, therefore, the responsibility of the Department of Education, and the day-to-day administration was undertaken by lay persons who were employed by the Department of Education. Staffing levels increased over the years, rising from six staff in 1944 to 24 in 1972.

16.35 In 1944, the staff consisted of one Superintendent who was in charge of the overall administration of the Institution, one house mistress, one male attendant, two residential attendants, and one servant girl. The Superintendent and his wife, who was the matron, lived in the house with the boys. At that time, the average number of boys detained in one month was 8, and the highest in that year was 15.

16.36 By January 1963, staff levels had increased, and the Superintendent and his wife, were assisted by five attendants. There was one vacancy at that time.

16.37 By February 1972, the staff numbered 24, comprising one attendant in charge, one matron, 20 attendants and 2 female assistants. At that time, there were seven boys in detention. One Superintendent, a former Garda, held the position for over a decade. His wife, who was a trained nurse, was appointed matron. They lived on the premises. A part-time medical officer was employed to examine each child on admission and to attend as required.

16.38 The calibre of the staff was problematic from the very beginning, as they were recruited from the local Unemployment Exchange. Potential candidates were interviewed by the Superintendent, who then made a recommendation to the Department of Education for the appointment of the staff member. It is not clear what criteria the Superintendent applied in making these appointments. The staff were mainly male and had no childcare experience as this was not a requirement for the job at the time.

16.39 An Inter-Departmental memorandum of 15th March 1944 from the Department of Education to the Assistant Secretary of the Department of Finance, written two weeks before Marlborough House opened, indicated a high level of awareness as to the problems in Marlborough House:

This circumstance has again set me thinking of the unsatisfactory nature of the present management of the Place of Detention. It is staffed by the lowest paid labour known to the Civil Service ... To speak with brutal candour, I view with alarm the impression they will make on visitors to the New Place of Detention.

16.40 He added:

A direct result of the low calibre of the staff is that practically nothing is done for boys committed to the Place of Detention except to feed them and ensure that they do not escape. When one remembers that the Institution is run directly by this Department of State, that is an inexcusably low standard to be content with.

16.41 The memorandum concluded with the suggestion that the Department entrust the day-to-day management of Marlborough House to a religious Order, in particular the Hospitaller Order of St John of God. It calculated that the cost to the State of such a move would be the same as the present running costs, but the service provided would be better:

The advantages are obvious. The whole tone of the establishment would be raised to a very high level. At the worst the boys' would be catered for, both spiritually and physically, in a far better manner than at present. At the best, the Order might send one of its trained Psychiatrists to take charge.

16.42 The Department memorandum added:

The Department would have disposed satisfactorily of responsibilities which, in my opinion it should never have undertaken and is, in the nature of things, unable to discharge satisfactorily.

16.43 In a subsequent letter to the Department of Finance dated 30th March 1944, the Department of Education referred again to the poor quality of staff:

I am directed by the Minister for Education to inform you that the method of running the Place of Detention, formerly located at Summerhill and recently transferred to Marlborough House, Glasnevin, has never been regarded as satisfactory. The management is in the hands of a Superintendent (£50 per annum plus quarters) a Matron, the Superintendent's wife, (£30 per annum) and three Attendants who receive, approximately, the same pay as messengers in Government Offices. With a staff of this calibre the maximum that can be expected is that the fundamental human needs of the youths detained there should be attended to and that they should be prevented from escaping.

No personal reflection is intended on the present staff who are the best we have been able to get for the wages and conditions of service offered ... The Minister for Education is satisfied that this standard is inexcusably low for an Institution of its type which is managed directly by this Department. Public interest in juvenile delinquency and its associated problems has shown a marked increase in recent years. In England and elsewhere young offenders are subjected to observation and treatment by Psychiatrists in special clinics. There is in this country an ever-growing interest in this method of dealing with the problem. The growth of enlightened public interest has thrown into stark relief the already well known shortcomings of the Place of Detention and the Minister is satisfied that the present system cannot be allowed to continue any longer.

16.44 They sought sanction from the Department of Finance on 30th March 1944 for their proposal, citing that:

After a careful examination of all aspects of the problem it has been decided that the best solution would be to hand the Place of Detention over to a suitably qualified Religious Order.

16.45 The Department of Finance, in a replying letter of 12th May 1944, stated there was no justification for transferring the management to a religious Order, as the only criticism against the place of detention was its location:

That defect has been remedied by the transfer to Marlborough House, and until you have some experience of the system in new surroundings it seems to be somewhat premature to suggest a change in the manner of management which must, I feel, inevitably entail additional cost to the State.

16.46 The Department of Finance believed such an arrangement, could only be economical ‘... if the Place of Detention were grafted on to a larger institution’.

16.47 Not to be deterred, the Department of Education wrote again to the Department of Finance on 31st May 1944, setting out detailed reasons for their proposal. In particular, they asserted that ‘The chief consideration is that the Institution should have the best possible influence for reform on the young people who are detained there’. In this regard, they felt that, ‘a few days detention under the right guidance might prevent a subsequent career of law breaking’, which they felt could only be achieved by a religious Order, such as the Hospitaller Order of St John of God. They went on:

Regarding your suggestion of grafting the place of detention onto an existing institution for boys conducted by a religious order the only suitable institutions of the kind are the industrial schools at Artane and Carriglea. We have tried repeatedly in the past ten years to get the managers of these schools to take charge of boys under detention or to set aside a small section of their premises for the purpose, but they definitely refuse to do so. I understand that Artane did make an arrangement of the kind many years ago and their experience of the difficulties and trouble involved has decided them against ever touching the matter again.

16.48 They concluded that ‘... it is a general experience that for an institution of the kind management by a religious order is more economical than lay management’. On 15th June 1944, the Department of Finance sanctioned ‘in principle’ the proposal to entrust the management of the Institution to a religious Order, but no commitment was to be entered into without the approval of the Department. The Minister of Education wrote to the Archbishop of Dublin, Dr McQuaid, on 4th July 1944, seeking his advice and approval for the proposal:

I feel that the time the boys spend in this institution could be turned to much greater advantage if its management could be entrusted to a religious community, whose training could enable them to face the problem presented by the juvenile delinquent.

16.49 Archbishop McQuaid replied on 5th July 1944:

I shall have the matter examined at once, but you will readily understand that some time will be required, especially at this season, when many persons are absent from the City, before I can give you a completely helpful answer.

16.50 No reply was received from the Archbishop, and the Department decided against sending a written reminder to him ‘as it was felt that it would be better to raise the matter verbally with His Grace if opportunity offered’.

16.51 It took a decade for the opportunity to present itself again.

16.52 On 19th March 1952, the Department of Education again approached the Department of Justice and proposed transferring responsibility for the Institution to it. The Department of Justice rejected the proposal as it would be seen as ‘a retrograde step’ because ‘its transfer to the Department from the Department of Education would result in its being run as a prison rather than as a Juvenile Remand Home’.

16.53 In 1955, the proposal to transfer the management to a religious Order was resurrected again. The Department of Education wrote to the Archbishop of Dublin on 8th January 1955, on the basis that the Superintendent was due to retire and the future of the Institution was uncertain and that ‘Your Grace has expressed a desire that the institution should be in the hands of some Religious Order’ and seeking his suggestions. This letter was followed up by a personal visit to the Archbishop on 20th January 1955, by the Minister for Education and the Secretary of the Department, to discuss

the proposal and, in particular, the possibility of using Artane Industrial School as a place of detention. However, the Archbishop considered that Artane was unsuitable for this purpose.

16.54 The Secretary and the Assistant Secretary of the Department of Education continued in their efforts. They met with District Judge MacCarthy of the Children's Court on 13th June 1955, and explained 'that Marlborough House had been more or less condemned as a building and the question now arose as to whether a new building should be found or whether some other means of catering for boys on remand should be considered'. It was agreed 'that Artane seemed to be the only possible potential House of Detention', but Judge MacCarthy said that the Christian Brothers had decided that Artane should only accept 'boys of a non-criminal type', and so it was unlikely that they would allow Artane to be used as a place of detention.

16.55 On 9th July 1955, the Superior General of the Christian Brothers and the Superior of Artane met with the Minister for Education to discuss the issue, as the Archbishop had contacted them. The Christian Brothers were not in favour of the proposal for the following reasons:

- (1) Artane now housed only orphans and boys who had been before the courts on minor charges.
- (2) All boys convicted of crimes of an indictable nature were sent to Letterfrack.
- (3) They were anxious that nothing should be done which would take away from the good name which they had been endeavouring to build up for Artane or which would result in any stigma attaching to a boy who had been in that Institution.
- (4) The layout of the lands and premises in Artane would not lend itself to separate quarters being provided for a house of detention.

16.56 That was the end of the negotiations between the Department and the Christian Brothers. As there seemed to be no prospect of any religious Order taking on the task, and as the Marlborough House building was in such a perilous condition, the Department of Education sought sanction from the Department of Finance for an alternative venue for a place of detention. The Minister for Finance, in a letter of 30th January 1956, said:

I do not fully understand why none of the religious communities in Dublin devoted to the correction of juvenile delinquency in its various degrees and manifestations appears willing to receive the type here in question into one or other of their existing institutions ... I suggest then that you would be justified in seeking to reopen the matter with the appropriate ecclesiastical authorities.

16.57 On 22nd July 1957, the Department of Education wrote to Archbishop McQuaid about the dangerous condition of the Institution:

... Marlborough House, the building used as a House of Detention, is in so dangerous a state as to make it necessary shortly to look for an alternative building.

I have mentioned to the Minister that your Grace has been so good as to have expressed on several occasions a particular interest in the question of the House of Detention and the Minister has asked me to request your Grace to favour me with an interview on the matter.

16.58 The Archbishop replied the following day and said:

I am very glad to learn that Marlborough House is at last falling down. I have spoken so often to successive Ministers about this Institution, but to no avail whatever. The collapse of the building is now achieving what I had failed to achieve, for the souls and bodies of the boys.

16.59 Officials from the Department met with the Archbishop on 24th July 1957. The Archbishop reiterated his view that he was glad the building was in a bad state and told the officials that:

At present the boys are idle while there except for a little teaching in Christian Doctrine given by an old Christian Brother. The priests who look after clubs in Dublin will tell you there is nothing worse for boys of that type than idleness. Learning bad behaviour from each other is what they are doing while there ... the first necessity is to find an Order of Brothers to run the place

16.60 He felt that the De La Salle Order would be suitable, as they 'had much experience in such matters'. The Archbishop inquired if the Minister would 'have any objection to a scheme like St. Anne's in Kilmacud where the Order itself bought the house and the land and where the Department made arrangements about grants'. The Department official assured the Archbishop that the Minister would be more than satisfied with such an arrangement. The meeting ended and, as the officials took their leave, the Archbishop said:

... the Detention Centre was the root of all good and bad in the Dublin boys who get into trouble and that nothing was more urgent than that the Centre be well conducted.

16.61 In January 1958, the Archbishop informed the Department that the De La Salle Order had identified a site at Johnstown House, Ballyfermot for the new place of detention and they would manage it. The Provincial of the De La Salle Order met with senior Department of Education officials on 16th January 1958 to discuss the proposals and, the following day, they inspected the site which was a 'fine sturdy building' originally owned by the manager of Guinness. Its only drawback was that it was not large enough. The Department felt this was a 'golden opportunity' to transfer the management of the remand facility to a religious order.

16.62 However, the transfer of the place of detention to the De La Salle Order at Johnstown House, Ballyfermot never happened. No explanation is provided by the Department and none can be found in their records.

16.63 The question of transferring the management and administration of Marlborough House to the Department of Justice arose again in 1963. The Inter-Departmental Committee on the Prevention of Crime and Treatment of Offenders noted in one of its meetings:

The chairman mentioned in passing that even though Marlborough House would be replaced within three years by the new detention centre at Finglas the question of its transfer to the Department of Justice might have to be raised as the pressure in the Dail to have improvements made there, for example, by the provision of facilities for psychiatric treatment, would have to evoke a positive response and if such response was not forthcoming from the Department of Education, the Department of Justice would have to take over direct responsibility for the running of the institution.

16.64 However, until its closure in 1972, the administration of Marlborough House remained the responsibility of the Department of Education.

Inspections

16.65 As stated above, there were no formal or regular inspections of Marlborough House by the Department of Education.

16.66 At a Minister's Conference on 23rd April 1951 attended by the Department of Education and the President and Secretary of the Industrial and Reformatory School Managers Association, the subject of Marlborough House was raised at the end of the meeting:

Fr. [Y] then introduced the question of the House of Detention. He said that there was no Chaplain there, no instruction, no training, and that younger boys mixed with senior boys who might have an evil influence on them. Boys might often be left there for 9 or 10 weeks. He had been shocked by certain events that had occurred recently in the House

of Detention, especially when had seen the evidence given by the boys concerned and had become acquainted with the boys in the Reformatory. He understood that there had been some difficulty, from the point of view of the Archbishop, with regard to appointing a Chaplain. The Minister promised to have the matter inquired into fully at the earliest possible moment.

16.67 The following day, the Minister for Education wrote to the Minister for Justice:

In the course of a talk with Father [Y] and Brother [V], representing the Managers of Industrial Schools and Reformatories, matters were discussed in relation to the House of Detention at Marlborough House.

I think a situation exists there which would dictate that at once we would have an inter-Departmental conference with a view to seeing what type of examination should be carried out there for the purpose of securing that the boys there were adequately looked after and all danger of scandal or criticism eliminated.

I feel we have to satisfy ourselves that arrangements are made adequately dealing with the spiritual interest, the occupational interest, health and education of these boys.

16.68 In an internal memorandum prepared for the Minister for Justice, it was noted:

We have not received any complaints about the conditions in Marlborough House. I assume, however, that the Minister will be prepared to discuss this matter with the Minister for Education and I enclose a draft reply to this effect. I propose, subject to the Minister's approval, to speak to District Justice MacCarthy of the Children's Court telling him that it has been suggested that the arrangements in Marlborough House should be looked into and asking him whether he has any comments to make and would be willing to sit in at any discussions.

16.69 The Assistant Secretary issued an invitation to Judge MacCarthy on 3rd May 1951, and also asked him if he had heard any criticisms about the place.

16.70 Judge MacCarthy accepted the invitation and, in a letter dated 5th May 1951, he listed his concerns about the Institution:

For some considerable time past I have been very uneasy about conditions in this institution. I am only too conscious of the fact that, from time to time, particularly during the past six months, some of the boys detained there were consummate young blackguards who gave the Superintendent, and his attendants, a great deal of trouble and annoyance. Nevertheless, the repeated escapes from the Institution, and repeated allegations by the boys of ill-treatment – culminating in the incidents which gave rise to the recent prosecution in the Criminal Courts – have convinced me that the conditions under which boys are detained at Marlborough House call for immediate inquiry and amelioration.

I note that you point out in your letter that the Department of Justice have not received any complaints about this institution. You would most assuredly have received them from me were I not aware that, in practice, Marlborough House comes under the supervision and care of the Department of Education, to which Department I have complained on several occasions.

16.71 He recommended that the Minister should empower the judge of the Children's Courts to visit and inspect the Institution:

I pointed out to [two Senior Official in the Department of Education] that, as far as I was aware, no persons had ever been appointed, pursuant to section 109. sub.sec.(3). of the Children's Act, 1908, to visit from time to time, children and young persons detained in

Detention Homes, and I requested them to bring this matter to the attention of the Minister. For my own part, I feel that the Minister should, under that Section, empower the Justice of the Children's Court to pay such visits, alone, to these institutions, or, failing that, that he should, at least, be one of the persons so authorised by Section 109.

16.72 It is not known whether this conference ever took place, and the Department of Justice in their Statement said: 'The departmental files do not reveal if such a conference did take place'. In any event, the suggestion of Judge MacCarthy that District Judges undertake inspections of Marlborough House was not implemented and the lack of inspections continued until its closure.

16.73 One of the recommendations of the Inter-Departmental Committee on the Prevention of Crime and Treatment of Offenders in 1963 was that the industrial schools and Marlborough House should be 'inspected more frequently' and that 'Visiting Committees' should be established. A draft letter dated October 1963 from the Minister for Justice to the Minister for Education stated: 'I hope that the Inter-Departmental Committee's recommendations in relation to Marlboro House and the Industrial school system will find ready acceptance ...'. A handwritten note appended to the top of this letter read:

Minister

Unless somebody prods the Department of Education the Committee's work will go for naught to a large extent.

16.74 The letter was not sent, as a note on a draft said: 'Letter need not issue – I have spoken to Dr Hillery', who was the Minister for Education.

Closure

16.75 The Kennedy Committee, in July 1969 and in November 1970, recommended that Marlborough House 'should be closed forthwith and replaced by a more suitable building with trained child care staff'.

16.76 The Department of Education produced a memorandum on the closing of the Institution. It announced the closure of Marlborough House on 1st August 1972. In the first step towards its closure, the Department decided that boys on remand were not to be sent there from 22nd May 1972. From that date, only short-term committals under section 106 of the Children Act, 1908 were accepted. It was decided not to provide a place of detention to replace Marlborough House, 'as the Minister for Education is satisfied that the concept of the committal of young offenders to an institution such as Marlborough House for a period of detention up to one month is not in accordance with present-day attitudes as to the appropriate treatment for children under care ...'. The Minister for Justice removed Marlborough House from the Register of Places of Detention for the purposes of Part V of the Children Act, 1908 on 28th July 1972.

16.77 A remand and assessment centre managed by the De La Salle Order was constructed in Finglas, Dublin, The building at Marlborough House was demolished in January 1973.

The investigation

16.78 The Investigation Committee heard evidence in private from three witnesses at the Commission's offices on 31st March 2006. The Department of Education and Science and the Department of Justice, Equality and Law Reform were legally represented at these hearings. In addition to oral evidence, the Investigation Committee considered documents received from both of these Departments as part of the discovery process. Statements were also furnished by these two Departments for the Phase III hearings. The Secretary General of the Department of Education and Science, Ms Brigid McManus, gave evidence at a two-day public hearing on 12th and 13th June 2006. These hearings focused on the role of the Department of Education in the regulation

of industrial schools and its management of Marlborough House. The Assistant Secretary of the Department of Justice, Equality and Law Reform, Mr James Martin, gave evidence in public on 19th June 2006.

The premises: a condemned building

16.79 When Marlborough House was acquired by the Department of Education, the OPW advised that it required considerable repair but that it could easily be adapted for use as a detention centre. The front of the building was in very poor condition, particularly the roof and the walls. These repairs were not undertaken because, in February 1952, eight years after taking possession of it, the Department was informed by the OPW of the 'bad state of repair' of the roof and top storey of the front part of the building. This part of the building was very precarious, and they advised that the top storey would have to be reconstructed by taking it down to 'put a reinforced band around the whole building, lay a new second floor in concrete if required, rebuild the walls, stacks and parapets and put on a new roof'. An internal Department of Education memorandum in 1952 stated: 'This place should never have been used to cater for children ...'.

16.80 In August 1952, the OPW again wrote to the Department of Education, seeking permission to go ahead with the re-construction of the front of the building, without delay, because of the dangerous condition of the roof and top storey. On 7th September 1955, the OPW stressed again the 'dangerous condition' of the front of the building and stated: 'It is imperative that there be no further delay whatsoever on the question of reaching a decision about its demolition and reconstruction'. In another letter, dated 28th November 1955, they stated:

... we have to inform you that the premises have reached such an extreme state of dilapidation that we cannot guarantee that any measures which we may take will serve to render them safe for occupation for even a short period.

16.81 The reticence on the part of the Department to acquiesce to these vital repair works resulted from the anticipated transfer of the management to a religious Order. By December 1957, the Department thought this would take place within the year, and so the OPW were asked to find suitable temporary premises in the meantime, as 'the Minister feels that he could not be responsible for having the children concerned detained in the present House of Detention a moment longer than is absolutely essential'. The Department of Education were unsuccessful in their attempts to transfer management of it to a religious Order.

16.82 Stormy weather in November 1959 resulted in further deterioration to the front structure, and immediate remedial work was undertaken, in that wooden shorings were placed against planks fixed to the walls in a vertical position to prevent the wall from falling. On 30th January 1960, the OPW wrote that 'it is now considered desirable that steps be taken to have the premises vacated as soon as possible'.

16.83 Almost 10 years later, in July, a member of the Kennedy Committee, Mr MacConchradha, who was a civil servant with the Department of Justice, said that when a Sub-Committee of the Committee visited Marlborough House 'they nearly lost their lives'. He added: 'The building is tottering, there is virtually no activity, educational or recreational, and the staff are totally unsuitable'. The Kennedy Committee in July 1969, a year before it published its final report, made a special interim submission to the Minister of Education that Marlborough House should be closed 'forthwith', as the building was in 'an extremely bad state of repair and, indeed, appears to be in imminent danger of collapse'.

16.84 An Assistant Secretary with the Department of Education wrote to the Department of Justice on 23rd July 1969, seeking to transfer the place of detention at Marlborough House temporarily to a prefabricated building at the open prison at Shanganagh Castle, pending the completion of the remand centre in Finglas. The Department of Justice rejected this proposal outright.

16.85 The building was not vacated, and conditions deteriorated even further. A photograph of Marlborough House in early 1971 is inserted below:



On 20th June 1971, nine attendants resigned without warning, in protest against the poor conditions. Staff from both the Department of Education and the Department of Justice were drafted in temporarily. A week later, it was reported in both the *Sunday Independent* and *Sunday Press* newspapers that a riot had occurred at Marlborough House on 26th June 1971, when 17 boys went on a two-hour rampage, smashing windows and breaking furniture. The Gardaí were called, and eventually the situation was brought under control.

- 16.86** A Garda Superintendent who had been called to the premises stated: 'The conditions are bad and are in my opinion such as to cause discontent and unrest among the inmates'. A Garda who attended after the incident reported that the problem lay with the ageing attendants not being able to control the boys and 'that all the boys are kept in a large detention room with no form of amusement, with the exception of a T.V., for the most part of the day and they have nothing to do except fight with the attendants and each other'.
- 16.87** Three days later, the *Evening Herald* newspaper reported that another riot had taken place when two boys escaped. Again, the Gardaí were called in to restore order.
- 16.88** Throughout 1971, senior officials from the Department of Education and the Department of Justice held meetings to discuss the closure of Marlborough House, the finding of alternative premises and, the opening of the centre at Finglas. At each meeting, it was agreed that Marlborough House should be closed, but there were delays in completing the construction of the centre at Finglas, which was compounded by the fact that the De La Salle Order did not want to take remand cases, all of which resulted in no action, and Marlborough House remained open.
- 16.89** A conference was held in Leinster House on 8th July 1971 which was attended by both the Ministers for Education and Justice, together with their officials. The Minister for Justice was very critical of the Department of Education's handling of Marlborough House: '... there had been total neglect of the Marlboro House establishment: staffing had been obtained from among Labour Exchange undesirables: young children were left in their care when it was known that they indulged in brutality: he himself had inspected the place and had been appalled at conditions ...'. He added: '... it was very late in the day for the Department of Education to look for any sharing of responsibility in the operation of the establishment'. Following this conference, an official in the Department of Education contacted the Department of Justice with a view to setting up a Working Party in relation to Marlborough House. An internal Department of Justice memorandum informed the Department of Education unequivocally that there would be no Working Party and that 'Marlborough House is not a matter for the Minister for Justice nor one in which he can be involved'. He added: 'I felt that I should make it plain to him that in this Department it is believed that the Department of Education is endeavouring to involve this Department in something which is not its concern'. Mr James Martin, Assistant Secretary with the Department of Justice, at the Phase III hearing, said: '*... they had views that the Department of Education should be more active but they were not going to take over that role themselves*'.
- 16.90** The Minister for Education then wrote to the Minister for Justice on 5th August 1971, and pointed out that:
- In accordance with the terms of the Children Act the provision of places of detention is the responsibility of the Minister for Justice and your Department must be involved in any alternative arrangements to be made consequent on Marlborough House ceasing to exist. It is necessary that the relevant discussions in this regard take place and that some satisfactory solution is found to get us out of the present impasse.
- 16.91** Matters reached a critical level when, on 6th September 1971, the OPW informed the Department of Education, the Department of Justice and the Department of Finance that Marlborough House was on the verge of collapsing:
- Our Architect has inspected these premises and reports a possibility of imminent collapse of the building, due to dry rot and defective floors. It is imperative that the building be vacated immediately.

- 16.92** On the same day, the Office of Public Works issued another warning letter:
- ... the building has been inspected today by our Principal Architect who agrees that there is danger of collapse and advises that the premises be evacuated without delay.
- 16.93** A meeting was held four days later, on 10th September 1971, with officials from the Departments of Education and Justice and the Office of Public Works. An architect from the Office of Public Works informed them that: 'the dangerous part of Marlborough House is the front portion where floors are in danger of giving way. The building might last for years but then again it might come down in a gale'. The decision was taken to immediately seek alternative accommodation for the boys. However, the boys remained there until the closure of the Institution some 11 months later, on 1st August 1972.
- 16.94** A retired High Court Judge, Mr Justice Kingsmill-Moore, visited Marlborough House in October 1971. Initially, the Department of Education were reluctant to allow this, as they thought 'that no useful purpose would be served by his visit'. They re-considered the matter and gave him permission, but felt that 'an officer of the Department should accompany him to explain matters. It would not be wise that he should get his explanations from the people now in charge of Marlborough House'. Mr Justice Kingsmill-Moore reported his observations on Marlborough House to the Minister for Education in a letter of 27th October 1971. He said:
- ... Marlborough House is frankly, appalling.
- If you could spare ten minutes of your time to visit it, I am sure you would be deeply shocked. For the moment I will only say that owing to the covering of the windows by various materials, including a kind of brown glaze, and quite inadequate electrical lighting, the boys are in an atmosphere of gloom which must be physically and psychologically damaging; that their only seating accommodation is forms, of which there are not enough to provide seats for all the boys; and that there is no form of occupation except watching television in the evening. The general condition of the place can only be appreciated by a personal inspection.
- 16.95** He had also visited the new, unoccupied remand centre at Finglas, which was built in 1970, and praised it and asked the Minister to 'expedite' the move from Marlborough House.
- 16.96** He followed up this letter by calling personally to the Department with his wife on 24th November 1971, to explain the situation. He did not let the matter drop and followed with a letter to the *Irish Times* two months later, on 27th January 1972, which elaborated further the poor conditions. His description was of a desolate, Dickensian house where the boys spent the day in a large hall which was the 'only living accommodation in the building for "an average of 26 and on occasion up to 36 boys of all ages", summer and winter'. This room he described as:
- ... a single enormous hall comparable only to a disused garage. The walls were rough plaster, some falling from damp, exposing the bricks behind. At each end was a small black stove, each with a few red embers at the bottom. The sole furniture consisted of two tables and a few backless forms ... to seat the number of boys incarcerated. Each tall window was blocked by brownish material and covered with wire-netting, a little light coming through part of the upper panes. Hanging from the high ceilings were three or four low-wattage bulbs, one broken.
- 16.97** He went on to point out that the boys had no recreation facilities there. The upstairs comprised a similar room, used as a dormitory, where the 'blankets were thin and insufficient for winter: again half the windows were blocked'. The only outside facility was a yard which was 'part rough grass, part earth, where a ball can be kicked about; there is no room for organised football and no equipment for anything else'. In comparison, he found the building at Finglas a 'triumph of planning, flooded with light and filled with colour ...'.

16.98 His fear for the boys in Marlborough House was ‘the possibility of worse injury, physical, mental and moral, in a community so composed, kept in the conditions we saw, without occupation’. The following month, on 21st February 1972, Mr Justice Kingsmill-Moore wrote an article in the *Irish Independent* decrying the conditions and seeking the transfer of boys to Finglas or, in the alternative, alterations to the physical accommodation.

16.99 An RTE television programme, entitled ‘Encounter’ was made with Mr Justice Kingsmill-Moore and his wife about Marlborough House, which had the effect of raising its appalling conditions in the Dail on 1st March 1972, in which Deputy O’Donovan described the Institution as consisting of ‘two rooms, a great barrack of a room underneath and one general dormitory above...there are boys from seven years of age to 17’. Another member of the Dail, Mr Fitzpatrick, said the description of the place by the judge ‘was horrifying. It appears there are two large uncomfortable rooms in which small and big boys are kept. While they were at the house they saw two little boys huddled like little rabbits in a playground’. He added: ‘I am asking the Minister for the good name of the country and in the interests of the unfortunate children to close Marlborough House immediately’. Despite the mounting criticism, it was another six months before Marlborough House was closed down.

Conclusions on the running of Marlborough House

- 16.100**
- There seems to have been no educational purpose to Marlborough House as a detention centre. Neither was there any attempt made to give the children any education while they were there. Although it seems obvious that a child who was sentenced to detention for one month would still need to have some education, that evidently did not happen in Marlborough House.
 - The discovered documents even in the latter stages of the existence of Marlborough House disclose an enormous problem that there was nothing for the children to do. There were no recreational facilities, although there was apparently a television. The children moped around in complete boredom and frustration during the period of their detention in the institution.
 - The Department of Justice certified Marlborough House originally but did not have any function in inspecting it.
 - The Department of Education was in charge of it but did not want it because its functions were related to the courts and the administration of Justice.
 - The age range of boys in Marlborough House was 7 years to 17 years; even in the 1960s there was a boy there aged 8 and a half years.
 - The inmates all lived as one group, unseparated by age or circumstance.
 - The numbers varied, and could go up as high as 38 according to the discovered documents.
 - There was a lot of bullying and assaults by boys on other boys.
 - According to contemporary documents, the staff were untrained and often completely unsuitable for work with children : they were in fact recruited as needed from the local labour exchange.
 - Over 21,000 boys passed through this Institution, and it should have been used as a means of assessment and early intervention to prevent boys entering a lifetime of crime. The Department had neither the vision nor the willingness to effect the necessary changes to make Marlborough House functional.
 - Marlborough House was a chaotic facility, housed in an inappropriate and delapidated building with poor management and inadequate staff. The dispute between the

Department of Education and the Department of Justice allowed this situation to go on for years.

- There is no evidence that the personnel in the Department who had charge of this section had any regard or concern for the boys who were incarcerated in Marlborough House. Changes were recommended in order to avoid scandal and criticism of the Minister and the Department, and not because of the needs of the boys in care.
- It was logical that Marlborough House should have been the responsibility of the Department of Justice. To insist that because Marlborough House dealt with children only the Department of Education should run it was irrational because in every respect it operated to serve the courts and the administration of Justice.
- The Department of Justice refused to take it over and denied responsibility, but never the less became a critical commentator on the failures on the Department of Education.
- The Department of Education's behaviour in respect of Marlborough House was indefensible. Even accepting all the arguments about administrative jurisdiction, the fact remained that it was a facility that needed to be run well to help the young boys sent there. That meant installing proper management and staff, and carrying out supervision to ensure that whatever plan was put in place was implemented. None of that happened, and the institution was allowed to drift further into neglect, with the Department of Education, and indeed the Department of Justice, doing nothing, not even observing its appalling decline.

Physical abuse

Attitude of the Department of Education

16.101 The Department of Education in their Statement referred to the procedure in Marlborough House for dealing with complaints of physical abuse, which was outlined in a letter dated 17th May 1971:

... all complaints from parents, guardians or other sources about the treatment of children in Marlborough House are investigated by the Department. The Attendant-in-charge is furnished with a copy of the complaint and his observations are requested. Should the seriousness of the complaint warrant it, an Officer of the Department will also interview the child and the attendant-in-charge and/or the attendant against whom the allegations are made and the Department takes appropriate action where necessary. No complete record of all complaints received is available since many of the complaints received are of a trivial nature.

16.102 As will be seen from a discussion of such complaints, this was not in fact the approach taken by the Department.

Documented cases of physical abuse

1956 complaints

16.103 In 1956, two boys appeared before Judge MacCarthy in the Children's Court. The two boys, aged 11 and 12, had been remanded in Marlborough House for a week in 1956. It was reported in a number of evening papers that one of the boys during the course of the hearing told the judge:

I do not like Marlborough House ... I had to march around a field bigger than the room and, if I tripped over the sticks on the ground they would make me get up and they would start hitting me with a stick.

- 16.104** When questioned by the Justice about the allegations he had made, the boy named two officials. Judge MacCarthy then asked for the two officials to be brought before the court. The garda in charge of the case was reported to have said, 'I don't imagine that the punishment was very severe'; to which the Judge responded, 'You don't imagine, but you were not there'.
- 16.105** The Judge then turned to the other boy and asked him whether he had got enough to eat in Marlborough House, to which the boy replied 'Yes, Sir'. He then asked him whether he was punished. The boy replied that he had been punished with a stick for tripping. The officer in charge expressed his surprise that there was any punishment for boys in Marlborough House. The two were remanded on bail for 14 days, and Judge MacCarthy stated that he wanted the Superintendent of Marlborough House to be present at that time.
- 16.106** The Superintendent, Mr Grange,⁵ who had taken up his appointment two weeks before this, was informed of the events by the Inspector of Reformatory and Industrial Schools Branch, and Mr Grange made contact with the officer in charge of the case. He was told by the detective that the boys had made no allegations before the court hearing.
- 16.107** In a report prepared for the Inspector by Mr Grange, he stated that he had investigated the matter thoroughly within the Institution and was 'quite satisfied that no such incidents as alleged took place'. He further stated:
- ... during the period these boys were detained here, I had on an average of thirty-four to thirty-eight boys here, as well as a number of workmen who were employed by Messrs Dockrell renovating the Boy's Quarters. Due to the number of boys who were within full view of these tradesmen and that myself and the Attendants had to be on the alert all the time I wish to point out that these incidents could not have happened without being noticed.
- 16.108** He provided statements from four older boys, signed by the boys and witnessed by Mr Grange. All the statements are dated on the same date in 1956 and are similarly worded. They each maintained that they never saw either boy being ill-treated in any way by any of the attendants. They were allowed to walk around the recreation grounds and were treated well by the attendants. They stated that they got plenty to eat in Marlborough House.
- 16.109** Statements were also given by two permanent attendants and two temporary attendants. These statements were also taken on the same date in 1956 and witnessed by Mr Grange. In the case of the permanent attendants, each of these had been employed in Marlborough House for six years, and they claimed the allegations were untrue. They were assisted in their duty rota by a temporary attendant. Statements were provided by the temporary attendants, both of whom were in their first week of employment in Marlborough House when the alleged incidents occurred. They denied that they saw anything untoward during their duty periods with the senior attendants.
- 16.110** It is not clear from either Mr Grange's report, or the statements taken from the four staff members, whether any of these were the persons alleged to have beaten the boys, but it is likely that Mr Grange would have been in a position to ascertain who was on duty during the week that the boys were detained.
- 16.111** A few weeks later, the *Evening Press* reported that Mr Grange attended court, where the boys again repeated their statements and named two attendants. Mr Grange told the court that he had made inquiries and believed the charges made by the boys were unfounded. He also told the court that he had since questioned another boy in the centre, who told him that he had overheard

⁵ This is a pseudonym.

the boys the night before their original hearing planning to tell the Judge that they had been beaten in order to be dealt with leniently.

- 16.112** The boys were remanded on bail for two weeks, to see if their school attendance and behaviour improved, and no further action was taken on the allegations made by them.

Complaints against Mr Lombard⁶

1969 complaints

- 16.113** Towards the end of 1968, a Probation Welfare Officer reported two incidents of physical abuse of boys in Marlborough House to the Department of Education. The first incident, which he witnessed in September 1968, was ‘a brutal beating of one of the inmates’ by an attendant, Mr Lombard. He stated:

This beating consisted of numerous punches with his clenched fist, which reduced the boy to a whimpering mass. The concluding portion of this incident was witnessed by Mrs Grange,⁷ the matron and the complete incident took place in the presence of all the inmates at the time. May I say that I considered this a savage, uncontrolled beating, accompanied by expressions from the attendant, of which I could plainly hear “dirtbird” being mentioned on quite a few occasions.

- 16.114** The second incident was reported to him by a former detainee in November 1968, who alleged that he was ‘hit by a lamp on the lips, arms and other parts of the body’ by the same attendant, Mr Lombard. The boy did not make a complaint to the authorities at the time as ‘he was afraid of Mr Lombard and because he was convinced that he would not succeed in any complaint he would make’. The following day, the Probation Officer informed Ms Justice Eileen Kennedy, who instructed him to get the Probation Administration Officer of the Department of Justice to contact the Department of Education to have the matter investigated. He spoke to the Probation Administration Officer on 11th November, and was requested to submit a report on the two incidents, which he did on 13th February 1969. Mr MacConchradha, the Probation Administration Officer, referred the matter to the Secretary of the Department of Education on 28th February 1969.

- 16.115** An official from the Department of Education investigated both of these complaints, and filed a report on 6th March 1969.

- 16.116** With regard to the first complaint, he reported that the boy had been a ‘troublesome detainee in [two other industrial schools] and Marlborough House and is considered to be an unfit subject for all three places’, but did not make any finding as to the veracity of the allegation.

- 16.117** In respect of the second complaint, he stated that he believed that the boy ‘was assaulted on the night in question, but I feel that he has exaggerated in his account’. He also referred to the fact that the Gardaí in [the boy’s local Garda Station] had told him the boy and his mother ‘are notorious liars’ and that ‘[he] is pretty violent and is frequently in brawls’. The official from the Department concluded that the attendant, Mr Lombard, ‘should be advised to exercise restraint when provoked, but deserves praise for his interest in and kindness to the boys’. He also pointed out that the work of the attendants ‘would be much simpler if indoor games and suitable reading material were provided’.

- 16.118** The Department considered the matter and, in a letter to the Kennedy Committee of 22nd May 1969, which had sought information relating to complaints generally in institutions, it referred to these two incidents and stated that:

⁶ This is a pseudonym.

⁷ This is a pseudonym.

The attendant undoubtedly contravened the regulations governing the treatment of the detainees in Marlboro House and the fact that both these boys proved violent and provocative under detention cannot be accepted as a defence of his conduct in these cases. The reports furnished in regard to the incidents in question are still under consideration ...

16.119 Mr MacConchradha, Probation Administration Officer at the Department of Justice, was informed by memorandum dated 3rd June 1969 that:

There is no doubt but that a Supervisor, on two occasions, infringed the regulations which are laid down. The reports that the Officer of the Department provided are still being considered but the matter must be researched further.

16.120 A further complaint was made against the same attendant. In early 1969, a welfare officer reported that a boy who was resident in Marlborough House had received 'a walloping' from this attendant.

16.121 Despite these complaints, the attendant continued to be employed, and was promoted to attendant in charge of Marlborough House in 1970, less than one year after the findings of the internal Department of Education investigation into his behaviour. According to an internal memorandum from the Department of Education, he sustained injuries when he was attacked by boys in May 1970, which necessitated a spell of sick leave, and that ended his tenure as attendant in charge. He was eventually removed in 1971 because 'it was felt that he was a source of tension amongst the boys, due to a temperament aggravated by high blood pressure'.

16.122 Each of the witnesses that gave evidence to the Investigation Committee made allegations of physical abuse, particularly against this attendant [Mr Lombard]. One witness recounted being hit randomly with his walking stick for no reason. He said Mr Lombard would take him out of bed in the early hours of the morning and would '*wallop you, strip you, hit you with the stick*'. This happened on two or three occasions where he was taken out of bed '*and just walloped for no reason whatsoever*'. He recalled a particular occasion when Mr Lombard took a boy out of the bed next to him and '*hit him so hard and where he missed him there was holes in the walls from the top of his walking stick were he actually missed him with a few blows*'. The atmosphere he felt was one of fear:

It was degrading there, there was tension there all the time, a terrible atmosphere. If you were hit you actually felt better because you were not going to be hit for a day or two. You never knew when it was going to happen to you.

16.123 He added: '*You weren't treated as a human being at all in there, you had no control over anything there, none*'.

16.124 Another witness referred to the early-morning beatings by this same attendant, which he first received on arrival:

... it was perhaps about 3:00 or 4:00 in the morning, I can't remember exactly what time it was, when the bedclothes were taken back off me. This man, whom I now knew to be Lombard, held me down with his left hand on the back of my neck here, he had the blankets back and he beat me half a dozen times with the walking stick, across the back, the buttocks and the back of my legs. Full force. This was the first night I was there.

16.125 This happened on four occasions within the first month that he was there, where Mr Lombard would beat him with his walking stick: '*He would always give you half a dozen whacks of it*'. He also said that Mr Lombard beat the boys for no reason, and he pointed out that there '*was always a smell of alcohol from his breath*'.

16.126 A third witness complained of being beaten by this attendant who *'would hit you whatever way he wanted to'*. He would punch with his hands, *'Around your body, you could be in your bed and he would come in and punch you'*. He referred to the atmosphere created by this man: *'when he was in your presence you would have fear. He'd have that about him, he brought fear'*.

Assault by Matron

16.127 In May 1969, a Probation Officer reported an assault on a boy at Marlborough House to Judge Eileen Kennedy. The boy had been hit in the eye with an aluminium mug by the Matron, Mrs Grange, which resulted in a black eye, and he was slapped twice on the left-hand side of his face by her. He was seen by a doctor the following evening but he *'was afraid to say anything against Mrs Grange, as she was present while the doctor saw him, and he was afraid he would get a beating that night'*. He had been a week in custody and, when brought before Judge Kennedy on remand, he had a black eye. Judge Kennedy brought the matter to the attention of the Secretary of the Department of Education on the same day, and said that she was of the view that the *'complaint is one deserving of investigation'*.

16.128 The Department of Education replied within a week that *'The matter will be investigated and a further communication sent to you in due course'*. No such communication was found in discovery. The General Statement of the Department of Education stated that there are *'no further records in relation to this complaint'*.

16.129 The Investigation Committee heard evidence from a complainant who was the individual subjected to the alleged assault by the Matron, Mrs Grange. He recalled that, when he appeared before her, Judge Kennedy asked how he had received a black eye, to which he replied *'the madame gave me bang with a belt or something'*.

16.130 This witness complained of getting *'a few clatters on a few occasions'* from the Matron, Mrs Grange, and he explained that the black eye which Judge Kennedy had asked him about, was in fact the result of a blow with a ladle.

1970 complaints

16.131 In January 1971, Rosita Sweetman, a journalist with the Irish Press, wrote a series of articles on the ill-treatment of boys and the poor conditions in Marlborough House. Her information came from an existing member of staff, Mr Jacob,⁸ who also provided her with unofficial access to the building and documents. It was reported that:

... one of the wardens boasted ... how he'd "beaten the lard out of that itinerant kid." The itinerant kid was 13. 'Jacob' protested and was told "These young lads aren't juvenile delinquents – they're criminals. They are here to be corrected and we'll correct them."

16.132 The events surrounding the escape by a boy, Emmet Crosbie,⁹ on St Stephen's Day 1970 prompted these newspaper articles and, in particular, Mr Jacob to contact the press. An attendant who was intoxicated gave the boy keys to escape, which he did, and went to the West where he surrendered himself to the Gardaí who brought him back to Marlborough House. The Superintendent of Marlborough House, Mr Carnoy,¹⁰ obtained statements from both attendants regarding the circumstances of the boy's escape. He wrote to the Department of Education in January 1971, stating that he believed the boy's version of events and was satisfied that both attendants were under the influence of drink on the nights in question, and he considered that it was a case of neglect of duty on the part of one of the attendants, Mr Lombard. As was outlined

⁸ This is a pseudonym.

⁹ This is a pseudonym.

¹⁰ This is a pseudonym.

above, Mr Lombard was eventually removed from his position in July 1971, as he was considered a source of tension amongst the boys.

16.133 The Department became aware that Mr Jacob was supplying the information to the press. Following publication of these articles, officials from the Department of Education interviewed a number of staff at Marlborough House, including the Superintendent, Mr Carnoy, the matron, Mrs Grange, and Mr Jacob. In his interview, Mr Jacob admitted that he contacted Ms Sweetman and gave her access to the building, and he re-asserted his allegations that the boys were ill-treated by certain attendants. He was initially suspended from work, and then was sacked at the end of January 1971, following an internal Department investigation into complaints made against him.

16.134 In mid January 1971, the Superintendent of Marlborough House sent a report entitled 'Report Re-D dismissal Mr Jacob. (Attendant)' to the Department of Education, in which he detailed a number of complaints against Mr Jacob. He alleged that Mr Jacob, on one occasion, had 'very little interest' in the 'safe custody' of the boys and, on another occasion, he 'reported for duty as rostered, he did not appear to be inclined to exercise control or work'.

16.135 It is clear from this report that the Superintendent had been asked to answer some questions from the Department of Education, and there is some sense of a little discomfort in the final paragraphs to his report:

... With reference to Mr Jacob's report to the Press, I have no knowledge that he did same for financial gain, or that he did gain financially from it.

Before, during and after Mr Jacob's press report, he at no time threatened me with the press. I had no fault to find with Mr Jacob, as an Attendant here up to the time he gave the report to the press, from then on he fell below the required standard.

16.136 Mr Jacob was interviewed at the Department's offices, at the end of January 1971, where the complaints about his performance contained in the Superintendent's report to the Department were put to him. He denied each allegation and put his own version of events to the Department. He also asserted that 'Since the incidents relating to the Press Mr Carnoy had subjected him to extreme pressure'. He offered to provide a number of witnesses to support his case, and asked that he be given the complaints in writing.

16.137 The Department wrote to Mr Jacob three days later, informing him 'having fully considered the facts of the case, the Minister has decided to terminate your employment as Attendant in Marlborough House'. The reason given by the Department was that 'the explanations given by you in the matter cannot be accepted'.

16.138 The dismissal of Mr Jacob sparked another round of newspaper articles, and it was even raised in the Dail. The Minister for Education stated that he 'certainly was not dismissed because of the fact that he made allegations in relation to this home', but was dismissed 'because of unsatisfactory performance of his duties'.

16.139 An injury to a boy in 1971 highlighted problems in Marlborough House that had been present for many years. The 12-year-old boy was attacked by two 15-year-old residents. He was severely kicked in the course of the assault, as a result of which he began passing blood and had to be removed to hospital, where he received treatment for a considerable period of time. In response to complaints made by Free Legal Advice Centres, a member of staff who reported on the incident commented that the staff had done their best to keep these unruly boys out of Marlborough House 'but the courts still sent them to us'. The report concluded:

We have no way of keeping the boys apart here, and young and old have to stay in the one recreation room and dormitory. In my opinion and with experience over the years this building is no longer suitable for the detention of boys or for staff to work in.

Blows by torch

- 16.140** In early 1972 there was an incident that resulted in an attendant striking a boy with a torch. It became the subject of a Garda investigation that resulted in a recommendation that no further action be taken. It involved a confrontation between attendants and a number of the 25 boys who were resident at the time. The Garda investigation revealed two conflicting accounts of the events that night. The boy who was struck described how an attendant shouted at him to keep quiet in the dormitory and then hit him with his hand, at which the boy got out of bed and hit the attendant back. Another attendant struck him on the head with a flash lamp a number of times. The attendants' version was that the boys were troublesome and one of them was put into a cell. The others demanded his release and about eight or nine jumped out of bed and attacked the attendants. In order to prevent the boy getting a poker which he might use as a weapon one of the attendants struck him with a torch. Although it was never resolved and did not give rise to any prosecution, the incident revealed the tense atmosphere that prevailed in the institution. Violence could erupt quickly with little provocation.

Department of Justice memorandum

- 16.141** An internal memorandum of the Department of Justice dated 23rd July 1969 referred to the attitude of the Department of Education when these allegations of physical abuse were reported:

It will be recalled that the Probation Officers had complained of boys being beaten in their presence in Marlboro House. While I was in Ormond Quay I transmitted complaints of this nature to Education. Justice Kennedy had also complained about boys from Marlboro House coming before her with obvious signs of ill-treatment. It took the best part of six months for [the Assistant Secretary] to reply to the Justice. Apparently [the Inspector of Industrial and Reformatory Schools] simply ignored complaints of this kind. [The Assistant Secretary] admitted that there was ill-treatment by the staff and investigations are still going on. Some of the ill-treatment was however between the boys themselves.

Peer abuse

1956 complaint

- 16.142** In April 1956, the Department of Education received a letter from the father of an eight and a half year-old boy who was detained in Marlborough House for one month for stealing 'Sweets Lemonade & Cigarettes, from the [a local club], this is his first offence'.
- 16.143** The father wrote that he had visited his son on the previous Sunday and had noticed he was pale. He asked him what was the matter, and was told by another boy that he had been hit on the head by another detainee. His son then told him that he had also had his head stuck in a wash basin and the water turned on by the same boy. The father lodged a complaint with the Superintendent, and wrote to the Department noting in this letter that the 'young man who Ill Treated my Child is No other than the one who stabbed his Brother to death with a knife'. He requested that his child should be returned to his custody.
- 16.144** The boy's father also complained in person to the Minister for Agriculture on the same day as he wrote the letter. The Minister for Agriculture telephoned the Department of Education that afternoon. The Department official who took the call informed Mr Grange, the Superintendent in Marlborough House, immediately and he undertook to enquire fully into the alleged ill-treatment.

- 16.145** Mr Grange investigated the matter by taking statements from the attendant on duty on the day, and from the mother of another boy involved in the same incident, and from the boy accused of the ill-treatment. The attendant on duty, and the woman who witnessed the visit of the father with his son, both alleged that the father was intoxicated on the day and had become violent when he discovered that his son was in the same place as a boy who was accused of fatally stabbing his brother.
- 16.146** The boy who was alleged to have been responsible for the incident wrote a two-page statement, in which he did not deny that either incident took place, but instead gave an innocent explanation for the blow on the head and the washbasin incident.
- 16.147** The day after the letter of complaint was received, the boy at the centre of the allegation was examined by a medical officer, who found 'no evidence ... of any injury to his head or any other part of his body'.
- 16.148** The Probation Officer was also contacted by the father at the request of the Minister for Agriculture. He, in turn, wrote to the Department of Education, informing them that, in his view, the father was 'just using the incident to force the discharge of his son from the punishment the court has seen fit to administer'.
- 16.149** Mr Grange and his wife, the matron, both gave statements that they recalled the scene made by the father of the boy during the visit to his son. Mr Grange believed that the father came that day with a view to causing a scene, because he was aggrieved that all the boys involved in the club break-in and theft had not received similar punishment. He stated that, the following week, the rest of the boys received similar detention periods, and the parents of the boys had calmed down. He did not address the issue as to whether the allegations were true or not.
- 16.150** A few days later, the father wrote to the Department of Education and withdrew his complaint. On the same day, he called into Marlborough House and apologised to the Superintendent for the 'trouble caused'.
- 16.151** The Department were happy that 'no harm came to the boy. All that was involved was the usual argy bargy between young boys'. No further action was necessary, as the father 'wishes to withdraw his complaint and to forget the matter'.

Conclusions on physical abuse

- 16.152**
- 1. Complaints of physical abuse in Marlborough House were not independently investigated but were usually investigated by the Superintendent in charge of the detention centre.**
 - 2. Senior officials in the Department of Education either ignored complaints or delayed in responding to criticism which was coming from independent sources and not just from the boys themselves.**
 - 3. Witnesses spoke of multiple severe beatings in the course of relatively short periods of detention. One attendant was particularly brutal, and yet was promoted by the Department even after complaints were made.**
 - 4. The wide age differences between the boys and the lack of any segregation made bullying and peer abuse inevitable. There is no evidence that this was regarded as a problem by the authorities.**
 - 5. There were many complaints about assaults by staff and at least one was witnessed by another staff member who reported it.**

Sexual abuse

Documented cases of sexual abuse

- 16.153** On 31st January 1951, an attendant at Marlborough House was convicted of indecently assaulting two boys detained in the Institution. He was sentenced to 12 months' imprisonment. The complaints of sexual abuse emerged in a separate hearing concerning the two juveniles. The two boys made their complaints to Mr Justice MacCarthy in the Children's Court. He, in turn, must have passed the information on to the proper authorities, as a successful prosecution ensued. There is no record of this in the discovery from the Department of Justice or the Department of Education.
- 16.154** The only reference to the affair has been outlined above in the correspondence between District Judge MacCarthy and the Assistant Secretary in the Department of Education (see para 10.060), and when it was raised at a meeting between the Department of Education and members of the Resident Managers' Association.
- 16.155** **The conviction of an attendant for sexually abusing boys in Marlborough House in 1951 should have generated a record of some kind. There is no information available on the background to this incident, and this makes it impossible to estimate the extent of the abuse by this man or others in the Institution.**

Allegations of sexual abuse

- 16.156** Two of the witnesses who gave evidence to the Investigation Committee complained of sexual abuse by staff.
- 16.157** One witness, who was in Marlborough House in the early 1970s, alleged that two members of staff (Mr Lombard and Mr Hugot)¹¹ used a walking stick to beat him. The beatings were random and for no particular reason. He also complained of being fondled and, when asked to describe this, he said:

What they would actually do, they would strip you and I remember, I can see him now ... he would come in and shove the stick between your buttocks or whatever else and stand in the doorway and watch him push you and feel you or whatever.

Neglect

Living conditions

- 16.158** From the documents furnished, the boys' living quarters at the rear of the house consisted of one large room, where they ate and spent the day, and another separate room used as a dormitory. The boys lived in dreadful conditions. In 1951, Judge MacCarthy in a letter to the Department of Education referred to evidence that had come to light that 'the blankets were not cleaned or disinfected in any way except every six years'.
- 16.159** However, a Working Party of the Inter-Departmental Committee on the Prevention of Crime and Treatment of Offenders visited Marlborough House on 4th January 1963, and their views were quite positive. They reported that the boys' accommodation at the rear of the building was 'in very good condition' and that 'Both the dormitory which is in use and the refectory cum recreation room were well heated, the beds appeared comfortable and there was a plentiful supply of bed clothes'. They also reported that the boys got a bath twice a week, and that 'English school readers and history books are also provided and the Superintendent said that either he himself or an attendant

¹¹ This is pseudonym.

is always available to help a boy with his reading'. The Committee recommended hiring a teacher part-time to teach elementary subjects and to introduce manual occupations or handicrafts, neither of which was implemented.

16.160 As stated earlier, staff in Marlborough House were recruited from the local Unemployment Exchange. In 1963, the Inter-Departmental Committee on the Prevention of Crime and Treatment of Offenders recommended changing this recruitment policy. They recommended: increasing the salaries of the Superintendent and matron; and terminating the system of recruiting staff through the Unemployment Exchange and instead hiring Garda pensioners, ex-prison officers and ex-Army personnel. To recruit retired Gardaí required repealing the abatement of Garda Pensions, and an Order was made on 17th October 1966 and approved by the Dail at the end of the year. The Department reported that: 'The recruitment of attendants is now satisfactory. Of the five existing attendants two are ex-Gardaí and the repeal of the pension abatement clause will facilitate the recruitment of Garda pensioners in the future'. Despite this, the Kennedy Report of 1970 referred to attendants recruited through the Unemployment Exchange, which made them unsuitable as 'their function at present is purely custodial'.

16.161 In a series of newspaper articles which appeared in the Irish Press in 1970 one of the attendants was reported to have said: 'They're half starved – the food is designed to just barely keep body and soul together'. He described an ordinary day as:

Rise 8 a.m., breakfast around 9–9.30 a.m., consisting of Tea, Bread and Marg or Bread and Jam. The boys then sit around in one room. At times they are supposed to sit facing each other across a wooden table. If "Jacob" or a more lenient warden is on duty they are allowed move around the room, play cards (there's one pack), and if their parents bring them comics they may be allowed read. Dinner: 1.30 p.m., consisting of (every day) a coddle – sausages in soup with potatoes. No tea or beverages. They sit around again till 5.30 p.m. when they get – Tea, Bread and Butter. Nothing more is served till 9.30 a.m. next morning. If the warden on duty is in a good mood they may be allowed watch television till 9.30 p.m. when they line up for inspection before bed. They all sleep in one, locked dormitory.

Allegations of neglect

16.162 Each of the witnesses said they spent each day of their detention in this large room with nothing to do. One witness, who spent time there in 1970, described this room as '*painted smoky kind of grey*' with a large stove at one end where '*We would sit around the fire basically all day*'. This room, as described by the witness, was divided into two sections by a partition: one section consisted of two tables for eating, and the other section was '*where we would sit down at the fire all day*'. They had nothing to do except sit by the fire in this room, which he described as similar to the room in the film, *One Flew Over the Cuckoo's Nest*, with '*strong wire on every window*'. He recalled only being allowed out into the outside yard for one hour during the whole month of his detention.

16.163 At that time, he said there were approximately 25 to 30 boys in the House. His daily routine consisted of getting up in the morning, going to the bathroom to '*put some water on your face*' and going downstairs for breakfast and then sitting by the fire for the day. His description of breakfast was not particularly edifying. The boys would sit each side of the table, and one of the attendants would stand at the top of the table:

Mr Lombard would stand at the top of the table, we would all have a mug of tea, it would be ready for you, and he would stand at the top of the table and we would all be sitting down. And he would say, "hey, you boy, catch", and he would throw you the bread and you had to catch it before the other guy got it. Jam and bread. Then the next boy. "Hey, boy", and he threw it to you and you had to catch it.

16.164 Another witness described the same routine in the same room as ‘... just one big room, when you got up in the morning you stayed there for the day until you went to bed at night’. The day was spent playing with the other children. He did recall board games:

I know we played draughts, there would be cards, there mightn’t even be a full deck of cards, there would be a few cards missing here and there. They were basically the two. I think if I remember right, even the draught board it used to be beer tops that we used play on.

16.165 One witness who was in Marlborough House in 1970 described it as ‘... like walking into Dracula’s castle, it was real Victorian, real dirt...’. He recounted the filthy conditions they were subjected to: ‘there was fleas walking in the towels you were given to dry yourself with. It was absolutely filthy there’. The boys had to share everything even the towels:

I remember the Dublin fellow saying to me one day, “Use the corner of the towels because nobody else does”. I can see now in my mind’s eye, the very corner the fleas walking up and down, they were small white towels, well, they were supposed to be white ...

16.166 The staff, he also found, were filthy: ‘I remember most of the staff that were there most of them were filthy in themselves, they were dirty themselves’. He recalled that he had to ask the matron, who was referred to as ‘The Madame’, in a certain way for bread and jam, otherwise he would not get any: ‘You had to say, “Madame, could I have bread and jam, please?” You would say Madame at the end of the sentence as well or you wouldn’t get any’.

16.167 He added there was nothing to do all day: ‘We might be left out now and again for soccer, or walk around or whatever’.

General conclusions

- 16.168**
- 1. The Department of Education was negligent in the management and administration of Marlborough House. Its unwillingness to accept responsibility for the Institution caused neglect and suffering to the children there and resulted in a dangerous, dilapidated environment for the children.**
 - 2. The employment of unsuitable, inadequate and unqualified staff resulted in a brutal, harsh regime with punishment at its core.**
 - 3. There was no outside authority interested in the welfare of the children in Marlborough House. No concern was expressed by Department officials at the appalling treatment and care they knew the boys were receiving. The concern at all times was to protect the Department from criticism.**