

The Ryan Report in Ireland: Before and After

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(This paper is written as a personal view)

Introduction

The Commission to Inquire into Child Abuse (Government of Ireland, 2009) is the official name given to what we now know as the Ryan Report. It is so called because Sean Ryan, a justice of the Irish High Court took over from Justice Mary Laffoy in September 2003 to complete the work begun by her.

The Ryan Report is about children, church and state. As for church and state the report shows how those two unquestioned pillars of Irish society criminally neglected the poorest and most vulnerable children and failed in their duty of care.

The report is also about human nature at its worst. Yet there are occasional, rare chinks of light, compassion and humanity in this sad and sordid story. Perhaps it is on those that we may ultimately need to concentrate if the past is not to repeat itself in some other way. As always in such reports, those chinks of light only prove that good work was and is being done all the time.

Part of this paper is a resume of residential child care in Ireland over 40 years prior to the publication of the Ryan Report. That resume reflects my own view that the sense of optimism which permeated the residential care scene from the early 70s to the late 80s was diluted and fractured as revelations of abuse gained in number and notoriety throughout the 90s. That sense of optimism has been dealt a devastating blow in the wake of the Ryan Report.

The Ryan Report from which I will draw in this paper runs to five volumes and 2,600 pages. Names and references abound in the report but I will refer in particular to a man called Peter Tyrrell whose story in many ways encapsulates all the best and worst that emanates from the report. And of course the question must be asked... what has happened since the report's publication and where do we go from here in terms of Irish residential child care?

Before Ryan

Up until the final quarter of the last century, Irish child care centres (also known

as industrial & reformatory schools) were managed and staffed by Catholic religious orders of priests, brothers or nuns. A small number of homes, some referred to in Ryan, catered for Protestant children. The 1908 Child Care Act, only recently replaced in Ireland, was the main vehicle by which children found their way into residential care, though agencies such as the Irish Society for the Prevention of Cruelty to Children also placed children in care.

Since the foundation of the Irish state in 1921 a small number of reports were produced which looked at residential care in Ireland. All were generally critical of the system but direct, stringent criticism of church and state is significant by its absence. While the Cussen Report (1936) concluded that poverty was the main reason why children were placed in care, it made 51 recommendations for improvements in the Irish residential child care system at that time. However, many of the recommendations were not implemented. Interestingly, there is a note in Ryan stating that 'Full implementation of (The Cussen Report) would have involved a greater role for the Department (of Education) and this may have been viewed as an encroachment into the Church's domain' (Government of Ireland, 2009, Vol. 4(1), 46).

The Kennedy Report (Government of Ireland, 1970) was a watershed and categoric in its general criticism. It made wide-ranging recommendations in relation to inter-departmental co-operation, replacement of large institutions, assessment of young people, training for staff, age of criminal responsibility, aftercare and the notion of care as a last resort.

The Task Force Report on Child Care Services (Government of Ireland, 1980) referred to the 'alarming complacency and indifference of the general public and various government department and statutory bodies responsible for the welfare of children' (p.15). This report was not unanimously agreed as inter-departmental differences arose between the departments of Health, Education and Justice as to where responsibility finally rested regarding young offenders. One of its main recommendations was the establishment of a Child Care Authority responsible for child care services. As with many of the recommendations, it took until 2005 for this to emerge in a slightly different guise as The Office for Children & Youth Affairs.

The Kennedy Report in particular was a major impetus for change, tortuous and slow though it was. A residential child care course was set up in Kilkenny in 1971 giving its graduates a CCETSW qualification and training expanded further in the mid 1970s. Smaller group homes and downsized industrial / reformatory schools were built. The Year of the Child in 1979 saw the Fédération Internationale de Communautés Educatives (FICE) hold its conference in Dublin. A position of Child Care Advisor was created and an emphasis on fostering and community child care emerged. A professional body

was established representing residential child care workers and a number of professional special interest groups and individuals kept child care and related issues in the public domain. Access to and information about best practice in other countries was another positive impetus.

My memory of those years up to the early 1990s is that it was a time of discussion, debate and a sense that children's lives in care could be turned around. There was a palpable sense of optimism that change was possible and residential care, though a last resort in practically everyone's eyes, had much to offer. It seemed the best was yet to come. But the best of times became the worst of times and looking back now it all seemed to happen almost overnight.

During the 1990s society in general became more aware of child sexual abuse in family, school and institutions. In Ireland, TV documentaries notably *Dear Daughter* and *States of Fear* (both 1996) focussed on residential care and court cases involving abused children generated huge publicity. The *Madonna House Report* (Department of Health, 1996) focused on residential care but the *Kilkenny Incest Report* (McGuinness, 1993), *Kelly Fitzgerald Report* (Western Health Board, 1996) and the *West of Ireland Farmer Report* (North Western Health Board, 1998) showed clearly that abuse was not just in institutions or perpetrated by strangers. Also of significance were UK TV documentaries covering aspects of the Irish scene.

Disbelief, horror, rage and in some cases denial greeted these revelations and at the centre of much of it was the Catholic Church. Though the involvement of the religious orders in residential care was by then a shadow in the past, its legacy or perceived legacy still remained. In time the past, in terms of abuse of children in care and in the community, would catch up with the church in a manner never anticipated.

As past abuses emerged from the 1990s onward those who worked in the residential care sector found themselves in the eye of the storm. In the minds of some of the public, there was a perception, in my view at least, that there was something suspect about those, men in particular, who would make a career of working with children in care. I think that suspicion, subtle in many cases, still pertains. Of those who work with children currently, the majority are female with some units having very few male staff. Those training in social care have been and are predominantly female. Another effect of the revelations of abuse up to the present day was a perception among those who worked with children in general, but particularly in the residential sector, that we were getting to a stage where even one's most innocent action or reaction when dealing with children was suspect and open to misinterpretation. Many workers would become hyper-sensitive, conscious that their most innocent, spontaneous and natural expressions of care or affection might well be misconstrued, even by

their colleagues. To say the least, the optimism and belief that “I can make a difference!” or, to put it in a more recent context, “Yes we can!” which was prevalent in the 1970s and 1980s became well and truly diluted: and this was all before the publication of the Ryan Report.

To counteract all the negative publicity and show that Government was addressing the wrongs of the past a whole plethora of policy and legislative innovations emerged prior to the publication of Ryan. These included: Child Care Act 1991; National Guidelines for Protection & Welfare of Children 1999; Education & Welfare Act 2000; Children Act 2001; Monitors for residential centres; inspection; the National Standards for Foster Care, Special Care, Residential Centres and Children Detention Schools; the Children’s Ombudsman; police vetting and the production of the Guidelines in Physical Restraint. A Children’s Acts Advisory Board was also set up and statutory registration legislation for child care staff was enacted. Last but not least, the perceived icing on the cake – a Minister for Children was created who now sits at the cabinet table.

The Ryan Report

The Ryan Report was published on May 20th 2009 covering the time period 1940 to 1999 with liberty in some cases to look at cases pre-1940 especially in the Confidential Committee part of the process which allowed former residents to tell their story.

Despite any attempt to contextualise what happened in the social, economic and religious atmosphere of the time period covered when children in society in general were to be seen and not heard, the scale and extent of the abuse uncovered was truly horrifying. Eight hundred individuals were named as alleged abusers but given pseudonyms. Harrowing accounts emerged of the lives of children, often known by number rather than name, in institutions. Neglect, physical and emotional abuse, as well as peer abuse, were features of all the institutions and sexual abuse was particularly endemic in boys’ institutions. It would be hard to exaggerate the response to the Ryan Report in Ireland.

In one way, such was the response that the predictable rush to judgement was to place many priests, brothers and nuns who were totally innocent of any abuse in the same category as abusers. It was almost as if other victims were being created unwittingly. Some religious orders who had no involvement in residential institutions mentioned in the Report were subjected to unfair, unjust and unwarranted criticism. Babies and bathwater come to mind. The church literally ran for cover, in an obvious admission that no matter what it said, the overwhelming tenor of the Report meant that all its members were ‘tarded with the same brush’. Any positive contribution which the church had made to education, health and welfare in Ireland was lost as the parallel dark, abusive underbelly was exposed in the report. Further revelations were to come later

in The Murphy Report Department of Justice and Law Reform, 2009) about clerical abuse of children in the Dublin Archdiocese, and this was another body blow to the Catholic Church.

There was a degree of hysteria generated in the media by the Report. Use of language is important when looking at how messages are transmitted. Here are some of the terms that have been used in the media in relation to what the Ryan Report has to say:

GULAGS;
NIGHTMARE;
COMPELLING VISION OF HELL;
DARKEST CORNER IN THE HISTORY OF THE STATE;
FAMINE OF COMPASSION;
A PLAGUE OF RELENTLESS DELIBERATE CRUELTY;
TORTURE PURE AND SIMPLE;
STAIN ON THE NATION'S CONSCIENCE;
SLAVERY;
STATE DEFERS TO DYSFUNCTIONAL CHURCH;
A SYSTEMATIC PERVERSITY OF NATURE;
THE REPORT HAS CONSIGNED THE TRIUMPHALIST CATHOLIC
CHURCH TO THE DUSTBIN OF HISTORY.

In fact, the term 'Dickensian' was perhaps one of the milder terms used and that, in itself, says a lot. Not lost on anybody either was the fact that many of the religious orders referred to in the report had the terms mercy, charity, good shepherd and Christian in their titles.

With the Government under severe pressure, a full apology was again given on behalf of the state to the victims. An agreed all-party motion was debated for two days in the Dail, the Irish parliament, and it proved to be a sad, sombre affair with the state itself coming in for ferocious criticism because of its timid, deferential attitude to the religious orders that ran the institutions. The Government accepted the 20 recommendations in the Ryan Report and gave a commitment to devising a plan before the end of July 2009 (barely 8 weeks) to implement the recommendations.

Calls were made to have a trust fund set up to benefit survivors into the future in terms of counselling, educational and other opportunities. The 18 religious orders specifically mentioned in the report undertook, on the basis of a Government demand, to submit an outline of their assets to the government to see where further contributions could be made toward rectifying the grave injustices done. That process is still ongoing.

As a further government response to the recommendations of the Ryan Report, the Office of the Minister for Children and Youth Affairs (OMCYA) has published a 99 point Implementation Plan (OMCYA, 2009) with a specific time frame outlined. It is worth noting that the Minister, in his introduction to the implementation plan, says the following:

The history of our country in the 20th century will be rewritten as a result of the Ryan Commission of Inquiry... Institutions that we held to be beyond reproach have been challenged to their core. When the 1916 Proclamation of the Republic declared its resolve to cherish all of the children of the nation equally, it was not considered to be controversial and yet today it is clear that such idealism was misplaced (Implementation Plan, 2009, p. xiii).

Whether this 99 point plan is achievable, merely aspirational in the main or wildly unrealistic remains to be seen. At a meeting one year after the publication of the Report convened by interested child protection agencies, there were withering criticisms of government inaction on the 99 point plan. Deaths of children in care getting high profile media attention throughout 2010 only added to the perception that the care system in Ireland was still in disarray.

The huge media frenzy and the reactive responses of the Government has left residential child care in Ireland with a huge stigma. It is in the eye of the storm as never before. The worry is that those who work in the sector may, for very understandable reasons, adopt what might be described as a sanitised approach that may well, in term of the demands of an ever-increasing regulatory system ultimately address all the Ryan Report has thrown up. My fear, however, is that future children in the care system will suffer another form of abuse... victims of a politically correct, clinical and sterile system where the carers want to care but feel constrained. In such an environment children who need care may not get it because the mantra for staff will be at all times “watch your back”.

The Ryan Report notes that kindness and humanity would have gone a long way to make up for poor standards of care. The positive comments of those interviewed by the Ryan Commission (and they were a minority) certainly reflect the lasting impression that acts of kindness and humanity left. The story of Peter Tyrrell illustrates some of this, while being searingly honest about some of the horrors he faced as a young person in care.

Peter Tyrrell

Peter Tyrrell was an ex-resident of an industrial school and he became the ultimate victim in that he set himself alight on Hampstead Heath in 1967 after trying, unsuccessfully, to highlight the abuse he and others had suffered

in the Irish care system. Obviously, due to his untimely death, he never got his chance to tell his story to the Ryan Commission but we are fortunate that his account is not lost. As with many of the ex-residents of industrial schools, he left Ireland and in 1935 joined the British army. He was captured behind enemy lines during the war and interned in Germany. As a POW he said his life was like a 'tea party' compared to his time in Letterfrack, Connemara, Co. Galway which was one of the most notorious institutions in Ireland. The inexplicable use of a pseudonym 'Noah Kitterick' for Peter in the Ryan Report does him a grave injustice, when he was so openly critical of the system when few others were.

In the 1950s he began to compile his story hoping it would lead to change. He received some help from an Irish senator, Owen Sheehy Skeffington. For various reasons, legal as well as credible, his account was never published in book form until recently. While working on archives in the National Library of Ireland in 2003 the manuscript was discovered by Diarmuid Whelan, a lecturer in University College, Cork. It was finally published in 2006, entitled *Founded on Fear* (Tyrell & Whelan, 2006).

Peter Tyrrell's account is remarkable for a number of reasons and all the more so because his recall of names of staff and children was not contradicted by the records from Letterfrack held by the Christian Brothers, relating to the time he was there. His account is unique for its fairness and even-handedness in the light of what he suffered in care and his depression as an adult. It is also unique in that one of the most notorious and brutal abusers named in the Ryan Report came to Letterfrack when Peter Tyrrell was there; he was removed at a later period but was, like so many other abusers who were moved around, he was placed back in Letterfrack again despite what was known of him. In all, this abuser spent 19 years there until he was removed in the early 1940s.

Singularly lacking in bitterness Peter Tyrrell distinguishes between the good, the bad and the ugly, by seeing positive aspects in those who regularly brutalised him. He referred to their good humour and relaxed attitude at times like Christmas, Halloween and summer trips to the sea. He acknowledges how one of the brothers, a law unto himself for Ireland in the 1920s insofar as it seems he dressed expensively and had a girlfriend, was always in good humour when he returned from having been out with her and the beatings would stop for a day or two. Another brutal brother is noted as working for many hours into the night before Christmas to make sure a Christmas meal for the children was ready. With another brother the beatings increased on a Monday if his football team had been beaten over the weekend. One other brother he describes as 'a saint.'

Peter Tyrrell is so damn fair-minded that it is heartbreaking. He suffered from depression and said he always feared going to sleep at night because of the bad dreams of being beaten. He continued to be fair throughout his life often

recognising that he occasionally treated others in an unacceptable fashion because he had thus been treated in Letterfrack. He set himself alight on Hampstead Heath in 1967 and his body was so badly burned that it remained unidentified for a long time. Only a torn postcard with the words 'Skeffington' and 'Dublin' eventually led to his identification. Skeffington, the Irish senator with whom he corresponded, died two years later and it appeared Peter Tyrrell's story was lost forever. However it was found and we are very much the better for it as it encapsulates much of the horror in so many forms exposed by the Ryan Report.

The Future

Will time allow for the raw hurt and genuine outrage in the wake of the Ryan Report to lessen so that the beginnings of healing and forgiveness can begin to emerge? One of the less savoury aspects in recent months has been divisions within the survivors' groups relating to the past and to resources. The church has been slow to acknowledge the full scale of the horror exposed in Ryan, while other diocesan reports are to follow giving no respite in the immediate future.

The past, so graphically and depressingly described in Ryan cannot be repeated. Yet it would be equally tragic if in our attempts to ensure that the past is not repeated, we tie ourselves up in the regulatory and procedural knots described by Smith (2009). Smith's book *Rethinking Residential Child Care* (Smith, 2009) is a real breath of fresh air in this whole debate, coming just in time as it does for us in Ireland. I have said in a review of Mark's book that, in an Irish context it might well be retitled *Rescuing Residential Child Care*. In the context of the Ryan Report and its impact on residential workers in Ireland into the future, I think his observations on love, sexuality and touch (ever more contentious issues for residential workers in effectively caring for children) could not have come at a more important time. The problem with this timely book is that those who really need to read it may do so; and even if they do they may not have the passion or conviction to go against the tide in terms of grasping the vital and important points made.

I would like to return to what Ryan says about humanity and kindness; maybe it is in an attempt to grasp on to something positive and to see some chink of light. If Irish residential child care stood back, took that as a starting point and built on it, we might see our way forward. I continue to argue that there must be recognition of the 'vocational' aspect of child care work. Unfortunately, in Ireland the word 'vocation' has strong residual religious connotations. Currently in Ireland the main gateway into social care training is through a points system based on examination results achieved at secondary level. On the face of it, this is very fair, very objective but surely it is not beyond our ability to seek out real caring attitudes in those we recruit as suitable in a 'vocational' sense to train

and ultimately employ in this demanding work. A raft of measures is now in place to ensure that Irish residential child care is all it can be. Despite this, it has emerged that the largest purpose-built secure Special Care unit for non-offending children in Ireland built less than ten years ago will be closed because of a range of environmental and management / staff problems as evidenced from inspection reports. The question can, I believe, be legitimately asked:

Is this what happens today in spite of the inbuilt safeguards supposedly in place?

The Irish Times stated that 'Complacency is endemic and accountability unknown' in an editorial when referring to the state of the child care scene in Ireland in late 2009. Into 2010 the scandal of deaths of children in care only reinforced that sentiment. Yet, much good work is being done and we must not forget that. The first recommendation in the Ryan Report is that a suitable monument be commissioned and erected as a memorial to those who suffered in the residential units. Maybe for us in Ireland the best memorial might well be a residential care system that really does cherish all the nation's children equally.

(An earlier version of this paper was delivered to the Child Care History Network conference in Cheltenham, November 2009)

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