

The Marist Fathers

**Their culture and concealment of child sexual abuse,
and the ‘watchdogs’ that refuse to watch, bark or bite**

by Damian Murray

Marist schoolboy, St Mary's College Blackburn, 1970-1977

"The youngster and he were great friends. The old chap taught him a great deal, mind you; and they say he had a great wish for him."

"God have mercy on his soul," said my aunt piously.

Old Cotter looked at me for a while. I felt that his little beady black eyes were examining me but I would not satisfy him by looking up from my plate. He returned to his pipe and finally spat rudely into the grate.

"I wouldn't like children of mine," he said, "to have too much to say to a man like that."

James Joyce, *The Sisters*, 1904

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Preface and acknowledgements

- 1 I present this account as a case study, so that lessons might be learned and actions taken by those with the power to do so. I have tried to include only events and interpretations that I think are strictly relevant to a truthful description of my molestation and grooming by Marist priests in the 1970s, of the historical context, and of my recent investigations into how and why their behaviour went undetected and unreported for so many years.
- 2 I have to emphasise that I had no desire to recount to anyone else any of the details of my personal life set out here, some of which are frankly embarrassing; but the refusal by the appropriate authorities to act upon or even to acknowledge these serious matters left me no other choice.
- 3 Neither have I ever wished to return to any of my experiences in the 'care' of St Mary's College (SMC), nor spend any of my precious time chasing down information that should already have been publicly available and straightforward to access. I have no warm nostalgia for SMC or most of its former staff and I live my life very much, and quite happily, in the present.
- 4 I have deliberately excluded any named references to my family, or to the friends of my youth with several of whom I remain close. They have their own lives and stories, and I have received nothing but love and support from them down the years.
- 5 I have done my utmost to establish the facts of this case, but the partial and guarded nature of the responses I have been given to direct questions and concerns means that there will inevitably be gaps and inaccuracies. The reader will draw their own conclusions and can make their own enquiries of the Marists and their regulators as need be. The long lapses in time mean that my own recollections may not be precise or strictly chronological, but they are nonetheless a materially true and fair account of my experiences as a teenager. All of the conclusions and judgements based on my personal experiences and enquiries as documented here are entirely my own.
- 6 I gratefully acknowledge my dear friend and fellow ex SMC boy, Jeff Yates, who has been beside me every step of my search these last three years, and without whose strength, insight, patience and humour I might well have given up my struggle to get to the truth.
- 7 Thank you also to those in the Truth Project of the Independent Inquiry into Child Sexual Abuse (IICSA) who maintain a professional anonymity but who listened carefully and empathetically to me along the way, and to David Greenwood, an authority in the investigation and prosecution of clerical child abuse, who encouraged me to submit my account as a case study to the IICSA.
- 8 And finally, my undying gratitude to Graham Caveney for his brave, inspirational and important memoir, *The Boy With the Perpetual Nervousness*. Solidarity.

Introduction

- 9 Anyone who really wants to know can easily research online the countless stories that have come to light in recent decades of the worldwide, systemic sexual abuse of children by Roman Catholic (RC) priests and other clergy. The betrayal, heartbreak and horror experienced by each vulnerable, trusting young person is bleakly consistent, the impacts on the rest of their lives often permanently disabling, the sadistic manipulation and exploitation by thousands of adult 'religious' reliably cynical, relentless and remorseless.
- 10 Equally notable is the complete absence historically of any effective regulatory or management framework within the church itself, within the national education systems in which much of the abuse took place or within wider civil society, that might have prevented, detected, corrected, brought to light or guaranteed justice for any of this abuse.
- 11 In spite of there being several current, wide-ranging international inquiries and criminal investigations into clerical and other child abuse, the RC church remains obstinately reluctant to participate actively or constructively in them. It routinely refuses to provide records or other evidence of the abuse that it already knows about and it continues to maintain a culture of defensive (often aggressive) denial as each new account emerges with tedious, numbing inevitability.
- 12 The strategy of the RC church, and of the social, legal, and regulatory institutions that shield it from scrutiny, is persistently to deny, deflect and delay, to blame the victims, to 'let sleeping dogs lie', to exploit the church's psychological grip on the faithful, to maintain its veneer of piety and the flow of funds from often equally vulnerable believers at any cost at all to those it abuses and exploits.
- 13 My own experience of abuse at the hands of Roman Catholic priests is very much at the tentative, less physical or barbaric end of the spectrum but, at 62 years of age, reflection and experience have left me in no doubt that as a schoolboy I was being lured and funnelled into the 'black hole' of the RC priest/child abuse experience. I was lucky to pull back from this when others were not. Such 'threshold' experiences must almost by definition be more common than the full-blown sexual, physical and mental assaults suffered by so many, and others like me may well now, as adults, also be coming to a realisation of what was really happening to them whilst they were children in the 'care' of churches and religious schools.

Summary and conclusions

- 14 In the 1970s, as a teenage pupil at St Mary's College Blackburn, I was molested by one Marist priest/teacher and, as I then suspected and now realise, was groomed by another - the then Deputy Headmaster, Marist Father Kevin O'Neill. Although I had often recounted the routine molestation as one more 'war story' among former SMC pupils, I told no one of O'Neill's grooming behaviour until late 2017. This was mainly because of its personal and sensitive nature, but also because I had until then given O'Neill 'the benefit of the doubt'.
- 15 I told my story in 2017 because I learned from the victim's then-published memoir that the priest who had groomed me had gone on just a few years later to groom and then sexually assault him when he too was a young, teenage schoolboy and O'Neill was then his Headmaster.
- 16 That victim for many years kept his ordeal to himself, but found the courage to disclose the assaults to the Marist Fathers in 1993. The Marists then, for over twenty years, kept the abuse concealed: from the police; from school and charity regulators; from charitable donors and beneficiaries; from current, former and prospective staff, pupils and parents at SMC; from other potential victims of O'Neill's grooming or abuse; and of course from the wider public. The Marists, because at the time of his disclosure he did not want his parents to know of the abuse, today essentially blame the victim for their own lies and deception over the decades.
- 17 In 2017 there was little information or evidence available to me about what exactly had happened in relation to O'Neill's abuse or its concealment, nor of what, if any, action had been taken between 1993 and 2017 by the police, by SMC or by the bodies responsible for regulating the Marist Fathers. I therefore resolved to find out for myself.
- 18 The account and context of my own molestation and grooming in the 1970s is set out in Part 1 to this case study, and what I found and concluded from my recent enquiries is documented in Part 2.
- 19 The firm conclusion that I have drawn from my enquiries is that at no time since O'Neill perpetrated his sexual grooming and abuse of pupils in the 1970s have the Marist Fathers been a fit and proper organisation to hold responsible positions in the governance, ownership, control or provision of education to children and young people in the UK, publicly funded or otherwise.
- 20 In my view, the Marists should be removed from all such positions and their own charitable status should be rescinded. The Marist trustees and members responsible for the continued, persistent concealment of the sexual abuse of a child by a Marist Headmaster should be subjected to appropriate sanctions by their regulators. Full disclosure of their actions should be reported and made known to SMC stakeholders and to the general public.
- 21 Although I have done my best to inform and engage the Department For Education (DfE) and the Charity Commission (CC), the Marists' two key regulatory bodies, both have disregarded most of the information I have given them and dealt with my concerns, in my opinion, inadequately, incorrectly, dismissively, and negligently.

- 22 The DfE, including the then Minister for Apprenticeships and Skills, have simply denied any responsibility for Further Education Charitable Trusts such as the Marists' at SMC, and have told me that the Government have 'no rights to interfere' with them. They have accordingly declined to comment or act upon any of the concerns I have raised with them about the Marists' long-standing culture and concealment of child sexual abuse at SMC.
- 23 The Charity Commission's eventual response and 'investigation', coming only after a great deal of persistence on my part, were contemptuous, amateurish, half-hearted, dilatory, weak and unsatisfactory. They have failed or declined to address specifically or directly most of the serious issues I raised with them and in my opinion they have not met several of their own statutory responsibilities in relation to the Marists' own charitable trust.
- 24 Reluctantly, and at the insistence of the DfE, I also took my complaint to SMC's current Governing Body, and I have to say that the then interim Principal, Vice-Chair and staff dealt with me in good faith and as best they could. Unsurprisingly, this revealed yet more gaping holes in the Marists' woeful standards of governance, although, perhaps more surprisingly, the Vice-Chair and interim Principal did at least uphold my complaint that the Marist Fathers as Trustees of the College had indeed concealed the abuse of one of its pupils by Headteacher O'Neill. Otherwise they had no other locus or power to act - understandably given their obvious conflicts of interest as appointees and/or employees of the Marists themselves. Now, in any case, they have the unenviable task of retrieving the College from the financial and administrative mess that is now the other main legacy of the Marist Fathers' tenure there.
- 25 Insofar as I had dealings with the Police in relation to my formal accusation of molestation by a Marist priest/teacher in the 1970s, I was treated by them in a generally professional, sensitive and appropriate way throughout.
- 26 Rather than endure further bureaucratic delay and disappointment by, say, taking complaints about the DfE and the CC to the Parliamentary Ombudsman, I instead elected to draft this case study as an account of my own findings and personal conclusions, to place it formally on the record with the IICSA ,and to make it available to any other interested party to help them make up their own minds about the Marist Fathers' culture and concealment of child sexual abuse and the way in which their supposedly independent regulators have responded to it.

Part 1: 1970-1977 'Sub Mariae Nomine'

"We hope to share the experience of a relationship, but the only honest beginning, or even end, may be to share the experience of its absence."

R D Laing, *The Politics of Experience*, 1967

St Mary's College, Blackburn

27 Between 1970 and 1977, from ages eleven to eighteen, I was a pupil at St Mary's College (SMC), Blackburn in East Lancashire, a Roman Catholic (RC) direct grant 'grammar school' for boys owned and run by the Marist Fathers, a small, obscure, though international teaching order of priests.

Father Michael Simison SM

28 Around the 1972-1974 school years, I and many other boys were being molested routinely by Father Michael Simison. This usually involved touching or smacking our backsides, mostly, to my knowledge, through the clothes, and often openly as some kind of comic performance in front of a class. This was considered by us to be by no means out-of-the-ordinary behaviour for a member of SMC teaching staff.

29 Simison arrived at the school when I was in my second or third year and took over as our year's Latin teacher from Mr Finley. Simison also taught us Religious Studies and English, and I think for one year he was our form teacher. One incident has lodged in my memory ever since the day it happened.

30 I am unsure of the exact year, but I believe it was not long after he arrived at SMC. I would estimate it would be in about 1972, when I was 13. I did not keep a diary, so it is difficult to be exact about the time and date, but I am clear about what happened and where.

31 One lesson, Simison came into the classroom, which was a portacabin away from the main school building, with a pile of marked Latin homework books. He took his normal place at the front of the class and allocated some work to be done quietly during the period, saying he would be taking each pupil individually through their homework, pointing out their errors and what they needed to improve. He then moved with the homework books to a desk at the back of the class, with the result that the pupils in the class, as they were facing forwards, could no longer see him. He then called up each pupil one at a time to discuss their work.

32 When I was called, I stood sideways to the right of him at his desk whilst Simison opened the homework book at the relevant exercise. As he went down the questions, pointing with his left hand, he reached up his right hand so that it sat between my shoulder blades. Progressively he then both increased the pressure of his right hand, bending me downwards towards the desk, and ran his hand further and further down my back. By the end of this exercise I was bent with my face almost to the surface of the desk with his hand resting and lingering on my bottom, albeit outside my trousers. As I had not done very well with the Latin

exercise, he then slapped my bottom and sent me back to my desk. To the best of my knowledge, he repeated this with every pupil in the class (I would say between 15 and 20 of us), though those who had done well were not slapped.

- 33 This incident was discussed by the whole class afterwards as being very odd indeed, even by the primitive and typically low standards of the SMC staffroom.
- 34 I also believe that this specific incident, as well as others to which I was not party, contributed to the evolution of Simison's generally used school nickname, "Botto". This began life as "Otto" when Simison arrived at the school, because his hairstyle then was reminiscent to us young boys of a German WW2 helmet as depicted in the culturally simplistic war comics of the day. I also understand that this was further elaborated by pupils in the late 1970s to "Otto von Botto". Not very 'woke' by today's standards admittedly, but reflecting a widely experienced reality nonetheless.
- 35 When this incident happened, as now, I felt that Simison's behaviour was unwelcome, inappropriate and disturbing, and I find it difficult to attribute any motive to it other than a sexual one. It also seems clear to me that Simison knew what he was doing to be wrong, given the pains he took to conceal his actions from sight, ie at the back of a classroom and set away from the main school buildings.
- 36 He will also have been reasonably confident that his actions would not be reported at the time, given his dominant status as teacher and priest to very young Roman Catholics, and given the prevailing level of unpredictable, eccentric, authoritarian and often casually violent behaviour among SMC teaching staff generally. In this context, 'normal adult behaviour' was for us an extremely pliable and debatable concept.
- 37 As an adult and parent looking back, I now see that the social and cultural fabric of an RC upbringing, the unquestioned authority of RC clergy, the power structures and accepted norms of clerical orders like the Marist Fathers and schools like SMC, and behaviours like Michael Simison's, are all characteristic constituents of the fertile ground in which more serious abuse has historically been able to grow and take deep root in RC institutions. This is the ground upon which predatory child abuser Father Kevin O'Neill, friend of Simison and the then Deputy Headmaster, was able in plain sight to groom his victims unchallenged and unchecked for so many years.

Father Kevin O'Neill SM

- 38 In appearance and mannerisms, O'Neill presented as the caricature, post-Vatican 2, 'trendy vicar'. With longish hair (a dyed-black comb-over), 'tache, specs, sideburns, leather jacket, stack-heeled boots, English university confidence, just-acceptably-raffish ways and acquaintance with an even then slightly dated pop culture, he contrived to pass for 'charismatic' among Lancastrian RC schoolboys and parents more accustomed to the then standard, less-than-sophisticated, 'agricultural' Irish parish priests they had grown up with. Theologically he remained as conservative as the rest of them, at least in his public observances.
- 39 O'Neill drank a lot, gambled on the horses, put himself about socially in the local parishes and towns and befriended and made acquaintances routinely with many pupils and their families. He did good works among the needy and the down-and-outs of Blackburn. He played Christ, scourging, crucifixion and all, in a full-blown 'passion play' held one Easter at Whalley Abbey.

Every year he selected and took with him on holiday to Greece a different small group of teenage boys. He got involved with school sports teams, supported Burnley FC at Turf Moor and did not exempt himself from strapping duties when the usual suspects were lined up for punishment outside the SMC staffroom every week. He had a Cambridge degree in English Literature and a fixation with 'sensitive', working-class adolescent boys typified by the young D H Lawrence.

- 40 He was also very much one for the protégé; and even before I got to know him myself I was aware that in my time and before he had gathered other likely boys under his wing for special attention. It was already a sought-after place to be. French teacher and violent old racist, Father Stuart, in class and in one of his more lucid moments, referred to this as "the O'Neill cult".
- 41 O'Neill taught English Literature and Religious Studies, both with a great deal of self-confidence and a plausible air of authority, if with no discernible competence whatsoever. Like many of the SMC priest-teachers, I doubt that he had any formal qualification to teach, let alone to be the Headmaster he ultimately became. It was when he was Deputy Headmaster and teacher, in my 1974/75 school year, when I was first drawn, aged 15/16, into his sphere of influence and attention.
- 42 My recollection of the exact sequence and timing of my encounters with O'Neill has become less precise over the years, but the memories of key conversations and events have never left me, though for over forty years I kept them to myself.
- 43 I do not intend to disclose here the serious personal problems that brought me to seek counselling and guidance from O'Neill between 1974 and 1977; their specific details are not relevant to an understanding of O'Neill's grooming technique. At school I did not discuss them, even with my closest friends. Suffice to say that he was never in danger of intrusive parental supervision and he knew it. Significantly, it was my youth, vulnerability, naivete, and need to trust him, together with his authority, charm, status, power and guile, that formed the classic blueprint from which this predatory paedophile built his sexual trap.
- 44 One meeting I can anchor fairly precisely in time. O'Neill took me one August afternoon in 1975 for a drink in a Blackburn pub in the Lammack/Pleckgate area of Blackburn, not far from SMC on Shear Brow, or indeed from the Marist priests' residence on Shear Bank Road. This was not therefore, in one sense, a furtive meeting. Nor in those days was being 16 and drinking in a Blackburn pub, unchallenged by the bar staff, a particularly remarkable occurrence. I and many of my friends were being served in working men's clubs and pubs by that age, the simple continuation of our northern male traditions.
- 45 I was having a personal crisis and had called him to ask for a meeting to talk about it. It was the summer holidays of O-Level results and before joining the 6th form for the 1975/76 term. He agreed to pick me up from outside SMC in his car. On my way through Blackburn town centre beforehand, I bought a vinyl single from Ames' record shop - Brian Eno's camp, non-chart-bothering tilt at the much-covered 1960s Tokens chestnut, 'The Lion Sleeps Tonight (Wimoweh)'.
- 46 I drank pints of dark mild in those days and O'Neill was buying. Although I did have a Saturday job, I would not have had much cash. I do remember that at one point he became self-conscious that he was being noticed at the bar as an adult, whom they probably knew, buying drinks for a young boy. He acknowledged this to me and asked me to go to the bar myself a

couple of times so that it looked more like a social occasion between equals. The conversation was mostly about my problem, so I was happy with it and did not feel uncomfortable. On the contrary, being shown genuine warmth and individual attention by this charismatic priest and senior schoolmaster was to me a great privilege, and to be kept just between me and him.

- 47 One comment by him that day that was to feel relevant later on, was his observation that alcohol took away one's inhibitions, loosened the tongue and made possible behaviours one would not otherwise contemplate. Our talk would also have ranged around literature and philosophy in which I had an adolescent's raw interest and a random reading based mainly on what could be found in Great Harwood's wonderful, mid-century-modern public library.
- 48 In 1975, although I had then rarely set foot outside north Lancashire, by my own teenage reckoning, and very much on paper, I was already enviably knowing, worldly and culturally sophisticated. One of my closest school friends, and the greatest inspiration of my young life, was fairly openly gay – still a pretty daring and even dangerous thing to be in the 1970s. Together we would hang about, uniforms, satchels and all, in 'Amamus', rather startlingly for that Lancashire cotton town, an exotic, to us anyway, 'countercultural' bookshop up a side street in Blackburn town centre, stocking up on joss-sticks or esoteric works by the likes of Camus, Genet and Aldous Huxley.
- 49 And then of course, as for many of us, there were the exhilarating horizon-expanding discoveries that came with exposure to the American Beat writers, Burroughs, Bowie, The Velvet Underground, Warhol, and US and UK punk rock. O'Neill had even borrowed my copy of 'The Velvet Underground and Nico' album and penned for me an epigrammatic review. 'Dis-ease' is the one word I remember from it. That hyphen – so meaningful.
- 50 O'Neill would flatter my 'insightfulness' and offer his own suggestions to broaden my explorations. He would also drop school staffroom gossip into the conversation, sometimes with a sexual element. One of the female English teachers had only three subjects of conversation he told me, "Sex, sex and sex.". He was sure she wanted to have sex with him or one of the other priests because she had a fascination "with the untouched cock". This was heady stuff for a teenage ex altar boy, though my then still hyper-sensitised RC conscience was perceptibly rattled and perplexed at such casual profanity from the mouth of a priest. But he was not just a priest, or Deputy Headmaster; we must surely now be friends I believed.
- 51 After a couple of hours in the pub he drove me back into town and I got the bus home. My problems had not gone away, but I had been listened to and believed. I was not entirely alone. Alas however, I had left my vinyl record on the dashboard of his car that hot August day and its edge was now warped to a pronounced curve. I still have that record; Eno's opening "Ooooooooh ..." now a modulating and distorted yodel that, if anything, lends the song an avant garde embellishment much to its advantage.
- 52 How did I come to have the confidence, and indeed the option, to call up Father O'Neill for a chat that afternoon? What led up to it and how did our relationship evolve and, eventually, peter out?
- 53 The occasions by which O'Neill drew me into his orbit were several, not obviously connected, yet all of a piece with SMC's culture and climate of adults who were domineering and disciplinarian one minute, pally, informal and anarchic the next. All of them occurred within the context of a wall-to-wall RC upbringing and education, as well as the school's daily round of Catholic ritual and humbug. Just a few key conversations and events will suffice here to

summarise why, until 2017, I harboured and kept to myself the suspicion that O'Neill had been cultivating a relationship with me in the 1970s with the objective of sexual activity, even though that objective was never achieved.

54 It was in the 5th form that I first had any lengthy conversations with O'Neill, sometimes in his office on the Admin corridor, sometimes in the pub in the company of other SMC friends of mine. Friday or Saturday nights we would sometimes venture out of Blackburn town centre up to the Shear Bank pub where we knew O'Neill and his friend Simison were often to be found. At the beginning I very much sought him out. Doubtless I had this in common with many other pupils around my age in the years before, during and since my time at SMC.

55 There were also a few occasions when O'Neill would invite boys back to the Marists' communal residence. Drink would be offered and taken (gin and tonic) and music would be played (Neil Young's album 'Harvest' a favourite of his). This would normally only happen when the Headmaster, Father Cassidy was away, though others like Fathers Noel Wynn and Michael Simison might also be around and were certainly aware of these get-togethers. On one Friday I slept overnight, very drunk, at the Marist Residence in a small bedroom. I remember that O'Neill put my shirt and jeans in their washing machine because I had been sick in his car. Although I was out like a light, I remain fairly certain that no sexual impropriety took place.

56 It was in the one to one conversations in school, however, that O'Neill began, as I now see it, to 'reel me in'. He had an annual routine of holding private, personal conversations in his office with each member of the 5th year, or at least the ones in his form group, in order to 'really get to know them'. It was in this conversation with me that he first learned of my problems and took on the role of counsellor, mentor and friend.

57 On one occasion he lent me a copy of DH Lawrence's novel, Sons and Lovers, seeming to believe that I might identify with and take encouragement from its depiction of a sensitive, artistic young man struggling to manhood in a grim coal-mining community and torn by his dysfunctional relationships with an overbearing, educated, aspirational mother on the one hand and a violent, drunken, philistine father on the other. Great book, but I had to tell O'Neill that I did not share Lawrence's disdain for his own class, and that I found the author insensitive to the brutal economic realities that made the father what he became.

58 In spite of any relationship I might have thought we had formed, at the end of my 5th year he pointedly reasserted his schoolmasterly power and authority. Skiving off an end of year celebratory mass, I and several friend found ourselves in detention, most of us for the first time in our careers at SMC. O'Neill also hauled me in for a one to one in his office. This time he was cool, distant and very much the Deputy Head. "Why didn't you want to go to mass?" "I don't believe in that stuff anymore". "Then perhaps you should be at another school. I can arrange a transfer." I felt sick. He did not go through with it, but he had explicitly and effectively threatened me with the ultimate source of his coercive power.

59 In the Lower 6th form he also had an ingenious technique for identifying those pupils he considered 'interesting', vulnerable or conflicted in some way. He asked each member of the group to write, anonymously, a side of A4 telling something about themselves they had never told anyone else. He collected them up and took them away to read. In a subsequent session he would read aloud a few of the ones he said he had found the most compelling. My half-baked attempt at a prose-poem that hinted at my problems, as well as my adolescent

difficulties forming relationships of every kind, was inevitably one of these, further bolstering my sense that I was saying something special to him that he especially understood. Of course, given that he saw all of our handwriting all the time in our essays and exercise books, he needed no particular forensic skill to know who had written what.

- 60 I cannot honestly remember if it was in the 5th form or the lower 6th, but one of our chats in his office led to the one incident that stayed with me the most vividly, and left me with the life-long suspicion that O'Neill had sexual motives in cultivating his relationship with me.
- 61 He asked me if I wanted to go to the pictures with him. I was inwardly overwhelmed and nervously excited at an invitation from such an authority figure entirely beyond the bounds of my life experience to date. I said yes, what would we go to see? A Woody Allen film (I had never heard of him then), 'Everything You Always Wanted to Know About Sex (But Were Afraid to Ask)'. I had never heard of the film either, but this sounded very grown-up and something I was not supposed to see, which was fine by me, even as the word 'sex' from the mouth of a priest again jangled my RC conscience.
- 62 The film was on at the Unit Four Cinema in Brierfield, near Burnley, a few miles on the other side of my home town from Blackburn and a good distance from his normal field of operations. I would get the train from Rishton and he would meet me at the cinema. When I got there on that evening O'Neill was waiting at the entrance. Unexpectedly, the Allen film was no longer on he told me; we would have to see another one. The film he chose was director John Boorman's, 'Deliverance'. I had never heard of this film either, but it was ostensibly about the adventures of some American suburbanite men on a canoeing/hunting holiday in the southern USA, starring the then bankable Hollywood hunk, Burt Reynolds. Which of course it was, and a good deal more.
- 63 If you have not seen 'Deliverance' (it is a very good film), you will almost certainly be familiar with the piece of music most associated with it, 'Duelling Banjos', and perhaps with the scene where that duet is played between the disturbing-looking 'hillbilly' boy and one of the canoeists/hunters. Its other, and then most controversial, claim to fame is the fairly explicit depiction of a prolonged, violent, male homosexual rape. To say the least, this was entirely unexpected and an extremely uncomfortable few minutes for me. I clearly recall looking sideways at O'Neill in the darkness, with the genuine expectation that he might be playing with himself. He was not, but as far as I was concerned the two alternatives were that he had been just as blindsided as I was, or that he knew perfectly well what to expect. The film had first been released in 1972, I now know, so it was entirely possible that he was already familiar with its story.
- 64 Coming out of the cinema, neither of us made any reference to that scene, though I do remember O'Neill commenting that Reynolds was "cute at the beginning of the film and still cute at the end". At the time I took him to mean "cute" in the sense of 'shrewd or clever', rather than 'pretty and attractive', but then my thoughts and emotions were all over the place on the drive home. Nothing further untoward took place and he dropped me off in my home town on his way back to Blackburn.
- 65 After that, whilst I still preferred to believe we had had our own special friendship, the doubt about his intentions, and the feeling that he was purposely sexualising our interactions, formed quite definitely and sat at the back of my consciousness as we gradually saw less of each other one to one.

66 From then, whenever we parted company, I always firmly shook hands with him, a gesture I deemed 'manly' and, for some reason, heterosexual. I had always called him "Father" in deference to his status as priest but also to maintain some formality and distance. I also began, in the 6th form, to refer in our chats to my (albeit unrequited) attraction to girls, intentionally to send him an unambiguous signal that he might be barking up the wrong tree.

67 O'Neill taught me A-level Religious Studies in the 6th form. He also knew that I was struggling both with my personal problems and with the hopelessness of the rookie teacher who could not control the rowdier elements in my English Literature class. Rather than deal with the classroom problem as a competent senior school manager might, he instead gave me an original, typed copy of a paper he had written at Cambridge about John Keats' debt to Milton's 'Paradise Lost' in the composition of Keats' poem 'Hyperion'. (Slightly annoyingly, the word 'vale' still has a disproportionate resonance and meaning for me.) Though it helped not a bit with my English Literature, it seemed to me a token that a special relationship still flickered.

68 Just before our A-Level exams, my gay school-friend was singled out and savagely persecuted for his sexuality by Headmaster Father Patrick Cassidy, with the full knowledge and complicity of his sidekick O'Neill. Whilst that is not my story to tell in detail, at the 6th Form leavers' lunch I confronted O'Neill angrily about what Cassidy had done. I told him that even by Catholic standards it was a sin and that he was party to it. O'Neill claimed helplessness; though of course I now realise that he was a cowardly hypocrite who was never going to do anything to jeopardise either his lifetime meal-ticket in the Marists or his access to vulnerable and impressionable RC boys.

69 I failed my Religious Studies A level completely, even though my 'mock' exam grades had been good and I had applied to study Philosophy and Theology at university. O'Neill was mortified. He telephoned the professor of Theology at the university personally on behalf of me and another pupil and convinced him to admit us to the course, which, rather surprisingly in retrospect, he did. At the time I was grateful to O'Neill for making that effort on my behalf. Now, I would just rather he had prepared us properly for the exam.

70 Though we met very occasionally and chatted even after I left SMC and until about 1981, when I was back working in Blackburn after university, there was never any question of us going out drinking or, say, going to the pictures again. Those memories would surface every now and again in the following decades, but in the absence of any other reports that he had sexually cultivated or molested anyone else, I consciously gave him the benefit of the doubt and even felt guilty that I might have unfairly misread his intentions.

71 When it was announced in the Lancashire Telegraph (LT) in 1993 that O'Neill had retired as Principal of the then SMC 6th Form College on ill-health grounds, I was surprised and sad for him. When he died in 2011 (he had apparently succumbed to 'dementia' in 1996), I attended his requiem mass at Pleasington Priory, still giving him the benefit of the doubt. I and another fellow ex-pupil and friend of O'Neill were a little surprised at how relatively few other people were there, given O'Neill's years at SMC, his local celebrity and gregarious nature, and I particularly noted the apparent absence of his close friends and colleagues from the 1970s and ever since, fellow Marist Fathers Michael Simison and Noel Wynn.

72 Wynn as a SMC governor, and O'Neill's long-time friend and colleague, was however quoted at some length in the LT of 4 April 2011 on the occasion of O'Neill's death. *"Kevin was the life*

and soul of any party and found a great deal of enjoyment in life. He was a keen traveller and accompanied many parties of students abroad to Italy and Greece, a country he continued to visit on his own or with congenial confreres. He was a great communicator with people of all ages and had a wonderful sense of humour. He suffered patiently and with good humour, and was still able to tap his foot to the strains of Dusty Springfield, a long-time favourite of his.”

The LT also noted that in 2008 a new £2.5million performing arts centre – O’Neill Academy for the Performing Arts – was named after the former Principal.

- 73 The word ‘confrere’ is, I believe, Marist-speak for those, evidently male, who are themselves Marists or who go along with their ‘ethos’. In Father Wynn’s eulogy, its meaning appears to be broad enough to encompass the teenage boys who, under Mediterranean skies, were called upon to rub sun-cream onto O’Neill’s middle-aged back. He was correct about Dusty Springfield, mind you. O’Neill told me in one of our chats that he felt the indisputable emotional heft she brought to her performances, as well as her troubled personal life, were partly down to her conflicted lesbianism. He had a point, but to me it was just another instance of the sexual turns he would inevitably take in our conversations.
- 74 I do not remember much else about the Requiem mass other than the main celebrant priest, among a number of Marists on the altar, extolling O’Neill’s ‘fine baritone voice’ when he had joined in their communal singing of an evening. A few former teaching staff were also scattered among the sparse congregation.
- 75 O’Neill went again to the back of my mind for several more years. Then, in 2017, all my doubts and fears were abruptly crystallised and the reality of O’Neill’s true nature as a devious sexual predator came home to me with proper vengeance.

Part 2: 2017-2020 'A Man of Many Gifts'

*Called my congressman, he said quote,
"I'd like to help you son but you're too young to vote."*

Summertime Blues, T Rex B-side, 1970

'The Boy With the Perpetual Nervousness'

76 In 2017, former SMC pupil Graham Caveney published his memoir, 'The Boy with the Perpetual Nervousness', in which, among other early life experiences, he describes in detail his grooming and sexual abuse at the hands of his then Headmaster, Marist Father Kevin O'Neill, in the late 1970s/early 1980s.

77 This is the point, in autumn 2017, when I became fully aware for the first time that my suspicion that I was being groomed by O'Neill in the 1970s, some six years or so prior to his abuse of Caveney, was indeed well-founded.

78 Caveney's story shocked and sickened me, firstly because my own fears had come true and O'Neill had indeed ultimately sexually assaulted someone, but then with the realisation that had I spoken up about my suspicions, and been believed, when I was at school, Caveney might have been spared his own ordeal and the lifelong trauma and damage it has caused him. I know rationally that I am not to blame for O'Neill's behaviour, but I am truly sorry that I said nothing at the time.

79 Reading Caveney's book was at many points a disorientating and disturbing experience for me, because almost all of his interactions with O'Neill, barring the masturbations and the trip to Crete, were almost identical with my own. His story is my story, if only up to the point where O'Neill felt confident enough to press his advantage over the young teenage Caveney, a victim securely bound to him by affection, loyalty and the sense of a unique bond which is the textbook goal and outcome of successful paedophile grooming.

80 I will not rehearse Caveney's full story here. His book is powerful and moving in its own right and I would urge you to read it for yourself. As a memoir of a particular person, time and place, it is far more than the passages that starkly describe O'Neill's abuse. It is an achieved work of literature, in many senses poetic in the way its style and structure embody and enact Caveney's painfully and perceptively felt experiences, emotions, psychological struggles and insights.

81 Caveney was interviewed about the book and his SMC experiences in the Lancashire Telegraph (LT) of 30 August 2017. In the article, amongst other things, he says that though O'Neill was 'removed from the school' [in 1993], the Marists 'never reported it to the police'. He also says that '...looking back he should have been reported to the police.'

82 This is also where I learned that the SMC had named a new performing arts building after O'Neill in 2008. A typically anonymous 'spokesman for the Marist Order' is quoted as stating

that 'The college was unaware of [O'Neill's abuse] when the performing arts block was named.'

83 This made no sense at all to me. The Marists, as a very small, tightly knit organisation of priests, had known about O'Neill's abuse by 1993 at the latest. The Marists own the land and buildings and are the legal Trustees of the SMC FE college charitable trust. They appoint nearly all the governors, and thereby the Principal and other senior managers. They therefore effectively determine the business strategy and the religious ethos of the college. Father Noel Wynn, long-time friend and colleague of O'Neill and his LT obituarist in 2011, teacher at SMC in the 1970s, one-time headmaster of Middlesbrough's Marist College, some-time Regional Superior of the Marist Fathers in the UK, had himself now been a SMC governor for many years. The Marist spokesman had therefore construed the term 'college' here very, very narrowly indeed. The obvious question, not pursued in the article, is if 'the college' was not aware, why wasn't it?

84 A likewise anonymous 'statement from the school governors' is also quoted: 'At the time of the opening of the Performing Arts block, neither the Principal nor governing body was aware of these allegations.' The obvious question, again unpursued in the article, is 'Why not?'.

85 O'Neill's abuse and the Marists' deliberate cover-up posed, at the very least, an enormous reputational risk to the college, its principals and governors, and they could each reasonably expect to have had this brought to their attention before taking on their own governance responsibilities. Tellingly, some 24 years after O'Neill 'admitted his wrongdoing and was immediately removed from his post', the governors are here still using the word 'allegations'. O'Neill's grooming and sexual abuse of Caveney is not an 'allegation'; it is an indisputable fact.

86 In autumn 2017 therefore, no other information apart from the LT article, Caveney's book and my own experience was available to me, and there also appeared to be a good deal of scepticism prevailing among many other SMC past pupils that Caveney was even telling the truth. I therefore resolved to find out for myself, as independently and objectively as possible, the facts about the Caveney case, and to relate my own experiences at the hands of the Marists to the relevant regulatory authorities so that they could take any appropriate action.

87 O'Neill was dead and beyond reach. Father Simison was still alive and active in the Marist order, although none of them were classroom teachers any longer. I now had to ask myself, what if Simison had also graduated to more serious sexual assaults on pupils after I had failed to make my experiences and misgivings known in the 1970s? I felt it was my responsibility at least to make them known now.

88 Caveney had summoned the courage to report O'Neill's abuse of the late 1970s and early 1980s to the Marist UK hierarchy in 1993. From his book and my subsequent enquiries, I now know without any doubt that O'Neill committed and admitted the abuse and was 'retired' on 'health grounds' by the Marist Fathers under the direction of their then UK Superior, Father Austin Horsley, and others unknown. O'Neill was then dispatched to a clinic in the USA for 'treatment' of an undisclosed disorder, presumably paid for out of Marist charitable funds. (St Luke's Institute, Maryland – also with a 'colourful' history of its own.)

89 Caveney did not want his parents, then both still alive, to know what had happened to him at SMC and did not insist the police be notified. The Marists therefore, disingenuously, negligently and self-servingly in my view, took this to mean that they could conceal O'Neill's abuse from everyone, including, allegedly, his lay replacement as SMC Headmaster in 1993,

Mick Finley and all subsequent principals, as well as from other senior Marists, among them Father Wynn and Father Peter Corcoran, who, I understand, in 2011 succeeded Wynn as Regional Marist Superior in the UK. (NB: I discovered late in the drafting of this account that the English Marist Superior from 2000 to 2008 was one Alan Williams, who was ordained Bishop of Brentwood in 2014. Whether or when he had knowledge of O'Neill's abuse, or if he can shed any light on its continued concealment, I do not know.)

- 90 As noted in the LT, the Marists' deception was so deep and prolonged that when the then Principal of SMC 6th Form College in 2008 proposed naming a new Arts Building after O'Neill, the Marists did not intervene to stop him. Nor evidently did they advise against the naming of the College's annual 'Kevin O'Neill Prize for the Highest Performing Student in Year 12'.
- 91 The Marists' contempt here for Caveney and for any other, as yet unknown, victims of O'Neill, or for that matter for the SMC students and their families who continued to trust them long after the Marists were told about O'Neill's abuse in 1993, I found quite breathtaking.

Questions to answer

92 In the light of what I still only partially knew in 2017, there seemed to me to be any number of glaring, unresolved questions, the answers to which should by rights and by then have been in the public domain, among them:

- How was O'Neill able in the 1970s and 1980s freely to groom and to sexually abuse pupils at SMC when he was priest, teacher and deputy headmaster and then headmaster/principal?
- Why did O'Neill's behaviour go undetected for so long?
- What Catholic, Marist, government, local education authority or other regulatory oversight of the SMC was there in O'Neill's time to prevent and detect this kind of abuse by a senior member of a self-appointed religious teaching order like the Marists?
- How was it that his fellow Marists (some of whom lived in the same house), as well as every other responsible adult at SMC, were unaware of O'Neill's grooming activities? If they were aware, why did they not 'blow the whistle' on him?
- How were senior Marists able, unchallenged, to concoct the lie about O'Neill's illness and remove him from post of principal over the heads of the then governing body?
- If he was not, why wasn't O'Neill's successor as principal told the real reason for O'Neill's removal? (He was after all being handed an enormous reputational and professional risk by the Marists.)
- Did whoever Caveney reported the abuse to in the Marists take advice from their own superiors in the catholic church and/or their legal advisors before deliberately concealing the sexual abuse of a teenage pupil?
- When were subsequent Marist superiors, including SMC governor Father Noel Wynn and Father Peter Corcoran, who are still active in the Marists, told about O'Neill's abuse and its concealment?
- Why did the Marists allow SMC principals to institute an annual student prize in O'Neill's name and to name a prestigious new arts building in honour of him decades after the Marists were made aware of his abuse?
- What action has the Marist hierarchy and/or the Diocese of Middlesbrough taken against the English Marists in relation to their decades-long concealment of sexual abuse by one of their Headmasters?
- When did key regulators, including the Department for Education, the Charity Commission and the police, first become aware of O'Neill's abuse and its concealment by the Marist Fathers and what action have they taken in relation to the Marists since then, or at least since it became public knowledge in 2017?
- What are the current governance arrangements around the Marists and other religious teaching orders that would ensure such abuse would nowadays be prevented or at least promptly detected and dealt with?

93 Whatever the answers to these questions, I would contend that O'Neill's sexual abuse was a criminal offence that should have led to prosecution; and that his grooming behaviour, whilst not classified as an offence at the time, constituted, at the least, gross professional misconduct that should have led to his dismissal from SMC, expulsion from the Marist Fathers and to his 'laicization' from the priesthood. This should also have been made public immediately the Marists became aware of it, in 1993 at the latest, if only properly to inform all

stakeholders at SMC and the Marists' own charity, and to encourage any others who had suffered similar abuse to come forward and testify, as I would certainly have done.

- 94 All Marists with governance responsibility who, at the time and subsequently, were aware of the concealment in 1993 and who did not report this to the police or to other relevant regulators, were therefore also in my view equally guilty of gross professional misconduct and should themselves have been subject to appropriate disciplinary action. They should in no circumstances have continued to be entrusted with the care and education of young children in the publicly funded schools, including SMC, in which to this day they have significant governance roles.
- 95 It will come as no great surprise that in spite of my putting many, very specific questions to relevant individuals and organisations over the past three years, the full, clear, unambiguous answers to most of these questions remain a mystery.
- 96 This is thanks in my opinion to persistent, deliberate evasiveness and/or strategic incuriosity on the part of the international Marist hierarchy, the Middlesbrough Diocese, the Department for Education (DfE) and the Charity Commission (CC). I have found over the last three years that, to each of these, proper scrutiny, investigation and accountability are simply time and cost they do not want to spend, and which represent, at best, a large and particularly messy can of worms that they prefer to leave unopened.
- 97 In the following sections I will try as briefly as possibly to summarise the main interactions I have had with the organisations that either have a direct responsibility for overseeing the UK Marists' or who, in my view, have a governance or regulatory responsibility to hold them to account. I will also highlight as I see them some key outcomes and lessons.
- 98 I now have a substantial file of detailed correspondence covering a three-year period, though quicker and better responses from the Marists and their supposed regulators would have cut down the volume and taken considerably less time and effort on my part. I came painfully to learn however that procrastination and the withholding of information are all part of the game.
- 99 I would eventually like my documents to be properly archived, say with the IICSA, so that they or any other serious, bona fide researchers, journalists, or even victims of abuse to whom it is relevant, can, if it would help, have access to them.

The Marist Fathers and the Diocese of Middlesbrough

"The only way we can deal with [sexual abuse by priests] is to tell the truth, the truth has to be told, has to be admitted – that's the first and most important part of the process. As with anything we have to recognise our faults, recognise where we have gone wrong."

Terence Drainey, Bishop of Middlesbrough, Interview with BBC Tees, July 2009

- 100 I began in October 2017 by writing to the Marists' with requests for initial clarifications about the O'Neill case and was referred to their designated Safeguarding Coordinator (SC) at the Diocese of Middlesbrough, to which the Marists are organisationally attached for the purposes of their safeguarding systems. This led to further questions and then to an extended correspondence over the following three years with the SC, the Department for Education (DfE), my MP, the Charity Commission (CC), the Marists themselves and the current management at SMC.
- 101 The current Bishop of Middlesbrough, Terence Drainey, was appointed in November 2007 and his reassuring assertion quoted above was made in 2009. This was the year after SMC was allowed by the Marists to name its new arts building in honour of the admitted child sex abuser O'Neill, and eight years before his name was removed from it in the aftermath of Graham Caveney's memoir.
- 102 His appointment was also made four years before O'Neill died in 2011, when Marist Father and former Superior, Austin Horsley, fully aware of O'Neill's actions, officiated (for it was he) at his requiem mass, extolling his 'fine singing voice' and neglecting to mention that he had sexually groomed and masturbated upon a teenage pupil whilst Headmaster at SMC.
- 103 On the occasion of SMC's 90th anniversary in 2015, Marist Father Alois Greiler in his keynote address to the school also felt it perfectly appropriate to quote O'Neill warmly and at length, some 22 years after O'Neill admitted his abuse to the English Marist leadership, and, even more astonishingly, after Fr Corcoran in November 2014 had allegedly and at last made full disclosure of O'Neill's abuse to SMC's then Principal, Chair of Governors and Chaplain/Safeguarding Officer.
- 104 When pondering the Bishop's 2009 pronouncement we might therefore be forgiven for asking ourselves, in the vein of Pontius Pilate (John 18:38), "What is truth?".

Marist governance, management and regulatory framework

- 105 When I was a schoolboy, there were three Marist secondary schools in England, at Blackburn, Middlesbrough and Hull, with priests as heads and teachers. Today the aging Marist order retains governance roles and responsibilities at Catholic Colleges and educational trusts in those areas but has no teaching presence. Until fairly recently, Father Noel Wynn was also a governor of the Marist private girls' school in Sunninghill.
- 106 In my time at school the Marists were a 'law unto themselves' in the UK Catholic clerical ecology. For line management purposes, the UK Marists today report to a European Superior who reports to a Marist global Superior, who in turn reports to the Vatican. For a period, again until recently, the Marists also had management responsibility for the RC Marian shrine at Walsingham. All the UK Marists are quite elderly now and it is highly likely the order here will be allowed by the RC church to shrink and die away naturally over the next few years.

107 The Marists are also Trustees of two associated charities. The St Mary's College Charitable Trust is the legal entity under which SMC operates as a FE college. This Trust is funded mainly by government grant and is what is known as an 'exempt charity', ie it must abide by the governance, accounting and other standards required by CC, but it does not come under its direct regulation.

108 The Principal Regulator for the SMC Trust is the Secretary of State for Education (SoS), and he or she has the power to commission an investigation and report by the CC into the Trust, say for any potential contravention of their standards. This kind of 'arm's length' governance structure grew out of successive governments' policies to deregulate the provision of state education and to promote the influence of religions upon children by the proliferation of 'faith schools'.

109 The other is the Marist Fathers' own charity, funded mainly from its members' own salaries and pensions, other donations and legacies, which pays for the priests' personal accommodation, care and living expenses. When I began my enquiries in 2017 this was registered as Society of Mary (Marist Fathers) Charitable Trust, no. 235412. In July 2018 it was reconstituted as a Charitable Incorporated Organisation (CIO), no. 1179085. This charity comes directly under the regulation of the CC.

110 It seemed to me in 2017 therefore, that even if anarchy had reigned when I was at school, here at least was a robust governance structure to which I could take my concerns and which could exercise some effective accountability. I was wrong.

The Simison Case

111 When I first spoke to Middlesbrough Diocese' SC in October 2017 about my own experience with O'Neill, I felt it was important that my fears about Simison and his potential risk needed also to be disclosed. I did not however wish to get Simison's 'hands-on' approach out of proportion or to pre-empt anyone else's judgement about what he had done. I therefore simply described Simison's actions, without naming him and without my own interpretation, and asked the SC what he would do were a current pupil to report that to him today. He unhesitatingly told me that he would contact the police and have the incident investigated.

112 It was only at this point that I named Simison and the SC then made the initial police referral. This encouraged me that all my other concerns about the Marists would be taken seriously by the Diocese. Sadly, this was to be the only appropriate, positive action they were to take against any Marist either before or since I made my complaints.

113 I then had to chase up the police investigators myself for several weeks, given their initially slow and uncoordinated response. In February 2018 I made a Police statement of what had happened in class and Simison was eventually interviewed under caution in May 2018.

114 Simison presented a prepared, written statement denying any child abuse at any time and asserting that any physical touching of children at SMC was consistent with what was then normal and acceptable corporal punishment. He then offered 'no comment' to my specific allegations.

115 In the absence of forensic or other witness evidence, the police could understandably take no further action. At least my account now sits on a Police file in the event that any other victim eventually comes forward. Whilst Simison's actions are important context here, and I stand by my account of what he did, this case-study focuses mainly upon the Marist Fathers and their

response to Headmaster O'Neill's admitted grooming and abuse of a child under his care at SMC.

116 I make a few further observations about the police's responses to my concerns in paragraphs 214 to 219 below.

The O'Neill Case

117 At Appendices 1 and 2 I have reproduced in full all of the substantive correspondence by letter between me and the Middlesbrough Diocese and the Secretary of the Marist Fathers' charity in relation to the O'Neill case. Read from beginning to end, they are an accurate reflection of the progress and development of my questions and concerns, the completeness and quality of the response I received and of the information I was able to glean between October 2017 and January 2019. I have redacted the personal names of the correspondents, though not their official designations, to reflect my view that they were relaying to me the stories given to them by the Marists and their professional advisers rather than expressing their own first-hand knowledge or opinions.

118 In the following paragraphs I will summarise some of the more important matters arising from that correspondence.

The victim is to blame

119 The be all and end all of the Marists' defence for their decades-long concealment of O'Neill's abuse is that this was his victim, Graham Caveney's, wish and 'stipulation' when he finally reported the abuse in 1993. If you accept that this is a valid and justified explanation, there is no further cause to be concerned about it or anything else that followed from it.

120 Caveney himself has stated that indeed he did not want his parents to know at the time - something with which I entirely identify and understand. He does however say in his LT interview that '...looking back he should have been reported to the police.', and in his memoir (p.298) he writes, 'The protection officer says that you [O'Neill] were worried about me, though presumably not worried enough to organize an apology or even a public admission of guilt.'

121 In 2014 Caveney also made a financial claim against the Marists for the abuse, which they settled out of court. I have not discussed any of this with Caveney; it is a private matter and the details are rightly his own business. For my own part, I believe without reservation that he did whatever he reasonably could at every stage in his experiences, as a child during the abuse itself, which took place under the noses of the Marists in Blackburn at the time, through to his disclosure as a damaged and traumatised adult in 1993, and to his hard-won and powerful memoir in 2017. I do not know what settlement with him the Marists made, but given his ordeals it could never be enough.

122 Unequivocally though, I do not accept the Marists' excuses for their lies and deceptions, nor that they acted 'in good faith'.

123 Caveney was a teenager when in the care of the Marists and being abused by their Headteacher O'Neill. It is to that teenager and to the hundreds at the time, before and since in their schools that the Marists in my view owed the duty to disclose the abuse, report O'Neill to the police and to discipline him and any other priest complicit in the abuse and/or any cover-up.

124 The duty of care to the victim as an adult once he reported the abuse was to my mind a linked but separate matter properly to be negotiated among the victim, his own independent support and advice network, the police and the courts. The Marists' so-called 'compliance with the victim's wishes' in this case was to me evidently self-serving, designed and intended to avoid scandal, to frustrate further disclosures by other possible victims and to mitigate the risks of any further potential financial, legal or even criminal consequences. Their blatant conflict of interest should immediately have disqualified the Marists from this decision-making process. Had they genuinely the victim's interests at heart they would have disqualified themselves.

125 I do not speak for Graham Caveney, but neither do I believe that anyone in his position or state of mind at the time should reasonably have been expected to rely upon the Marists' 'good faith' to navigate this next traumatic step in his experience of abuse.

126 I empathise and identify entirely with Caveney's desire to shield his devoutly Catholic parents from the knowledge that their child had been sexually abused by a priest whom they and many others (including me) knew and trusted. This emotional dynamic has been and continues to be exploited by abusive clergy in churches and schools the world over to facilitate their grooming and abuse and ensure its concealment. It was exploited by O'Neill. It is a textbook abuse enabler, and it is horribly ironic that it is here being made to serve as a kindness by the Marists acting on the 'stipulation' of the victim. This is just another variation on classic victim-blaming.

127 Doubtless I will be accused by some of being guilty of 'hindsight' and being 'wise after the event'. I would simply ask them, who at the time was to be relied upon, professionally, independently and selflessly, to show wisdom or foresight? If it had been them or their own children on the receiving end of O'Neill's abuse, how would they have expected the disclosure to have been managed?

It was a long time ago

128 Explicitly or implicitly, throughout all my investigations I have met with an exasperated sense from those I have dealt with that 'this was all a very long time ago'; that the Marists, involved or otherwise, are now deceased or old and infirm; that they are no longer directly involved with children; that current safeguarding arrangements are second to none and have been signed off by the regulators; and that cases like O'Neill's could not happen now.

129 As I had patiently to explain to the Marist charity's Secretary, the only reason we were addressing these issues at such a distance in time was the persistent, intentional cover-up of O'Neill's abuse by the Marist Fathers. People will inevitably have died in such an intervening period, though some, including other potential victims, may not have, and they may also yet be living with their trauma. For victims, their abuse does not get left behind the moment it happens nor does it forego scrutiny in the years to come because it becomes tiresome to the abusers, their enablers or defenders. The age and health status of the surviving Marists are neither here nor there. Marist abusers paid no respect to the ages of the young people whose lives they damaged beyond repair.

130 In my view, the Marists' responsibility for their misconduct and their mismanagement of the abuse case reported to them in 1993 has also been passed down the line of responsibility over time, from Superior to Superior and Trustee to Trustee insofar as they could reasonably have been expected to exercise proper governance and due diligence in the management of the

case and the way that it has been communicated to the appropriate authorities and other stakeholders.

131 The Marists' actions and inactions, if only since the appointment of the current Bishop of Middlesbrough in 2007 as described above, should be sufficient to demonstrate that the Marists' culpability as responsible individuals, as a charity and as a religious order is very much of the here and now.

Father Austin Horsley enters the arena

132 The role of former Marist Superior, Father Austin Horsley in removing O'Neill from SMC in 1993 over the heads of the governing body and in enforcing the subsequent concealment of his abuse, was disclosed to me for the first time at my meeting with the current European Marist Superior, Father Martin McAnaney, on 31 August 2018, some nine months after the Middlesbrough Diocese' SC's reply to my first letter.

133 This meeting was arranged, somewhat unexpectedly, by the SC after a long interval in our correspondence and was held at the Marists' Notre Dame de France church in London. The SC and the Chair of Middlesbrough Diocese Safeguarding Commission, Dr Dianne Swiers were also there. Fr McAnaney informed me of Horsley's involvement, that he had been allowed to vet and contribute to the SC's reply to my initial letters - and that he was now dead. I subsequently learned that he had died as recently as April 2018.

134 The meeting was friendly and business-like and did elicit apparently sincere expressions of regret From Fr McAnaney and Dr Swiers; but otherwise the message was, 'nobody knew, nothing could be done, we wouldn't do this now', etc. There had been no sanctions and nobody had been held to account in the Marists at all.

135 It subsequently dawned on me that it was only with Fr Horsley safely deceased that the meeting had been arranged or his part in the cover-up disclosed. This was galling enough, but an online search after the meeting then also turned up an obituary of Horsley in the *Middlesbrough Diocesan Catholic Voice*, August 2018, written by Horsley's Marist colleague, friend and successor Fr Peter Corcoran. In the obituary, Corcoran notes that "*...among [Horsley's] many achievements, there were two strands that made up most of his life – education and administration in the Marists. [...] He was a man of many gifts...*". Be that as it may, Corcoran finds no room in his eulogy for Horsley's deliberate, decades-long concealment of the sexual grooming and abuse of a child in the Marists' care by Headteacher O'Neill, of which by 2014 at the latest Corcoran was fully aware.

136 If I did not already have my reservations, this is the point at which I became fully aware of the extent to which as a complainant I was being 'managed' by the Marists and their advisers. I also began to doubt that the current governance and safeguarding processes were as state-of-the-art and robust as they were keen to have me believe. In spite of his role in the O'Neill cover-up, to my knowledge, at the time of his death Horsley was still a Trustee of the Marists' charity and, even though there was a yawningly obvious conflict of interest, he had in late 2017 and early 2018 been allowed to oversee the replies to my questions that had been channelled through the Diocesan SC.

Legal gymnastics

137 In the Marist Secretary's letters to me of 7 December 2018 and 3 January 2019, they include a fair amount of legalese, describing with no great clarity, and frankly doubtful relevance, the

corporate structures and responsibilities as they see them of the Marists' charity and its relationship to SMC's changing corporate structures since 1925. I think they are suggesting that basic standards of governance did not apply to the Charity in 1993 or before, that any individual Marist who might have been responsible for any wrongdoing is now dead, and that as a Charity the Marists could not be held corporately responsible in any case.

138 In their letter of 3 January 2019 the Secretary also states: "*When in earlier years the College(s) employed Marist priests as teachers, they became employees and were subject to the employer/employee relationship and appropriate supervisory and disciplinary structures that were the responsibility of the governing body of the College.*" Given that the Marists also appointed those governors, this simply means that the Marists as teachers were accountable to the same Marists as priests and charitable trustees. And the mystery deepens as to why there was ineffective governance whilst O'Neill practised his abuse unhindered.

139 People who know more about such things than I do can make of that what they will. My focus is whether, on the balance of probabilities, the Marist Fathers qualify now or since at least 1993 as fit and proper persons to own and run publicly funded UK schools, or to hold charitable status, by the criteria and in the estimation of the Department for Education (DfE), the Charity Commission (CC) or even by the basic standards of governance and accountability prevailing at any time during the Marists' tenure at SMC. I would argue they are not. The DfE and the CC have elected to look away.

140 The Secretary also refers to the Marists' allegedly diligent adherence to the RC church's own Canon Law throughout this episode. Neither am I an authority on this, but if Canon Law permits unsanctioned and unpunished the Marists' actions and behaviours in this case, it explains a great deal about the prevalence of systemic child abuse within the church over such long periods of time. In any case, and as I also explained to the Secretary, the invocation of Canon Law here is an irrelevance because it does not supersede, or in any way stand in for, the rights and duties enshrined in any branch of English law; including, I would add, the statutory requirements for the proper management and administration of a charity or a school.

141 It is also obvious to me that the letters partially drip-feeding me the information I was asking for whilst at the same time seeking to legitimise the Marists' actions, had been heavily combed over and edited by the Marists' legal advisers before being released to me. Doubtless, legal and other professional advisers will also have had some knowledge and involvement with the cover-up since day-one. I have no idea who these people are, what their input has been, or for that matter their charge on the Marists' charitable or any Diocesan funds. I do nevertheless wonder at the elasticity of professional ethics in such cases.

142 What I do take specific exception to, is the condition and implied threat that concludes the Marist Secretary's letter to me of 7 December 2018 (Appendix 2, p.57, para 31): "*With respect, the contents of this letter are strictly private, confidential and personal to its recipients and should not be disclosed or passed to any third party without first seeking prior consent from the Trustees.*"

143 Patent lack of respect to one side, I owe no duty of confidentiality to the Marists, contractual or otherwise, and everything I have written or disclosed in this case study is to my mind clearly in the public interest. I have not sought consent from the Marist Trustees for writing this account or including their letters. It is precisely this culture of coercion and secrecy on the part

of the Marists, as a charity and as a children's education provider in receipt of charitable and public funds, that is a central theme of this case study.

144 This attempt to gag me also suggests very strongly that the Marists' current safeguarding arrangements are by no means as effective and state-of-the-art as they continually claim them to be - nor as the Charity Commission or Department for Education seem to accept they are. Silencing whistle-blowers seems very much still to be an instinctive reflex and priority for them.

Good governance was not required

145 The Marists' Secretary has also presented me with a history lesson in the development of the formal governance framework for charitable associations such as the Marists. The gist of their argument is that in 1993, prior to the development of today's Charity Commission guidance, sound, ethical governance was not a requirement and that even now it is merely voluntary.

146 I, on the other hand, would argue that the regulatory environment even for smaller charities pre-1995 had a good deal less of the 'Wild West' or of a 'Paedophile's Charter' about it than the Secretary would have me believe. I would argue that even if RC Canon Law was flexible enough to accommodate their actions, the less evolved or formalised legal and ethical framework in which a UK charitable trust operated in that era of not so long ago would still have found the Marists' self-serving prevarications about one of their own member's sexual abuse of a child to be beyond the pale.

147 "*There is very little information available*", perhaps translated into Latin, might plausibly have been the Marists' motto. I do not know if Caveney's lawyers had any luck discovering any documentation relevant to O'Neill's removal from SMC, but I have been told that the Marists have 'very limited information' relating to Caveney's disclosure and the Marists' action in 1993. I have also been told by SMC that they have no records at all of the Marists' asking them not to name their Arts building in honour of O'Neill, nor of Father Corcoran's alleged disclosure of O'Neill's abuse to key managers in 2014. Accurate and complete record keeping, especially of such important discussions and decisions is, I would argue, a non-negotiable element of basic governance and not some new-fangled, optional requirement dreamed up in the 21st century.

148 In passing, I would also observe that two major and well-publicised reports into child abuse, safeguarding and the UK Roman Catholic Church (Nolan Report 2001, Cumberlege Report 2007) seem also to have escaped the Marists' attentions along the way.

149 According to the Secretary, the Marists' charity did not even employ an external part-time bookkeeper until the late 1990s. In what sense was this amateur, unregulated band of clerics in any way qualified or competent to be given charge of the education or wellbeing of thousands of young people over such a long period of time? By what criteria was their suitability assessed at the outset or at any time since?

150 And yet the Marists for many decades did own and operate three large, publicly funded schools in England. Their members have wielded onerous responsibilities; O'Neill was somehow assessed fit to hold the office of Headmaster. Father Wynn and Father Corcoran have both held high office in the English Marists between the 1970s and today, and several other surviving members of the order are or have been Trustees of the Marist charity, with all the real responsibilities that that role brings. Late in drafting this account I also learned that

the Marists' Superior in England 2000-2008 was one Alan Williams, who was ordained Bishop of Brentwood in 2014. So far as I know, Father Simison has never achieved any rank higher than 'Otto von Botto'. As for the remainder of today's Marists, I have no idea who they are or what their history might be.

151 Good governance, with accurate, complete record-keeping, is designed, amongst other things, to deter and detect the wrongdoer and to protect the innocent. Without these basic systems and controls, anyone in an organisation can find themselves under suspicion, whether rightly or wrongly. If any other Marist feels they are being unfairly tarred by me or anyone else with the same brush as O'Neill, Horsley and their accomplices, I respectfully suggest that they take this up with the Marist hierarchy, which must surely have some duty of care towards them, however little it feels it has to anyone else.

Only obeying orders

152 Somewhat out of the blue, in their letter of 7 December, the Secretary also offered a tangential, but I think telling, supplementary explanation for the way Caveney's abuse disclosure was handled: "*Fr. Horsley's high-ranking position in 1993 allowed his actions to remain unquestioned and for secrecy and concealment of the allegation of sexual abuse. [...]*". I could not have put this better myself.

153 As I replied at the time, this was no excuse for the other adults around Horsley, several of whom did know about O'Neill's abuse from 1993 onwards, and who in several cases held their own positions of responsibility eg as headteachers, superiors, trustees or governors, to stand by and allow the cover-up to go unchallenged. The 'only obeying orders' defence has a terrible history, and had this been offered by an erring child at St Mary's College over many decades in the past, it would likely have been met by a furious assault from a Marist priest with a leather strap.

Fit and proper persons?

154 Anyone can make up their own mind from reading my correspondence about whether the Marist Fathers' conduct in the case of O'Neill's sexual abuse of the schoolboy Graham Caveney meets generally accepted standards of governance and accountability, whether at the time or now. This is even before anyone considers my own experience of O'Neill's grooming and of Simison's wandering hands, or contemplates any other likely victims whose stories have been so far successfully suppressed because of the Marists' intentional lies and deceptions.

155 O'Neill and the Marists' actions from at least the time when I was at SMC until today have made it quite plain to me that the Marist Fathers were and are not fit and proper persons to hold any role in children's education, publicly funded or otherwise. They should be removed from all involvement or influence in schools, they should have their charitable status rescinded, and all relevant stakeholders should have the Marists' culture and concealment of child sexual abuse reported and made actively and fully available to them by the responsible regulatory agencies.

156 I have put this to the Marist hierarchy and to the Diocese of Middlesbrough, both of which have declined to take or initiate any such action. I have also put my findings and proposals to the Department for Education and the Charity Commission and I summarise my correspondence with each of them in the next sections of this case study.

The Department for Education (DfE)

157 The DfE's response to my concerns has the virtue of simplicity if nothing else. The Marists as Trustees of SMC 6th Form College are nothing to do with them.

158 My correspondence with DfE spans the period February 2018 to May 2020. During this time I also notified my complaint to the MP for Blackburn, Kate Hollern, in the first instance, and then to my own MP, Fabian Hamilton, asking them for assistance with it.

159 Ms Hollern's PA replied and, quite correctly, informed me that I needed to engage my own parliamentary representative in such an enquiry. I also discovered later that a close relative of Ms Hollern is a senior management employee at SMC. Categorically, I do not assert or imply any involvement by the Blackburn MP or her relative in the Marists' dishonesties; but the relationship is an objective, organisational conflict of interest in relation to the issues I raised with her and it should ideally have been disclosed to me at this point. I do not believe this had any material impact on my dealings with SMC or the Marists, but it is another aspect of governance awareness that could have been better.

160 I will not reproduce all the email or letter correspondence I had with the DfE and the Education and Skills Funding Agency (ESFA), partly because much of it felt like the classic exhausting and unproductive 'run-around' beloved of Civil Service parodists down the decades, and because I was obliged to repeat myself several times. I attach one letter at Appendix 3 as an example of the issues that I raised for the attention of the Secretary of State (SoS) for Education.

161 In this letter, because I had had cause to refer to SMC's annual financial reports, I also alerted the DfE to a number of misgivings these had given me about the College's financial sustainability, financial management and planning, accounting practices and governance.

162 As already explained, the St Mary's College Charitable Trust is the legal entity under which SMC operates as a FE college. This Trust is funded mainly by government grant and is what is known as an 'exempt charity', ie it must abide by the governance, accounting and other standards required by CC, but it does not come under its direct regulation. The Principal Regulator for the SMC Trust is the SoS, and he or she has the power to commission an investigation and report by the CC into the Trust, say for any potential contravention of the CC's standards.

163 I have based my understanding of the Principal Regulator role upon the February 2014 Government documents:

- *Information note to FE colleges - appointment of the Secretary of State as Principal Regulator of FE colleges as exempt charities*, and its
- *Memorandum of understanding between the Charity Commission and the Secretary of State for Business Innovation and Skills (BIS) in his role as Principal Regulator of Further Education Corporations in England*.

164 The DfE SoS took over the BIS FE role in one of the innumerable reorganisations of the civil service and/or education sectors down the years. I have not been able to determine whether the Principal Regulator role has been in any other way modified since these were enacted.

165 In an email to me in February 2018 a civil servant in the Ministerial and Public Communications Division stated that "... *FE colleges are autonomous, independent organisations, incorporated under the Further and Higher Education Act 1992: as such, they are responsible for their policies and procedures and the management of their operations. The government does not have the right to interfere in these policies.*". In May 2018, another civil servant in the same Division emailed that, "... *whilst the Secretary of State is Principal Regulator of sixth form college corporations, the Secretary of State is not Principal Regulator for the Marists or the underlying trust.*"

166 The idea that the government has 'no right' to intervene in a publicly funded education provider's policies was one bombshell, and news to me. The other was that the SoS had no jurisdiction as Principal Regulator over the exempt charitable trust that owns and operates SMC. Whereas the civil servant seems to be asserting that the SMC "college corporation" (regulated by SoS) and the "underlying trust" (not regulated by the SoS) are two separate entities, they appear to me to be one and the same entity and indeed subject to SoS regulation. This however was another of the DfE's dead ends and I have received no further explanation for the distinction they make here.

167 In any event, the DfE discerned nothing untoward in the Marists' behaviour in relation to O'Neill's abuse and as the Trustees of the SMC exempt charitable FE company. Perhaps the lowest water mark in my correspondence with the DfE is the letter to my MP from then Minister of State for Apprenticeship and Skills, the Right Honourable Anne Milton MP (Appendix 4) in May 2018. In relation to the Marists' management of the O'Neill abuse case the Minister states:

"I was sorry to read of Mr Murray's concerns. As he is aware, the Secretary of State is the Principal Regulator for sixth form college corporations. Where there are concerns that fall within the Secretary of State's duties in this role, he may refer sixth form college corporations to the Charity Commission for them to exercise their powers under the Charities Act 2011. I can confirm that the Secretary of State has not referred St Mary's College to the Charity Commission."

168 Full stop. Neither in this letter nor in any other correspondence from the DfE or ESFA are my very specific concerns and misgivings about the O'Neill case directly referred to or addressed; I would also say that the last sentence in that paragraph displays an intentional vacuousness shading into contempt for me and for the serious matters I had brought to the Minister's attention.

169 Tellingly, the Minister seemed a good deal more exercised by the financial issues to which I had alluded. This is a whole separate subject; but suffice it to say that the Marists have now run the College financially into the ground in their attempts to 'keep it Catholic', whilst in the meantime pursuing some doomed and hare-brained 'recovery schemes' and burning their way through any number of Principals, senior managers, teaching staff, chairpersons and governors in the process. This means that, probably this year, the Marists will at last have been removed from control of SMC, but only because of financial and administrative incompetence and religious obstinacy - not because of their failure to prevent, manage or properly disclose at least one case of child sexual abuse.

170 In July 2018 I met with my MP face to face in order to secure through him a serious and substantive response from the DfE about my concerns. He listened carefully and

empathetically and said that he shared my concerns sufficiently to arrange a meeting personally between himself and the Minister. I took some heart from this that the parliamentary system would succeed where simple correspondence had not. I was wrong again.

171 My MP (slogan: "*Fighting for fairness, justice and equality*") emailed me on 29 September 2018, "*With regard to the proposed meeting with the Minister given the tone of her reply to me it is very unlikely that she will agree to meet to discuss St Mary's as it appears that she believes that the issues you have raised are not the responsibility of her Department. I know that this is not the result you would have hoped for.*" To say the least. And with this he gave up the fight. I however could not.

172 In amongst the DfE's 'stonewalling' responses and their tactic of attrition in wearing down complainants, they also directed me down other dead ends, ie:

- By defaulting to an appeal to 'current safeguarding arrangements' when these had no relevance at all to my specific concerns.
- Referring me to other bodies or agencies that I had already explained to them were not appropriate, eg the ESFA, the Police, local authorities.
- By insisting that I needed to 'exhaust' SMC's own complaints procedures before coming to the DfE. This in spite of SMC's obvious conflict of interest, the Marist presence on its Board of Governors and the historical context of the Marists' actions.

173 Vainly supposing that the DfE might finally act if I did jump through the SMC complaint hoop, that is exactly what I did next, and I summarise that in the next section of the case study.

174 After a few false starts and another drawn-out correspondence (and a little surprisingly given my experience so far) the then Principal and Vice-Chair at SMC in November 2019 partially upheld the formal complaint I had put to them. My full complaint was that the Marist Fathers had deliberately concealed the sexual abuse of a pupil and that this amounted to gross misconduct by the Marists as College governors and Trustees. SMC management upheld my complaint that the Marists had concealed the abuse, but declined to rule on whether this amounted to gross misconduct.

175 The outcomes that I had also asked for should my complaint be upheld were that the Marists be removed as College Trustees and governors and a full report of their misconduct made public. In fairness, I had never believed that College Managers, or even the Governing Body would have the power, authority or permission to deliver these outcomes given that most of them (however individually competent or blameless they might be) owed their appointment to the Marist Fathers themselves. I had already explained this to the DfE but it fell on quite a number of deaf ears.

176 At least now that I had gone through the SMC complaints process I had complied with the DfE's procedural demands and also had a complaint decision to take back to them on which they could now proceed. In May 2020 I began another round of email correspondence with another set of DfE civil servants who began to send me around the same bureaucratic hamster wheel I had been on before.

177 In spite of the SMC complaint decision, the DfE concluded their correspondence with me simply by repeating some by now familiar refrains:

- *“...we are unable to add anything further to the information you have already been provided with.”*
- *“(FE) colleges are autonomous, independent organisations, incorporated under the Further and Higher Education Act 1992: as such, they are responsible for their policies and procedures and the management of their operations. The government does not have the right to interfere in these policies.”*

178 In other words, the Marist Fathers as FE Trustees were free to conceal the sexual abuse of one of their pupils by a Marist Headteacher, and the Government was powerless to scrutinise their actions, hold them to account or remove them from post. The mystery deepens even further as to how the predatory Marist paedophile O’Neill was able to achieve the office of SMC Principal and to have his abuse concealed for decades.

179 In their final email to me of 12 May 2020 the DfE observed that, *“You are of course free to seek your own independent legal advice on this matter.”* The word ‘free’ here is plainly a relative term. To a Government Department with bottomless, tax-filled pockets, legal advice may of course appear to be freely available and free of charge. I suspect that, deep down, they knew that it would not be so to a mere tax payer like me.

180 In my final email to the DfE on 13 May 2020 I did submit a formal complaint to them that they had ignored the specific questions that I had put to them and had failed to provide information that I had reasonably requested. I have to date received no response to this complaint.

181 Following this futile correspondence with the DfE, that had spanned over two years, I did contemplate taking my complaint about the DfE’s failure to address my concerns to the Parliamentary Ombudsman as a last resort. Realistically however, I could foresee only months more attrition and bureaucratic frustration, and still without a just outcome. Because no one in authority was prepared to do it, I therefore decided to document and report my findings myself and to make them available for others to make up their own minds about the rights and wrongs of the Marists’ actions and of their regulators’ incuriosity and failure to act.

St Mary's College Governing Body

182 As I have already said, I had never intended to bring SMC's current management team into my enquiries or correspondence at all. They had their own present financial and educational challenges to be dealing with. Given the Marists' power and authority as Trustees appointing most of the governors and thereby the senior staff, there was also an insurmountable organisational conflict of interest in asking them impartially to investigate or bring sanctions against the Marists. Emphatically, this does not imply on my part any doubt or question about the individual, personal integrity of any non-Marist member of the SMC management or governor team at the time of my enquiries.

Freedom of Information request September 2018

183 At my meeting with European Marist Superior Fr Martin McAnaney in August 2018, he had told me that SMC had in fact been advised by the Marists in 2008 not to name the Arts building in honour of the child abuser Kevin O'Neill, though they had not given the College any reason for this. The College went ahead with the naming regardless. In addition, I still did not know exactly when the College had been informed about the abuse or by whom.

184 I therefore considered it appropriate to submit a Freedom of Information (Foi) request to the College asking for the specific information they held about these matters.

185 I received the following response from the then 'Principal and CEO':

Thank you for your letter dated 14th September. Having recently been appointed as the Principal/CEO of St Mary's College I hope you can appreciate that much of the information you require is in the possession of former colleagues and/or governors, and as a result, it has taken me a little more time than anticipated to collate a response. From the work I have undertaken please find the College's response below:

Who in the Marist Fathers advised the College not to name the building in honour of O'Neill?

We believe it was the Delegation Superior of the Marist Fathers.

Who at the College was advised by the Marists not to name the building in honour of O'Neill?

We believe it was the former Chair of the Governing Body that was advised by the Delegation Superior not to name the building in honour of Father O'Neill.

In what forum did the Management Team and/or Governing Body consider this advice? (Please provide relevant minutes of meetings in which the advice was considered and decision to proceed taken.)

I am unable to provide any information in relation to this matter. To Investigate this matter further would take up too much staff time as the former Principal, Vice Principal, Clerk and Chairperson of the Governing Body are no longer at the College.

Who was the Marist spokesperson quoted in the Lancashire Telegraph of 30th August 2017?

The Board of Trustees were quoted in the Lancashire Telegraph on 30th August 2017.

Who in the Marist Fathers eventually notified the College Management Team and/or Governing Body of O'Neill's abusive behaviour?

The Safeguarding Representative for the Marist Fathers notified representatives of the Governing Body of Father O'Neill's behaviour.

When did the Marist Fathers formally notify the Governing Body and Management Team of O'Neill's abusive behaviour? (Please provide the relevant correspondence and meeting minutes that include reference to the notification and any discussion by the Governing Body.)

We believe that former members of the Governing Body were informed by Father Corcoran in his role as Designated Safeguarding Representative. We believe that the College does not hold any relevant correspondence or minutes in relation to this matter.

I do hope my response provides you with all the relevant information you require.

186 It is no exaggeration to say that this reply effectively provides none of the relevant information I required; although it does bear all the hallmarks of the wholly inadequate Marist governance standards with which I was becoming familiar. No responsible individuals, other than Fr Corcoran, are named, with only their designations given. There is no basic documentation, including 'relevant correspondence or minutes', for important College discussions and decisions in relation to the Arts building or to the disclosure of O'Neill's abuse. Information posing a potentially high reputational risk to the College is not readily accessible to the Principal but is retained "... in the possession of former colleagues and/or governors ...".

187 As far as the then Principal/CEO and their answer to my FoI request were concerned, I realised I could go no further with them at that point. I also had my existing reservations about organisational conflicts of interest. I therefore thanked the Principal for what they had given me, wished them well, and went back to my other avenues of enquiry with the DfE and the Charity Commission.

Complaint to SMC Governing Body

188 Against my better judgement (see para 172 above) and at the insistence of the DfE, I submitted a formal complaint against the Marists as Trustees of the College to SMC's then Chair of Governors in June 2019. After some false starts, a few more ups and downs with the process and changes of personnel, this process was completed in March 2020.

189 Correspondence and meeting minutes are lengthy and detailed, but my complaint and the outcomes that I was seeking from it can be summarised very briefly.

Complaint:

The Marist Fathers as Trustees of SMC have deliberately concealed the sexual abuse of a pupil by the Marist Headmaster Father O'Neill, and

This amounts to gross misconduct by the Marist Fathers as Trustees of SMC.

Outcomes required:

The Marist Fathers be removed as Trustees and Governors of SMC, and

A report of their misconduct published to all relevant stakeholders.

190 In a letter to me postmarked 21 November 2019 the then Interim Principal and Vice Chair of Governors upheld the first part of my complaint but declined to address the second part. They explained they had no locus or powers to bring about my desired outcomes, something that I had always known and expected.

191 In their 21 November 2019 letter to me the interim Principal and Vice Chair of Governors also state that they had spoken to Marist Governor, Fr Wynn and that "... he has confirmed that he was unaware at that time of the situation with Father O'Neill and the circumstances of his resignation ...".

192 My response to this was, *"First of all, I would say that it would be more appropriate to say that he 'denied he was aware...' as 'confirmed he was unaware' implies something more precise and independently evidenced than what is expressed here. For instance, what might 'at that time' mean? It would be far more informative to know exactly when and from whom between 1993 and 2017 Fr Wynn learned of the abuse and its concealment. Given Fr Wynn's relationships with O'Neill, Corcoran and the other Marists in positions of responsibility (it is a tiny order of priests) and his senior roles within the UK Marists over decades now, it would be then for regulators and those charged with College governance to evaluate on the balance of probabilities the plausibility of him having no knowledge at all until it was revealed to him 'out of the blue' when Graham Caveney's book was published in 2017."* I have been given no reason by any party to my enquiries to alter this view.

193 Having exhausted the SMC complaints procedure, I then took their responses back to the DfE and my next steps from there can be picked up at para 176 above.

194 My complaint came in to SMC at a time of great financial and organisational turmoil for them. The upshot, as of writing, is that the College is no longer financially sustainable in its Marist incarnation (as I had also suggested to the DfE in February 2018). The various doomed attempts to keep the College Catholic have run their course and the Marists are to be removed from their role as Trustees and governors in any case. Needless to say, I do not believe that this absolves them from scrutiny or accountability for their concealment of at least one child's sexual abuse.

The Charity Commission

195 The Marist Fathers' are also Trustees and/or members of their own charity, funded mainly from its members' own salaries and pensions, other donations and legacies, which pays for the priests' personal accommodation, care and living expenses. When I began my enquiries in 2017 this was registered as Society of Mary (Marist Fathers) Charitable Trust, no. 235412. In July 2018 this was reconstituted as a Charitable Incorporated Organisation (CIO), no. 1179085. This charity comes directly under the regulation of the Charity Commission (CC).

196 The bulk of this charity's income derives from the Marist priests' own salaries and pensions, committed to the order when they first join it. In 2016 for instance, the Charity's income from salaries and pensions was £390k (2015, £431k), from donations £46k (2015, £52k) and from legacies £11k, (2015, £0). Extrapolated from this over 20 years, eg between 1993 and 2014, an estimate of the Marists' donation income alone, ie excluding legacies, might reasonably approach £1m.

197 The role of the Charity Commission is to regulate and register charities in England and Wales. It produces guidance for trustees on how they should meet their legal duties and responsibilities.

198 On the Gov.uk website the CC also summarise their regulatory roles, several of which (extracts below) seemed to me to be relevant to my concerns:

Statutory objectives, functions and duties:

- *Increase public trust and confidence in charities.*
- *Promote compliance by charity trustees with their legal obligations in exercising control and management of their charities.*
- *Enhance the accountability of charities to donors, beneficiaries and the general public.*
- *Encouraging and facilitating the better administration of charities.*
- *Identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with such misconduct or mismanagement.*

We are required by the Charities Act 2011 to ensure our regulatory engagement with charities is proportionate, accountable, consistent, transparent and targeted.

As a public body, we must also have regard to best regulatory practice and a number of wider public law and statutory duties.

We work with other agencies, regulators and government departments to help achieve our statutory objectives, to complement our work and to minimise dual regulation. Where there is a problem within a charity that is being adequately addressed by another agency (or agencies), we may work with them to increase effective regulation.

199 The role of charity trustees is, amongst other things, to ensure that the charity operates strictly within the charitable objects set out in the legal trust deed establishing the charity, and to ensure that it operates at all times in the interests of its donors and beneficiaries. Neither

must the charity operate outside any other relevant laws or regulations in force at any given time in its existence.

200 I would argue that the concealment of sexual abuse falls well outside the Marist Fathers' charitable objects, and that, though it may have benefited the Marists as members of the charitable trust, it benefited no other stakeholder, beneficiary or otherwise. On the contrary, it acted to their detriment. It might also be argued that concealing the sexual abuse (as well as concealing the concealment) was a form of fraud upon donors and legators, some of whom may have been vulnerable themselves, by denying them informed consent when making their donations and therefore, in effect, obtaining money by deception. Though I put these legitimate concerns and questions to the CC, they did not directly or specifically address any of them.

201 With a heavy heart, I have included at Appendix 4 all the substantive correspondence I had with the Charity Commission between 11 February 2018 and 22 June 2019. As with my correspondence with Middlesbrough Diocese and the Marists, read from beginning to end, it is an accurate reflection of the progress and development of my questions and concerns, the completeness and quality of the response I received and of the information I was able to glean.

202 Throughout all my dealings with the parties to my enquiries, I have been at pains to set aside all emotions and personal feelings, to concentrate on finding out exactly what happened, and to draw fair and logical conclusions based on the available evidence, on my own experiences and, if necessary, on the balance of probabilities. When reviewing the Charity Commission correspondence I confess that more than at any other point in drafting this case study I felt an emotion of raw anger at both the substance and the attitude of their responses to my concerns.

203 The CC's initial response letter alone (p.72) deserves a place in complaint management literature and folklore as an object lesson in how never in any circumstances to write to anyone about anything, let alone some 80 days after receiving a complaint about the concealment of child sexual abuse.

204 In my 'Stage 2 challenge to the CC's decision on my complaint I even went through their statutory objectives and functions under sections 14 and 15 of the Charities Act 2011, as well as the CC's' Regularity Statement', indicating in detail where I thought they had failed to discharge their responsibilities. Again, no reference was made to these very specific concerns in any of their replies.

205 The CC must have had at least some direct conversation with the Marist Trustees, and they conclude that the only issues of concern were in relation to "communication" between the charity and SMC ("now much improved") and the fact that "*there could be a perception in respect of possible conflicts of interest in the way that the allegations were dealt with in the past when reported to [the Marist Fathers]*". This last phrase is a miniature masterclass in the bureaucratic understatement that wilfully side-steps the uncomfortable issue. There are in fact any number of actual, self-evident, objective conflicts of interest in this case throughout the period 1993 to date, and arguably back to the 1970s.

206 It seems to me therefore that the CC have gullibly swallowed the Marists' story 'hook, line and sinker', and I have to wonder what standards of enquiry and evidence, or of professional

scepticism, they applied even to establish basic facts, let alone to lead them to their judgements and conclusions.

- 207 I cannot be certain, but I think that at least the CC may have encouraged the Marists finally to write to me in December 2018 with the fuller, if still unsatisfactory, account of their actions. I note that that letter was also copied to the CC.
- 208 In their conclusion and responses to my appeals the CC also repeatedly, and quite bafflingly, return to what they see as the Marists' now satisfactory and "well developed" safeguarding procedures. Quite apart from the irrelevance of this to my actual complaint, I remain unconvinced that retaining Fr Austin Horsley (who in 1993 had knowingly concealed the sexual abuse of a child) as a charity trustee until his death in 2018, and allowing him to vet my original complaint to the Marists, qualify as satisfactory safeguarding practice. Nor does the Marists' insistence that I did not disclose the content of their December 2018 letter "without seeking prior consent" from them seem to me the behaviour of an organisation committed to openness or accountability in the matter of child sexual abuse. Again, though I explicitly made these concerns known to the CC, they declined to respond to them.
- 209 To summarise, I complained to the CC about, as I saw it, the Marists' failure to meet several requirements of their Trustee duties, and about the improper management and administration of their charity in relation to the concealment of O'Neill's abuse. The CC's response was half-hearted, dilatory, weak and unsatisfactory, failing even to address many of the issues I raised. I enumerated in more detail the powers and responsibilities they had failed to exercise and went through their two-stage decision review process. Still not having addressed my concerns, and rigidly fixating on the almost entirely irrelevant current safeguarding arrangements, all recourse to them was terminated by them at the end of the second review stage.
- 210 As with the DfE, I did contemplate a complaint to the Parliamentary Ombudsman, but, not wishing to waste any more time in bureaucratic purgatory, I decided instead to draft my own account and make it available for the IICSA and any other interested parties to make up their own minds about the CC's performance in this matter.
- 211 Not long after I had concluded my epic, if fruitless and exasperating, correspondence with the CC, I was drawn to an article in the Guardian newspaper, 3 September 2019, headlined, *Trustee of UK charity 'covered up abuse'*. Might this, like the O'Neill case, also have been resolved by the CC simply to "issues in communication" and a "perception in respect of possible conflicts of interest", with everything now fine because current safeguarding arrangements were satisfactory?
- 212 To the contrary. A Trustee of the Rigpa Fellowship, founded by the late Tibetan guru Sogyal Rimpoche, "*was banned [by the CC] from working with charities for eight years*". The CC found that the Trustee had "*knowledge of instances and allegations of improper acts and sexual and physical abuse against students*", and he "*failed to take appropriate action in response to this information and is therefore responsible for misconduct and/or mismanagement in the administration of the charity*".
- 213 The head of the commission's investigation team said: "*We are continuing to investigate concerns about this charity via our ongoing statutory inquiry. However, the safety and wellbeing of beneficiaries and those that come into contact with the charity must always be a priority for the trustees and staff of a charity. This trustee has been disqualified with*

immediate effect for failing in his duty to protect those who came into contact with the charity." Very well put and well done, I thought; it is possible for the CC to live up to its responsibilities, to conduct a serious, in-depth investigation and to impose real, proportionate sanctions. But not, regrettably, in the Marists' case. What was sauce for the Buddhist goose was not to be sauce for the Catholic gander.

The Police

214 My dealings with the police have related solely to my accusation against Fr Simison that he molested me when I was a schoolboy at SMC.

215 With O'Neill dead by 2017, he was obviously beyond the reach of the law for his abuse. The sexual grooming of a child was not a criminal offence in O'Neill's time (it is now), so he could not have faced charges for that in any case. Neither, to this day, is it a criminal offence for an individual, or a charity such as the Marist Fathers, to fail to report the known or suspected abuse of a child. I understand that it is however a crime to act as an accessory by assisting an offender, eg to escape apprehension or prosecution, or by hindering an investigation, say by lying to the police. I do not know if these applied in O'Neill's case.

216 My experience of the Police's investigation of my complaint was mainly positive. At the outset, in late 2017 and early 2018 I had to chase them up myself in order to give my formal statement of Simison's actions. Once they had taken my statement, there was then I think some debate amongst them about which area's force should interview Simison under caution. Once that interview had taken place, I was promptly informed of its outcome and that no further steps could reasonably be taken, which I understood and accepted.

217 I was also encouraged to find that my concerns about Simison had been recorded in the systems both of both the national police operation that coordinates actions in relation to non-recent child abuse (Operation Hydrant), and the Lancashire Constabulary's local operation (Operation Fervent).

218 Reflecting now, I think it would probably have been possible for the Police to have made a public appeal for other possible witnesses to Simison's actions to come forward. For whatever reason they decided not to do so and I do not know what the protocol for that decision would have been.

219 Of the independent regulators that I had dealings with during my enquiries, the police were the only organisation to contact me in person by telephone either to update me on progress or to give me feedback about my concerns.

220 It is not appropriate here to name most of the officers with whom I had dealings, but I feel that I must pay tribute to one of them. Dave Groombridge a former detective working as a civilian member of the Operation Fervent team took the time both by email and telephone to contact me about progress and outcomes. He was professional, informative, kind and empathetic in his dealings with me, whilst frankly and sensitively acknowledging to me that nothing further could be done unless other witnesses or evidence were to be brought forward.

221 As I was drafting this account, I learned that in April 2020 Mr Groombridge had sadly died in the COVID-19 pandemic. I would therefore like here to record my simple but heartfelt gratitude for the time and care he took with me.

Appendices

“Every word is like an unnecessary stain on silence and nothingness.”

Samuel Beckett, *Vogue interview*, 1969

Appendix 1

Correspondence with Diocese of Middlesbrough Safeguarding Coordinator

First letter to Marist Fathers 21 October 2017:

Dear Sir/Madam

Questions re alleged abuse by the late Father Kevin O'Neill SM

I was a pupil at the Marist St Mary's College in Blackburn from 1970 to 1977. During that time, I was befriended by the then deputy Headmaster Father Kevin O'Neill. Whilst he did not abuse me sexually in any way, his behaviour might have been by today's standards, and in my own eyes as an adult and parent looking back, construed as inappropriate or even a form of grooming leading up to some form of more serious abuse.

Imagine my shock when I read in the Lancashire Telegraph (LT) of 30 August 2017 the account given by Mr Graham Caveney in his book *The Boy with the Perpetual Nervousness* of behaviour toward him by Father O'Neill almost identical to his befriending of me, and of other pupils I knew, which did indeed culminate in sexual abuse.

Consequently, I have several questions for the Marist Fathers arising particularly from this passage in the LT article.

Fr O'Neill was never convicted of any of the offences mentioned in the book but was asked to leave the school and sent for therapy in the United States.

A spokesman for the Marist Order said: "This is a matter of profound regret.

"We condemn unreservedly anything which causes harm or distress to others. Abusive behaviour has absolutely no place in the Catholic Church, or anywhere in our society, and stands against every value and principle that we hold.

"The abuse by this individual happened in the late 1970s but we are deeply sorry for the pain and distress caused.

"As soon as the allegations were made, the individual was confronted, admitted his wrongdoing and was immediately removed from his post and left the school.

"The college was unaware of this when the performing arts block was named and all references to this individual at the college have now been removed, and we fully support the governing body's decision to re-name the performing arts block."

http://www.lancashiretelegraph.co.uk/News/15501312.Author_reveals_how_his_adolescence_was_blighted_by_sexual_abuse_at_the_hands_of_his_headteacher/

My questions:

1. Was this statement in fact made to the LT by the Society of Mary, and if so by which of its officers?
2. If the abuse was admitted, why was the matter not referred to the police by the Society?
3. To which therapy provider in the United States was Father O'Neill sent?
4. Why was the matter not more widely reported at the time so that other pupils who had been at risk (such as me) were made aware and could have come forward with their stories, whether abuse had occurred or not?
5. How could the college possibly have been unaware of the true circumstances of Father O'Neill's departure, given for example that, a) his place a headmaster was taken by his friend and close working colleague Michael Finley, and b) his close friend and long-time colleague Father Noel Wynn is to this day a governor of the school, had worked for many years at the school when I was there, had been head of the Marist college in Middlesbrough and is presumably a very senior UK Marist? (NB: By this I do not imply any knowledge or collusion by these individuals in any abuse by O'Neill, simply that I find it difficult to believe they would not have been made aware of the circumstances of his departure.)
6. If the college was indeed unaware of the circumstances of O'Neill's departure, why did the Society keep this from them?

This is obviously a serious matter, and I would appreciate if my legitimate concerns and questions were dealt with by you in an equally serious and prompt manner.

Yours faithfully

Damian Murray

Reply by Middlesbrough Diocese Safeguarding Coordinator 23 November 2017

Dear Mr Murray,

Thank you for being patient whilst I gathered the information that you requested in your initial letter.

In response to your questions I can report as follows:

1. *A spokesperson who had full authority and who was acting on behalf of the Trustees of the Society of Mary (Marist Fathers) made the statement to the Lancashire Telegraph*
2. *When the matter was reported it was not general practice to report such matters to the police and in fact the victim in this case did not want the matter referring to the police; this wish was honoured. However today safeguarding is well established within the church and the Marist Fathers follow a suite of well-developed safeguarding procedures which have been established by the Catholic Safeguarding Advisory Service (CSAS) in conjunction with the Bishop Conference of England and Wales. CSAS procedures can be found on www.csasprocedures.uk.net.*
- If a similar incident was reported now the matter would be reported to the police for them to investigate in coordination with the local authority designated officer (lado).*
3. *Fr O'Neill was sent to St Luke's Institute Maryland, USA.*
4. *However when the issues were raised the victim in the matter did not want the incidents concerning him to be known, his parents were still alive and he did not want them to be aware of what had happened to him therefore his wishes were respected. However as soon as the issues were raised by the victim, Fr O'Neill was removed from the school to minimise risk to others. Again if the matter had happened today CSAS policies would be deployed and the aggressor would be removed from his post immediately and the fact reported to statutory services.*
5. *Respecting the wishes of the victim the college was informed that Fr O'Neill's removal from the school was stress related.*
6. *The victim's wishes were adhered to and therefore few people at the time were made aware of the facts.*

I do hope that the questions posed have been answered to your satisfaction and that you are reassured that the safeguarding protocols and procedures are completely different from where they were when the matter was initially reported.

There is no place for any form of abuse within the catholic church and I can reassure you that we work hand in hand with local statutory services and report all matters of abuse to them that come to our attention.

If you have any further questions please do not hesitate to contact me or if you would like to meet with me and/or a member of the Marist Fathers please do not hesitate to ask and one will be arranged.

Yours sincerely

Safeguarding Coordinator, Middlesbrough Diocese

Reply to Safeguarding Coordinator 5 December 2017:

Dear [Safeguarding Coordinator]

Questions re abuse by the late Father Kevin O'Neill SM

Thank you for your letter of 23 November in reply to my original letter of 21 October 2017. You will also recall that we spoke by telephone twice on 28 November when you gave me further background to the Marist response to my questions and I raised additional concerns about the questionable classroom behaviour of Fr Michael Simison SM when he taught me at St Mary's College Blackburn in the 1970s. I also sent you emails on 29 and 30 November (enclosed) setting out further misgivings I now have about Marist governance and openness in relation to abuse cases, and in particular about the close relationships among specific individuals in the Marist priesthood and hierarchy.

I will communicate about the Simison case in a separate correspondence. In this letter I would like to follow up the issues arising from the O'Neill case that beg several safeguarding concerns in relation to my original questions as well as more generally.

My original questions

1. Was this statement in fact made to the LT by the Society of Mary, and if so by which of its officers?

You state that 'a spokesperson with full authority' made the statement, but do not say who that person was. Given my concerns about the relationships among individual Marists, I believe that that person's identity is germane to the independence, objectivity or otherwise of the Marist response.

2. If the abuse was admitted, why was the matter not referred to the police by the Society?

You state that it was not the Marists' 'general practice' to report abuse amongst them to the police. This is shocking, but hardly surprising given the kind of behaviours that do appear to have been general practice among Marists in relation to vulnerable children in the UK and abroad for many decades. My recent reading on the subject reveals a widespread and deep culture of abuse, denial, cover-up and victim-blaming. You are doubtless aware of the Australian Royal Commission into Institutional Responses to Child Sexual Abuse which found that over many years more than 20% of the Marist Brothers were perpetrators of abuse.

In response to this and other questions you also state that the wishes of the victim were followed in not reporting O'Neill to the police and in not informing the school or the wider public of his abuse. Again, this appears to be a conveniently self-serving response by the Marists to a terrible case that would have been highly damaging to them. Firstly, the victim was first and foremost a teenage boy, not the adult who subsequently plucked up the courage to reveal what had happened to him when he was younger. It is to that teenage boy and to others who may have been at risk or abused that the Marists had primary responsibility. Secondly, it must surely have been possible for O'Neill to have been dealt with by the law and others warned without the identity of that particular victim ever being revealed.

Whatever the current procedures may officially be, it seems to me that there are probably any number of historical cases yet to come to light despite this kind of cover-up, and, given the small,

close-knit group of priests that makes up the Marist Fathers, I have little confidence that their governance procedures could be sufficiently robust to ensure that this kind of thing no longer goes on.

3. To which therapy provider in the United States was Father O'Neill sent?

You state that O'Neill was sent to St Luke's Institute Maryland, USA. Even a cursory look into the background, 'therapeutic' practices, criminality and court cases relating to this Institute reveals a place where the lunatics do indeed appear to have taken over the asylum. I can only guess what conceivably therapeutic experience anyone referred there might have had inflicted upon them or what positive benefits could accrue to abusers and their victims as a result. I sincerely hope that the collection moneys of the faithful are no longer being channelled to such a place.

4. Why was the matter not more widely reported at the time so that other pupils who had been at risk (such as me) were made aware and could have come forward with their stories, whether abuse had occurred or not?

See 2 above.

5. How could the college possibly have been unaware of the true circumstances of Father O'Neill's departure, given for example that, a) his place a headmaster was taken by his friend and close working colleague Michael Finley, and b) his close friend and long-time colleague Father Noel Wynn is to this day a governor of the school, had worked for many years at the school when I was there, had been head of the Marist college in Middlesbrough and is presumably a very senior UK Marist? (NB: By this I do not imply any knowledge or collusion by these individuals in any abuse by O'Neill, simply that I find it difficult to believe they would not have been made aware of the circumstances of his departure.)

See 2 above

6. If the college was indeed unaware of the circumstances of O'Neill's departure, why did the Society keep this from them?

See 2 above.

Telephone conversation 28 November and subsequent emails

You explained to me when we spoke by phone that you had derived your response from a conversation and document review with a Fr Peter Corcoran. I understand that he is or was Regional Superior of the Marist Fathers, although I do not know what that role entails. You told me that when asked about Fr Wynn's role (Question 5 above) Fr Corcoran told you that Fr Wynn was simply an 'elderly priest', having no significant management or administrative role in the Marist Fathers. This seemed surprising to me given he was the Head of one of only three Marist Colleges in the country and a long-time governor of St Mary's College Blackburn (and I believe other schools). It was even more surprising given that it appears Fr Corcoran took over as Regional Superior from Fr Wynn himself (see my email of 29 November enclosed).

In the light of this I must ask you as Safeguarding Officer whether you still believe that the responses given to my questions by Fr Corcoran were both truthful and complete? If not, what would be the revised answer to my original question, and what, if any, consequences would fall upon Fr Corcoran?

I also enclose with my email of 30 November the photograph featuring Frs Corcoran, Wynn and Simison together at Walsingham and will again pose the same questions I included in that email. As a professionally independent officer yourself, are you content that the evidence you have before you is complete and reliable, that Marist governance is robust, and that concerns raised (current or historical) are dealt with properly given the close personal relationships amongst those concerned?

General conclusions and next steps

You will have gathered that I am very disturbed by the behaviour of Fr O'Neill, at least one other Marist priest and of the Marist order generally. In terms of next steps:

- I would appreciate a response to the remaining specific concerns in relation to the O'Neill case that I have raised in this letter.
- I will follow up on the other case in separate correspondence.
- Given the issues arising, both in the UK and abroad, I believe it to be inappropriate for the Marist Fathers to have any access to school children by direct provision of education, or any other means for that matter. Could you therefore please tell me whether Marist schools still exist? If so, I will escalate my concerns to the Department for Education.

Yours sincerely

Damian Murray

Reply by Middlesbrough Diocese Safeguarding Officer 18 February 2018:

Dear Mr Murray

I am writing with reference to your letter of 5th December 2017 and more recent communications of 15th and 16th January 2018. This letter deals specifically with your questions relating to the late Father Kevin O'Neill.

Firstly I would like to stress that the Catholic Church takes all matters of safeguarding very seriously and that your concerns are not being treated as any less urgent or serious – an implication made in your email of the 15th January 2018.

I have considered very carefully how best to respond to your communications and have not addressed the specifics of every question, or indeed every observation raised, as some of these points, particularly those around the global order of the Marists are beyond the scope of my role. As such, my duty as Safeguarding Coordinator is to safeguard young and vulnerable people within the Diocese of Middlesbrough and to report any concerns to the relevant authorities.

As outlined in our previous correspondence, when the matter was first raised it was not a formal requirement to report abuse to the police and in fact the victim in this case indicated they did not want the matter to be referred. Today safeguarding procedures are well established within the Catholic Church and when accusations of abuse are made, it is our policy to always inform the statutory authorities. With regards to the case of the late Kevin O'Neill, as soon as the case was brought to my attention in 2014, I reported this to the Lancashire Constabulary (the assigned Case Number is LC-2014-0513-0469).

With reference to your misgivings about Marist Governance and their openness in relation to abuse cases, the Marist Order has aligned itself to the Diocese of Middlesbrough and therefore all safeguarding matters are handled by the diocese. In 2007 Baroness Cumberlege published a report titled "Safeguarding with Confidence" which looked at the Catholic Church's safeguarding procedures and effectiveness. The recommendations set out in this report continue to act as a bedrock for continual improvement and I am actively involved with the implementation of the Catholic Safeguarding Advisory Service (CSAS) guidance which took its lead from the Cumberlege report. Although I am not personally able to oversee all processes and procedures undertaken by the Marists, as the Safeguarding Coordinator for the Diocese of Middlesbrough, I am responsible for handling any safeguarding matters relating to that order. Except in the case of dealing with safeguarding matters that are brought to my attention I operate at arm's length from the Marists and would scrutinise that Order just as closely as any other.

As regards your concerns about the Marist Fathers having a role in the direct provision of education to children, as I understand it, none of the Marist Fathers within this order are involved in the teaching of youngsters or have any unsupervised day to day contact with children.

I acknowledge, as have successive Popes through public announcements, that the Church has made many mistakes regarding child abuse in the past and we all hope and pray that the systems and procedures we now have, and continue to put in place, like CSAS, will help eradicate this.

I recognise that I have not responded to the specifics of your recent communications but I hope that my explanation above will reassure you that we continue to be vigilant and that we take the matter of looking after children, young people and the vulnerable very seriously.

*Should you wish to pursue your lines of enquiry further, I would request that you contact the Police.
More detail in the church's procedures are also available on the CSAS website at
<https://www.csac.uk.net/>.*

Yours sincerely

Middlesbrough Diocese Safeguarding Coordinator

Reply to Safeguarding Coordinator 20 February

Dear [Safeguarding Coordinator]

Marist governance and behaviour in relation to abuse by the late Kevin O'Neill SM

I received your response to my letter of 5 December 2017 this morning. I note that after ten weeks of deliberation you have answered very few of my questions and have not allayed any of my concerns about the past or current governance of the Marists. Instead you have summarised your job description and relayed some empty pious reassurances about how seriously the church takes this sort of thing, presumably after the response was screened by the clergy. I do note that you at least did the right thing in notifying O'Neill's abuse to the police in 2014, which I appreciate. The craven behaviour and abdication of moral responsibility by the Marists in this case remains to my mind inexcusable.

As I stated in my last email, it is my firm belief that the Marists are not a fit and proper body to have the oversight of any child's education, though I know that they retain the Trusteeship and/or governorship of several UK schools to this day. The evidence of my own experience, as well as from around the world, eg in Australia and lately Chile, is conclusive to me that abusive behaviour has been endemic in this order for decades and that priests who perpetrated or knew about it within the Marists continue to retain positions of responsibility, whilst Marist activities receive funding from taxpayer and/or charitable sources. I will therefore continue to pursue my concerns with the appropriate regulatory bodies.

I do not intend to communicate with you again about the O'Neill case. [...]

Your sincerely

Damian Murray

Letter to Safeguarding Coordinator following meeting on 31 August 2018 (3 September 2018)

Dear [Safeguarding Coordinator]

Marist Fathers' management of the case of the late Father Kevin O'Neill

Thanks again to you and to Dianne Swiers and Martin McAnaney for meeting with me and my friend [...] in London on Friday 31 August. I felt our conversation to be frank, respectful, worthwhile and in good faith. It did nonetheless leave many of my questions and concerns unanswered and unresolved.

We agreed, I think, that O'Neill's grooming behaviour and his sexual activity with at least one pupil whilst he was headteacher of St Mary's College Blackburn in the 1970s/80s was, for obvious reasons, wrong. Whilst grooming was not classified as a crime in that period, the sexual activity certainly was, and both activities would, at the time they were committed and when they were reported by the victim in 1993, normally have been classified as gross misconduct leading to immediate dismissal and the criminal activity should have been reported to the police by O'Neill's superiors in the Marist Fathers.

We know however that the Marists took no such action. O'Neill was 'retired' in 1993 on grounds of 'stress' and was sent to St Luke's Institute in Maryland USA for some sort of therapy. We know also that the School does not appear to have been informed by the Marists of the reason O'Neill was removed and continued to be kept in the dark about it when they named an arts block after him in 2008. This, even though the Marists appoint the great majority of College trustees and one Marist priest, charity trustee, former UK Marist Superior and friend and colleague of O'Neill, Father Noel Wynn, was and is a College governor.

O'Neill died in 2011. You, as incoming Safeguarding Officer, reported his historical abuse to the police in 2014. And yet, at the College's 90th anniversary celebrations in 2015 a Marist priest, Alois Greiler, was still able to make an address to the College that referred to O'Neill as having merely retired, quoting at length a speech O'Neill himself made in 1975. It was only when O'Neill's sexual victim Graham Caveney published his book in 2017 that these facts came to public light, the arts block was renamed and I felt able to report my own grooming at the hands of O'Neill in the 1970s.

These facts are, I believe, beyond dispute. The question for me remains: who in the Marist Fathers is responsible and should be made accountable for the failures to meet basic governance standards, including those known today as the Nolan Principles of public life?

It seems to me that the current safeguarding systems are probably fit for purpose, and they are not what I am challenging. I also take Father McAnaney's expressions of regret on behalf of the Marists to be sincere.

My starting point is that whoever in the Marists was aware of O'Neill's behaviour and failed to hold him to account for gross misconduct or to report his criminal activity to the police were themselves guilty of gross misconduct and should have been subjected to regulatory and disciplinary sanctions by the Marists themselves, by the Charity Commission as regulators of the Marist charity and by the Secretary of State for Education as Principal Regulator of St Mary's College.

This should apply, in my opinion, to everyone in the chain of responsibility and communication up until 2014 in relation to the failure to report to the police or the Charity Commission, and up until

2017 in relation to the failure to inform the college of a serious untoward incident that still had the potential to cause them serious reputational damage and jeopardise their viability as a provider of education to young people in and around Blackburn.

It is evident to me that the Marist Fathers' charity in the UK bears full corporate responsibility for the chain of events from 1993 onwards, and arguably for O'Neill's ability unsupervised to abuse pupils freely in the 1970s and 80s. This is why I believe the charity should be removed from all trustee and governor posts they currently hold in relation to schools in the UK.

At our meeting we also discussed the spectrum of scenarios as to who individually had knowledge and responsibility for these governance failures between 1993 and 2017. At one end of the spectrum Dianne suggested the possibility of secrecy and concealment by a single individual who was O'Neill's line manager at the time the abuse was reported, with the information lying undisturbed and unread until the Marists were asked to review their records leading to your report to the police in 2014. At the other end of the spectrum might be a conspiracy of silence by all trustees and administrators of the Marist charity, the entire sequence of UK Marist superiors during that period and any number of O'Neill's other Marist friends and colleagues.

In my opinion the balance of probabilities lies somewhere in between these two ends of the spectrum. It seems to me to be vanishingly unlikely that one Marist superior was able single-handedly to receive Mr Caveney's information and to process O'Neill's 'retirement' and transfer to the USA without the assistance and knowledge of others and without some documentary trail in relation to HR procedures and financial arrangements.

What seems never to have happened, despite Mr Caveney's revelations from 1993 and my own correspondence with you beginning in October 2017, is any systematic attempt by the Marist hierarchy or the Diocese of Middlesbrough to carry out, by document reviews and interviews with key individuals, an investigation, audit or root-cause analysis to establish who exactly was responsible for what and when. Again, this seems to me to fall well short of the governance standards that would be expected by the Charity Commission, the Department for Education or indeed the general public. I would still expect such an investigation to be carried out to identify the individuals responsible for these lapses in governance over very many years. Please let me know if there are any plans now to do this.

Before I conclude, there are two related issues that were touched on in our meeting that I would place on record here, and an additional point in relation to the Marists' charitable status.

- Father McAnaney suggested that the only senior Marist who would have known the precise reasons for and circumstances of O'Neill's removal was the UK Marist Superior in 1993, a Father Austin Horsley, now deceased. I note that Father Horsley died as recently as April 2018. I obviously do not know his circumstances but, had he his faculties, it seems to me that he could easily have answered many of the concerns and questions I set out in my previous correspondence, including those that remained unanswered in your letter to me of 19 February 2018. We do know that there was definitely a wider awareness of O'Neill's true behaviour among the Marist hierarchy by 2014. If Father Horsley was not brought to account by then at the latest, why not?
- Father McAnaney also said that the College had been advised not to name the arts block after O'Neill in 2008, though they were not given any reason why and went ahead anyway. It seems to me important to me therefore to understand who gave this advice to the College, on what basis and when was Father McAnaney made aware that that advice had been given.

- I note that in July this year the Marists converted their charity (no. 235412) to a charitable incorporated organisation (CIO) no. 1179085. One of the purposes of such a change is usually to limit the financial liability of individual trustees for debts incurred by the charity as a corporate body. I am slightly surprised that the Charity Commission sanctioned this whilst there is an outstanding serious complaint against the Marists. Nonetheless, I understand that limited liability in this context is no protection against the consequences to an individual of any personal negligence or criminality. I will pursue this question with the Charity Commission but note it here for completeness.

I have summarised above the facts as I understand them and there are number of outstanding questions requiring answers or clarification. As I explained at our meeting, I am also pursuing my concerns with the Charity Commission and the Department for Education, and I would expect that they too would be looking for the same accountability and responsibility from the Marists in the UK that I am.

If I have misunderstood or omitted anything important in this summary, please do not hesitate to contact me by email or by telephone. This letter is also for the attention of Dianne and Martin, so please pass copies to them.

Yours sincerely

Damian Murray

Appendix 2

Correspondence with Secretary of Marist Fathers, England

First letter from Secretary of Society of Mary (Marist Fathers, England) 7 December 2018:

(Note, paragraph numbering added to aid reference to my subsequent reply.)

Dear Mr Murray

Response from the Society of Mary (Marist Fathers)

- 1 *I am writing to you in my role as charity secretarial/finance manager for the Society of Mary (Marist Fathers).*
- 2 *The trustees have asked me to respond on their behalf to correspondence received by [...], Diocese of Middlesbrough Safeguarding Co-ordinator and passed onto us, in which you raised questions and assertions in connection with historic governance matters in 1993 and later, concerning the disclosure of historic sexual abuse at St. Mary's College, Blackburn.*
- 3 *Fr Peter Corcoran (Trustee and Safeguarding Representative for Marist Fathers) and Fr Austin Horsley (Trustee – deceased) provided the responses to your original letters dated 21 October and 5th December, which [the Safeguarding Coordinator] relayed to you in his letters of 23rd November [2017] and 19th February 2018.*
- 4 *Subsequently, you and a friend agreed to attend a meeting with two members from the Middlesbrough Diocesan Safeguarding Commission team and Fr. Martin McAnaney, the European Provincial Superior for the Society of Mary (Marist Fathers) on Friday 31 August, to speak openly about your experiences and concerns.*
- 5 *I refer to your recent letter of 3rd September in which you acknowledged the conversation at the meeting was frank, respectful, worthwhile and in good faith but still left some matters unanswered and unresolved. In your letter, you summarised the facts, as you understood them to be. With respect, I would like to revisit those facts and assumptions and clarify the position.*
- 6 *When the victim first reported the allegation of sexual abuse in March 1993, he was an adult of 29 years. The victim had reported the allegation to his local priest who advised him to write a letter to the Society. The local priest then forwarded the letter to the Provincial Superior of the Society of Mary (Marist Fathers) in England who was Fr. Austin Horsley.*
- 7 *On receipt of the letter, the Provincial Superior arrange a meeting with the accused who admitted the allegation was true. The Provincial Superior also met with the victim who was resolute that the police should not be informed, nor any authorities – he did not want the matter publicised, for fear of his parents finding out, as he did not want to cause them any distress. The victim had one stipulation, that the accused be removed from his post as principal of St. Mary's College.*
- 8 *The Provincial Superior immediately sought advice from the Superior General and the Local Vicar General, who stated that diocesan policy was “immediate suspension pending investigation”. The immediate suspension was shown as a leave of absence on medical*

grounds. Canon Law was adhered to and professional advice sought. Fr O'Neill did not return to St. Mary's College after the Easter break in 1993, he took leave of absence from the College on medical grounds. He resigned his position as principal on 16th May 1993. During April and May 1993, he underwent psychological analysis at the Dympna Centre in London before going to St. Luke's Institute, a therapy centre in Maryland USA.

- 9 *Nowadays, as part of safeguarding procedures of the Society, the police would automatically be informed if anyone came forward with an allegation of this nature and an investigation would subsequently follow.*
- 10 *In 1993, the Society of Mary (Marist Fathers) was an independently run English Province, a Religious Congregation directly accountable to the Superior General in Rome. Within the hierarchy of the Society, the position of Provincial Superior assumed the senior leadership role and held responsibility for engaging with professional advisers. The position of Provincial Bursar had oversight of the finances and liaised with the accountants/auditors. Local Superiors have responsibility for their communities and the works, which the members are engaged in.*
- 11 *The Society of Mary (Marist Fathers) has charitable status in the legal form of an unincorporated charitable trust with a Trust Deed as its constitution. The members of the Society of Mary (Marist Fathers) are Fathers of a Religious Congregation; they are not employees of the Society/Charitable Trust. When they enter the Congregation, they pledge their life to the Society.*
- 12 *St. Mary's College in Blackburn was initially a school founded by the Society in 1925. The Society owns the land and most of the school buildings and the Society of Mary (Marist Fathers) are the legal trustees of the property. The foundation governors at the College are accountable to the Society's trustees for the conduct of the College. Marist Fathers trustees appoint the foundation governors in accordance with the Instrument & Articles of Government, a legal document, which requires the consent of the Governing Body, the Trustees and the Bishop to any amendments thereof. The College's own selection board recommends potential foundation governors to the trustees for appointment. Foundation governors usually represent up to 60% of the governing body. Only one Marist Father serves on the governing body of the College out of 20 governors.*
- 13 *In 2008, the principal of St. Mary's College contacted the Society and informed them that he intended to name the new Performing Arts Block after Fr. O'Neill. The Delegation Superior asked him not to do this, but the principal went ahead, believing the request to be based on humility.*
- 14 *In May 2014, the victim's solicitors contacted the Society with a claim for damages in connection with sexual abuse. In doing so, previous confidentiality was discharged, and on receipt of the claim for compensation, Fr. Horsley (then Regional Bursar/Trustee) immediately passed the victim's claim onto the Society's solicitors and insurers. Fr. Corcoran, (Safeguarding Representative/Trustee) informed the Diocesan Safeguarding Coordinator [...], who informed the safeguarding officer for the Diocese of Salford (Blackburn Area) and the police. The police allocated a reference number for the case but since Fr. O'Neill had died in 2011, the police stated that the likely outcome would be for the information to remain on file with no further action taken unless other victims came forward. To date, no further victims have come forward.*

15 *In late October 2014, the victim's solicitors requested a list of records from St. Mary's College (as Fr. O'Neill's employer), which dated back to 1993 prior to 6th form college status. This information was only available via the College's archives. Fr. Corcoran met with the principal of St. Mary's College and the Chair of the Governing Body in November 2014, where he explained the allegation and the victim's claim for compensation. Later that morning he met with the College Chaplain/Head of Safeguarding to inform her of the situation.*

16 *The Chair of the Governing Body was in disbelief as he had previously known Fr. O'Neill and thought highly of him. When Fr. Corcoran left the meeting, he believed the information would be shared with the Governing Body at their next meeting. The Chair subsequently resigned from his role as Chair two months later and the principal resigned shortly afterwards due to ill health*. The archives were unhelpful in providing the information requested by the victim's solicitors, as no reliance could be placed on the sparse information available due to ongoing restructuring. The College had become part of the Further Education sector in 1993/94 and then a corporate body in 2001.*

17 *When the press released a preview of the victim's book in August 2017, the trustees were informed that their earlier disclosure in 2014 to College personnel had not been communicated to the remainder of the governing body/fellow governors.*

18 *As well as notifying St. Mary's College of the victim's claim, the trustees also raised a serious incident report with the Charity Commission on 10th November 2014, signed by Fr. Horsley, which the Commission acknowledge two days later on 12th November 2014.*

19 *I note that you are not challenging the current safeguarding systems in place at the Charity, which I can assure you are fit for purpose as well as the Charity's current governance procedures and practices.*

20 *I also note your acceptance of Fr. McAnaney's expression of regret, which you took to be sincere and of our offer of counselling support if you think this would be helpful.*

21 *May I say that those who served as Marist Fathers in the roles of Provincial Superior, Provincial Bursar and as Trustees at the time of the allegation of sexual abuse are all no longer with us.*

22 *You mentioned the question of accountability and failure of governance standards for the actions, taken in good faith by the Provincial Superior in connection with the victim, who wished to protect his privacy, which goes back to 1993, some 25 years ago.*

23 *What I can say is that the Society of Mary (Marist Fathers) is not a corporate entity; it will become one in 2019 when the Charitable Incorporated Organisation ("CIO") becomes operational. Individual Marist Fathers are not employees of the Charity they are members of it. Employee disciplinary measures do not apply to members, as the employer/employee relationship is not present. Canon Law applies to members of religious congregations.*

24 *As a religious charitable trust, the Society does not have the functional divisions of a corporate entity such as HR, IT, property, finance and legal departments. It took until the late 1990's for the Society to employ its first external part-time bookkeeper. The Society commissions its services from its professional advisers.*

25 *The governance standards, to which you refer, were not in existence in 1993. The first voluntary code of governance "Good Governance Code" came into existence in 2005 for not-*

for-profit entities. Now renamed as The Charity Governance Code (2017) it is a practical tool to help charities and their trustees develop a high standard of governance and compliance with law and relevant regulations. It is recommended best practice, but not mandatory.

- 26 *Finally, in connection with the related issues you refer to in your letter, I can confirm that the trustee board spoke with Fr. Horsley, concerning the issues in your letter. At the time he was 81 years old, in retirement, in ill health and incapacitated. He assisted with answering your questions and reviewed the initial responses to your queries, which our Marist Safeguarding Representative passed on to [...], the Diocesan Safeguarding Officer.*
- 27 *Fr. Horsley's high-ranking position in 1993 allowed his actions to remain unquestioned and for secrecy and concealment of the allegation of sexual abuse. For example, one of our current trustees recalls Fr. O'Neill going to the USA "on sabbatical" in the 1990's and thinking "what a great idea" at the time.*
- 28 *I can confirm that Fr. McAnaney only became aware of the advice given to the College in 2018 when he was asked to review your letters and the responses provided. Until recently, Fr. McAnaney was a member of the Irish Province and not associated with English Province matters.*
- 29 *Fr. McAnaney acknowledged receipt of your letter when passed a copy by [the Diocesan Safeguarding Coordinator]. At the time, he conveyed his thanks and hoped the meeting in London had helped achieve some sort of closure for you.*
- 30 *There is nothing more that I can add or that can be done. I have reviewed the very limited information available from the time, which was based on disclosure of the sexual abuse and the subsequent actions surrounding the victim's claim for compensation. Concealment of the facts was seen as a way of maintaining the victim's confidentiality. Fr. O'Neill did not take others into his confidence. We know that other Marist Fathers were led to believe his withdrawal from public life was due to health matters. A short time after his return to the UK, Fr. O'Neill was diagnosed with the onset of Alzheimer's; he later went into nursing care where he passed in 2011.*
- 31 *With respect, the contents of this letter are strictly private, confidential and personal to its recipients and should not be disclosed or passed to any third party without first seeking prior consent from the Trustees.*

Yours sincerely

Charity Secretarial/Finance Manager

For and on behalf of the Trustees of the Society of Mary (Marist Fathers)

*cc. Fr Martin McAnaney [European Provincial Superior]
The Charity Commission
Diocese of Middlesbrough Safeguarding Coordinator*

[* Whist fact-checking this case study, I found from contemporary newspaper articles that the Principal did not retire until February 2017 and that the Chaplain/Safeguarding Officer was still at SMC in 2016 – hardly 'shortly after' Corcoran disclosed the abuse to them in 2014. The Marists seem genuinely unable to speak even one simple truth about the O'Neill case.]

Response to 7 December letter from Marist Secretary, 20 December 2018

Dear [Marist Secretary]

Marist cover-up of sexual abuse by Headteacher Kevin O'Neill

In response to your letter to me dated 7 December 2018 I attach a list of comments and questions arising from it. For reference I numbered the paragraphs in your letter 1 to 31. I have also emailed this letter and the attachment to Middlesbrough Diocese Safeguarding Officer, [...], and to [...], Monitoring and Enforcement Officer at the Charity Commission.

My comments and questions should be self-explanatory, but if you require clarification or have further questions of your own, please to not hesitate to contact me.

Yours sincerely

Damian Murray

(Paragraphs numbered 1-31 for reference)

- 1.0 No comment.
- 2.0 My current concerns do stem from historical governance failures by the Marist Fathers and from the revelations of sexual abuse by the Marist former headteacher of St Mary's College, Kevin O'Neill which only came to public knowledge in 2017. They also stem from my own grooming at the hands of O'Neill in the 1970s as well as my being molested in class in the same period by another Marist priest still active in the Marist Fathers. The only reason we are addressing this at such a distance in time is the persistent, intentional cover-up of O'Neill's abuse by the Marist Fathers.
- 2.1 Although O'Neill and his superior Austin Horsley, who covered up the abuse, are both dead, there remain senior Marists who are or who were trustees and who in my opinion were, on the balance of probabilities, complicit in the cover-up and part of a wider Marist culture whereby priests freely abused pupils without supervision or appropriate disciplinary action when discovered. This is the basis of my contention that the Marist are to this day not fit and proper as individuals or as an entity to hold trustee or governor positions in any English school.
- 3.0 I am amazed that Austin Horsley, the man who for decades concealed O'Neill's abuse, was still in a position of authority in 2017/18 and allowed to draft and/or vet any response to my concerns. By this time his own superiors must have been well aware of his role and he should have been removed from any governance relationship with the charity and any other church or school with which the Marists are associated. His conflict of interest was so obvious that I should not have to draw attention to it. At no time until my meeting with Father McAnaney on 31 August was Austin Horsley's role in the cover-up, let alone in the Marists' response to me, disclosed, by which time he had died.
- 4.0 Correct.
- 5.0 No comment.
- 6.0 The age of the victim when he reported O'Neill's abuse against him is not relevant to my concerns. My point is that he, like most of the young people under the Trustee and governorships of the Marists to the present day, was a teenager at the time of the abuse. It

is to that teenager and those since and currently in these schools that the Marists in my view owed the duty to disclose the abuse, report O'Neill to the police and to discipline any other priest complicit in the abuse and/or any cover-up.

- 6.1 The duty of care to the victim as an adult once he reported the abuse was to my mind a separate matter to be negotiated between the Marists, the victim, the police and the courts. The Marists' compliance with the victims wishes in this case was to me evidently self-serving and designed to avoid scandal, further disclosures by other potential victims and any possible financial, legal or even criminal consequences.
- 7.0 I empathise entirely with the victim's desire to shield his devoutly catholic parents from the knowledge that their child had been sexually abused by a priest whom they and many others (including me) knew and trusted. This emotional dynamic has been and is used many times and in many circumstances by abusive clergy in churches and schools the world over. It is horribly ironic that this enabler of abuse is being made to serve as a kindness by the Marists and at the 'stipulation' of the victim. This is just another variation on classic victim-blaming.
- 8.0 What, in this context, are the actual names of the Provincial Superior, Superior General and the Local Vicar General? Throughout my correspondence with the Marists there has been a marked reluctance to 'name names', again illustrative of a pervasive culture of secrecy, cover-up and reluctance to accept ordinary levels of adult responsibility. It is clear that even in 1993 at least four Catholic priests, including the victim's local priest, knew of the abuse and were in a position to report it to the police and to the Charity Commission but did not.
- 8.1 'Leave of absence on medical grounds' was a conscious lie and deception on the part of the Marist hierarchy.
- 8.2 Canon Law may well have been adhered to, but it has no status in English law, civil, criminal, employment or otherwise. From whom was 'professional advice' sought? The number of people complicit in the cover-up and their professional status grows wider. (For information, I am aware that it is not currently a criminal offence to fail to report a crime, indeed, for all I know, Canon Law may encourage or condone this kind of dereliction of civic and moral duty.)
- 8.3 The issues of 'psychological therapy' for homosexuality and/or paedophilia, let alone the dubious history and practices of St Luke's Institute are far too complex to address here. Suffice to say this was hardly likely to be an appropriate use of charitable funds.
- 9.0 Not relevant to the concerns arising from the O'Neill case and the responsibilities and actions or otherwise of former and serving Marist Trustees and priests.
- 10.0 I do not understand the substance or relevance of this paragraph.
- 11.0 I was aware of this.
- 12.0 I was aware of the Marists' place in St Mary's College's governance structure. I put the ownership of the buildings to father McAnaney who told me the Marists owned only the land, presumably with the St Mary's College further education exempt charity owning the buildings. I believe this to be an important issue, because currently material asset values are missing from either or both St Mary's' and the Marists' annual financial statements.

- 12.1 If and when the Marists dispose of the school to successor trustees there is also a risk that they will be compensated in cash for the value of the buildings whilst offloading the debt arising from the acquisition of those buildings onto the successor, likely to be another publicly funded body.
- 12.2 The Marist priest who is governor of St Mary's College is Noel Wynn, long-time colleague, co-resident and close friend of Kevin O'Neill. As I have said before, I have no reason to believe he was aware of O'Neill's abuse whilst it was ongoing, but I believe it vanishingly unlikely that he was not aware of the eventual disclosure by the victim, the circumstances of O'Neill's removal and of the subsequent cover-up. He was perfectly placed to brief school management, even confidentially, about the abuse and to warn them against naming the arts block after O'Neill, but did not do so.
- 13.0 Who was the Delegation Superior? What was his relation to the individuals listed by their designations only in paragraph 8?
- 13.1 If the college Principal believed the advice not to name the arts block in 2008 to be based on humility, rather than at minimum a severe reputational risk to the school, he should have been corrected by the Marists. Noel Wynn was ideally placed to do this, and as governor and trustee had a clear duty of trust and care to do so.
- 14.0 The bringing of a claim for compensation by O'Neill's victim in 2014 is new information to me, but comes of no surprise and is of no particular relevance to my concerns. More seriously, it seems that only once O'Neill was dead and there was a potential financial consequence to the Marists did they notify this serious sexual abuse by a headteacher against a pupil to their designated Safeguarding Officer, [...], who correctly referred the matter to the police. Even then, Austin Horsley was not disciplined or removed from his post.
- 14.1 To say that no further victims have come forward rather ignores my own circumstances. I was subjected to grooming behaviour by O'Neill when I was a teenager and vulnerable to his attentions. I am aware that grooming was not itself in the 1970s a criminal offence, but I would hazard a guess that neither was a priest taking a 15-year-old pupil to the pictures to see a film featuring the violent sodomy of a man permitted under Canon Law even then. This is not to mention the molestation to which I and other pupils at St Mary's College were subjected by another Marist teacher and priest still active in the order.
- 14.2 It also seems clear to me that the Marists' secrecy in this matter was all along designed actively to minimise the possibility of other victims finding out and being emboldened to come forward (as in my case), as well as to avoid any other possible compensation claims and financial penalties as a result of O'Neill or any other Marist's abusive behaviour.
- 15.0 So in October 2014 the Principal, Chair of governors and the college chaplain/ Head of Safeguarding were all informed by trustee Peter Corcoran of O'Neill's abuse. Assuming that governor and trustee Noel Wynn was also aware, this means that four senior leaders at the college then knew of the abuse. Yet the arts block celebrated O'Neill's name for a further three years or so until 2017 when the victim's book was published. At what point had Peter Corcoran been informed of the abuse and by whom?
- 16.0 When did trustee Peter Corcoran realise that the information had not been shared with the governors? It must have been well before 2017. Once he realised, he surely had a

responsibility to inform the Principal and chair's successors and, if necessary, to inform the full governing body himself. The dereliction of responsibility by the school's then Chair and Principal here is breath-taking.

- 17.0 Who informed the trustees in 2017 that the 2014 disclosure had not been communicated to college governors? (See 16.0 above.)
- 18.0 I will take up with Charity Commission what action they took on the receipt of the serious incident notification in November 2014. Again, I note that Austin Horsley, a key architect of the concealment of O'Neill's abuse, remained in a position of authority within the charity even whilst acknowledging over 20 years of cover-up. It appears nevertheless that the Charity Commission took no regularity action on this occasion.
- 19.0 No further comment.
- 20.0 I of course have no reason to doubt Martin McAnaney's regrets; he has had to my knowledge had no direct involvement in the English Marists' activities until recently. As European Superior I would expect him to take disciplinary action against all those Marists who have colluded in the O'Neill cover-up, but that is not my focus here. I have discussed the counselling offer with [the Safeguarding Coordinator] and whilst I appreciate the offer that he made in good faith, even were I in need of support, I would struggle to trust any service coming under the auspices of the Marists or the Catholic church more generally, for obvious reasons.
- 21.0 Given that it has taken 25 years for O'Neill's abuse to come to light due to the deliberate cover-up by the Marists, it is hardly surprising that some individuals involved are 'no longer with us'. Some however still are, eg Peter Corcoran and Noel Wynn, who are or have been trustees during that period.
- 22.0 No further comment.
- 23.0 I am aware that a simple charity does not have a corporate legal identity. The individual trustees nevertheless remain liable for their own actions and have duties of trust and care and are subject to all other applicable English law, civil, criminal or otherwise. Whilst a CIO will have legal personality and give some limitation to individual liability, this does not mean that individual trustees then gain immunity from appropriate legal action in relation to any negligence or any other unlawful activity on their part.
- 23.1 The absence of any employer/employee relationship, including an appropriate supervisory and disciplinary structure, in relation to Marist priests' duties and behaviours when they were teaching children is a far more serious issue. This is, in my view, a complete breach of trust in relation to the pupils and parents of St Mary's College over many decades. This is the essential governance vacuum which enabled abuse by O'Neill and at least one other priest, allowed it to thrive and, once the abuse was discovered, allowed it to be concealed. The invocation of Canon Law here is again an irrelevance, it does not supersede, or in any way stand in for, the rights and duties enshrined in English law.
- 24.0 The lack of even a basic governance structure within the charity up until the late 1990s further underlines that the serious business of running several schools and the responsibility for the care and education of thousands of young people have been, and still are, entrusted by the Charity Commission and the Department for Education (DfE) to an amateurish, unqualified and, in my view, negligent group of unaccountable clerics who still decline to

take any responsibility for their incompetent, self-serving decisions or the damage they have caused.

- 25.0 I am aware that the Nolan Principles for standards in public life were not formalised or promulgated until 1993 in response to many high-profile corporate governance failures. I am also aware of how these principles stand in relation to the Charity Commission's own guidance to charities. I am more surprised that the Marists deem the principles in their own right, which have existed for many centuries, not to be 'mandatory'. I am no student of Canon Law, but would be interested to know which of these principles (selflessness, integrity etc) Canon Law considers dispensable in relation to running a school or a charity.
- 26.0 See comment at 3.0 above.
- 27.0 Austin Horsley's 'high-ranking position' is no excuse for the other adults around him, several of whom did know about O'Neill's abuse from 1993 onwards, and who in several cases held their own positions of responsibility eg as headteachers, superiors, trustees and governors, to stand by and allow the cover-up to go unchallenged. The 'only obeying orders' defence has a terrible history, and had this been offered by an erring child at St Mary's College over many decades in the past, it would likely have been met by a furious assault from a priest with a leather strap.
- 28.0 See comment at 20.0 above. ('2008' presumably a typo for 2018.)
- 29.0 I will have achieved resolution when the English Marists take responsibility and are held accountable for their actions and inactions in relation to O'Neill's abuse and when, because they are not fit and proper persons, they are removed from any role in the governance of any school in the UK.
- 30.0 I did not expect the Marists to do anything, any more than they have done anything to date to take proper responsibility for their governance and ethical failures. This is why I expect the Charity Commission and the DfE to take appropriate regulatory action to ensure that the Marists are never again entrusted with the care or education of children in any capacity.
- 31.0 No comment.

Marist Secretary's response to 20 December letter and comment, 3 January 2019

Dear Mr Murray

Society of Mary (Marist Fathers)

I refer to your letter dated 20th December 2018, which arrived in the office at New Year. I note your comments and questions arising from my letter of 7th December.

As I stated in my letter there is nothing more that I can add, there is very limited information available. Of the 19 remaining members of the Society of Mary (Marist Fathers) in England, 90% are over 65 years old and none has taught in the education sector since the late 1990's.

All of the high-ranking individual Marist Fathers in the English Province (that was) in 1993 are now deceased.

St. Mary's College along with other Colleges were formerly Catholic Voluntary Aided schools, which became part of the Further Education sector in 1993/94, with governing bodies responsible for the governance of the schools, subject to statute, and later they were constituted as corporate entities.

The Governing Body of St. Mary's College occupies and conducts the College on behalf of the Trustees of the Society and under the supervision of the Bishop. The Governing Body is accountable to its Trustees for the occupation of the premises and the conduct of the College, and to the Bishop for the Catholic character of the College.

When in earlier years the College(s) employed Marist priests as teachers, they became employees and were subject to the employer/employee relationship and appropriate supervisory and disciplinary structures that were the responsibility of the governing body of the College.

I can only repeat that the Diocese of Middlesbrough Safeguarding team and the Charity Commission have confirmed they are satisfied with the safeguarding procedures the Society has in place.

Yours sincerely

Finance Manager/Charity Secretarial

Reply to Marist Secretary's 3 January letter, 7 January 2019

Dear [Marist Secretary]

Marist cover-up of sexual abuse by Headteacher Kevin O'Neill

I received your letter dated 3 January 2019 today. Whilst some of the organisational detail you give is true in a fairly trivial sense, in other respects you appear to have entirely missed the point of my complaint and have overlooked some very obvious facts.

Of course many Marists in senior positions in 1993 are now deceased. My point is that between 1993 when O'Neill's abuse was initially concealed by Austin Horsley and 2017, when it was made public by the victim, several other senior Marists, some of whom are alive and are or have been trustees of the Marist charity, continued with the concealment until the victim's revelations made it untenable for them to continue in their deception.

Incidentally, since 1993 the Marists have been the recipients of hundreds of thousands of pounds in donations and legacies, much of which was doubtless given in good faith and on the basis that the Marists did not collude in the concealment of child sexual abuse. The protection of these income streams was doubtless a strong motivation for the decades-long cover-up.

You state that when Marists priests did teach in and run schools day to day that they "... became employees and were subject to the employer/employee relationship and appropriate supervisory and disciplinary structures that were the responsibility of the governing body of the college." The case of Headteacher Kevin O'Neill's sexual abuse, its cover-up by Austin Horsley and others then and subsequently and the concealment of the abuse from the governors, even when and to this day the Marists have a governor on the St Mary's College governing body, demonstrates that, at best, this nominal governance and management structure was disregarded in 1993 and for decades since.

My assertion that safeguarding arrangements have been inadequate therefore still stands.

It is plain that we are not going to agree on the basic facts of this case. Neither have you nor the English Marists shown the slightest empathy or insight into the source of my concerns, let alone towards my own personal experiences at the hands of O'Neill and of the other Marist, still alive, who freely molested me and many other children when we were in the Marists' care.

I would therefore ask that any further observations you have are not addressed to me directly but are passed only to your regulators either at the Charity Commission or the Department for Education. Should I decide to take matters any further with the Marists I will do so only through an appointed legal representative of whose details you will be notified should that need arise.

Yours sincerely

Damian Murray

Appendix 3

Correspondence with Department for Education

Letter to Secretary of State 28 February 2018

Dear Secretary of State for Education

Serious concerns about the Governance by the Marist Fathers of St Mary's College Blackburn

In your role as Principal Regulator for St Mary's College (SMC) Blackburn, I wish to lodge with you the following concerns and complaints against the Marist Fathers as Trustees and sponsors of the majority of governors for SMC.

- **Failure to prevent, detect or disclose historical abuse of pupils**
- **Poor stewardship, financial management and accounting.**

The Marist Fathers, as Society of Mary, are also a charity in their own right (Charity no. 235412) and I have accordingly lodged a parallel complaint with the Charity Commission. You will also doubtless be aware of the College's current state of financial and governance failure which are subject to intervention by the Education Funding Agency (EFA) and the Sixth Form College Commissioner (SFCC).

I have not referred my concerns directly to SMC. Because the governors and Trustees are the subject of my complaint, they have a clear conflict of interest and would not be able to address my concerns independently or objectively. This is why I am complaining directly to the Secretary of State. As Principal Regulator I understand that the Secretary of State has the power and responsibility to refer serious concerns such as mine about an exempt charity to the Charity Commission for investigation.

I am a former pupil of St Mary's (1970-77, when it was a direct grant Grammar school) and my experiences then and recently, as well as my review of the College's annual report 2016/17, have led me strongly to believe that the Society of Mary is not a fit and proper organisation to be trusted with the provision of this vital service to the young people of the Blackburn with Darwen area.

Failure to prevent, detect or disclose historical abuse of pupils

Since October 2017 I have been in correspondence with the Safeguarding Officer for the Marist Fathers, [...] at the Diocese of Middlesbrough, once I became aware that the Marists had failed to report to police at the time the historical abuse of a pupil in the 1970s/80s and which was disclosed to them by the victim in the 1990s, resulting in the 'ill-health retirement' of the perpetrator, the then Headteacher, and now late, Father Kevin O'Neill. Though the abuse was admitted by O'Neill, the College went ahead and named an Arts Block after him in 2008 prior to his death in 2011. This, even though the Marists were and remain the Colleges Trustees and appoint most of the governors, including one of their own priests.

I have also lodged a complaint with [the Safeguarding Coordinator] and have made a statement to the police about the behaviour of another Marist priest towards me at SMC in the 1970s, but I will not go into that here.

In relation to the Principal Regulator's regulatory responsibilities, I am concerned that the Marist Fathers have failed in their duties as Trustees of SMC in a number of serious ways, in that:

- They failed to report to the police, and to my knowledge the Charity Commission, a serious crime of sexual abuse by one of their members and a Headmaster of SMC, the late Kevin O'Neill, that was perpetrated against a schoolboy at SMC. The abuse took place in the 1970s/80s and was brought to light by the now adult victim, Graham Caveney, in the early 1990s. Mr Caveney has written a book that includes his account of the abuse, *The Boy with the Perpetual Nervousness*, reviews of which can be found online.
- O'Neill was retired as Head teacher in 1993, with a false reason given publicly by the Marists and with all the acclaim of the school, the Marists and of many previous pupils, including myself, who were ignorant of the real reason he stepped down.
- Instead of being reported to the police, expelled from the Marists or disciplined in any way, O'Neill was sent by the Marists (presumably at cost to the Charitable Trust) to be 'treated' for his sexually abusive behaviour (and, knowing the Catholic Church, for his homosexuality) to St Luke's Institute, Maryland, USA. This bizarre and thoroughly disreputable organisation has a 'colourful' history of dubious therapeutic practices and criminality which can easily be researched online.
- In 2008, whilst O'Neill was still alive, SMC named a newly built arts block after him. The Marists, as Trustees and with a governor of SMC, stood by and allowed this to happen without alerting the then Headteacher or senior management that this would be inappropriate and highly upsetting and insulting to O'Neill's one known victim.
- O'Neill died in 2011. I and several other past pupils attended his requiem mass as did teachers and other members of the community served by SMC, still in ignorance of his crimes. Only in late 2017 did I become aware through Mr Caveney's book of O'Neill's abusive behaviour towards him.
- I was a pupil at SMC 1970-77 when O'Neill was deputy Headteacher and he taught me English and Religious Studies. Whilst he did not sexually assault me, he did make me the object of what I have long suspected to be, and now recognise clearly, as his grooming behaviour. His befriending of and relationship with me as a vulnerable adolescent was almost identical to his approach to Graham Caveney a few years later, failing only to take the final step into overt sexual behaviour and assault. Had the Marists done their moral duty in bringing O'Neill's abuse to light once they knew about it, I (and for all I know others) would also have come forward with my own story at the time.

Since October 2017 I have been in correspondence with the Safeguarding Officer responsible for the Marist order, both in relation to the O'Neill case and to the classroom behaviour of another Marist priest towards me in the early 1970s which I will not go into here. The Safeguarding Officer is [...], based at the Diocese of Middlesbrough. Whilst the initial response to my questions and concerns was relatively quick, a supplementary set of questions that I submitted on 5 December 2017 has yet to receive a substantive reply.

The above summarises my concerns in relation to sexual abuse and its cover-up by the Marists and it also forms the substance of my complaint to the Charity Commission. It seems to me that both morally and legally the Marist order has fallen well short of the standards required and expected by

the Department for Education, the Charity Commission, the College and the Charity's beneficiaries and the public who fund their activities and maintain their assets. Consequently, I believe that they should be stripped of the Trustee and governorships of St Mary's College Blackburn and of any other educational establishments to which they are connected. Their entitlement to remain as a registered charity should also, I believe, be at least reviewed by the Charity Commission. If I had my way this status would be rescinded.

The Marist order seems to me to have consistently placed protecting their own reputation and income streams before their duties as Trustees, governors or even ordinary citizens. Their particular regulatory failings, I believe, include:

- Breach of Trust, eg by failing to act reasonably or responsibly as Trustees or school governors
- Failure to act for public benefit in relation to the O'Neill case
- Failure to report a serious incident to the Charity Commission or the DfE
- Failure to report a crime of sexual abuse against a schoolboy to the police
- Placing beneficiaries of the College and the Trust at risk both physically and mentally, whether at the time of O'Neill's abuse or subsequently in their management of a known incident
- Applying charitable funds inappropriately, ie in funding O'Neill's 'treatment' at the St Luke's Institute, Maryland, USA
- Behaving in such a way as to bring the charity and the charitable sector into disrepute
- Having no adequate corporate governance framework over many years that would prevent, detect or report abuse such as O'Neill's and no capacity for independent scrutiny or separation of duties within a small, close-knit organisation of colleagues who are also in many cases long-term friends
- Contrary to the College's Statement of Corporate Governance and Internal Control in their annual financial statements, failing to abide by the 'Nolan Principles' of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Poor stewardship, financial management and accounting

I need not rehearse the parlous financial position to which the Trustees and governing body have brought the College. This is well documented by the EFA and SFCC in their published reports.

What I would say is that I found the College's 2016/17 Members' Report and Financial Statements (MRFS) to vastly underplay and arguably fail to disclose their true financial position and longer-term prospects for sustainability. And this even though the MRFS was produced after the interventions by EFA and SFCC.

Though technically a going concern, given that they are likely to be bailed out short to medium term by the EFA, left to their own devices the College would soon be unable to meet significant loan commitments as they fall due (by March 2018 according to page 15 of the MRFS).

This also calls into question the quality of investment appraisal and business planning undertaken by the governors and Trustees before embarking upon a very significant building programme funded by

bank loans over the last ten years. This again is not reflected in the College's upbeat assessment of their own governance and risk management in the MRFS.

Again, from reading both SMC and the Society of Mary's most recent financial statements, it seems to me that the combined and separate accounting for the land and buildings on the College site are inadequate in terms of external accountability for these material and service-critical resources, let alone facilitating their sustainable management by the College and the public agencies to which they are accountable. I consider that the values of these assets should be disclosed in full in the appropriate controlling entity's balance sheet (probably the College's) and that any liabilities and/or legal charges against the assets accrued by the College to the Marists should be disclosed in both sets of accounts. This is currently achieved only partially or in the vaguest of terms in either set of accounts, meaning that the financial position for a very material element of the Trustees' and governors' custodianship remains inappropriately opaque to a user of those accounts.

Conclusion

This letter is to make you aware of the untenable position, as I see it, of the Marist Fathers in the onerous position of responsibility they currently hold, and to ask you as Principal Regulator to refer the matter for investigation to the Charity Commission and ensure that the Marists are removed from this role in Blackburn, and ideally from any other publicly funded educational establishments with which they are involved.

If you wish to discuss with me further, please do not hesitate to contact me [...].

Yours sincerely

Damian Murray

Appendix 4

Letter to my MP from Minister for Education

Letter from Minister of State for Apprenticeships and Skills to Fabian Hamilton MP, 9 May 2018:

Dear Fabian

Thank you very much for your letter of 11 April, addressed to the Secretary of State, on behalf of your constituent, Mr Damian Murray [...], about his complaint against St Mary's College Blackburn. I am replying as the minister responsible for this policy area.

I was sorry to read of Mr Murray's concerns. As he is aware, the Secretary of State is the Principal Regulator for sixth form college corporations. Where there are concerns that fall within the Secretary of State's duties in this role, he may refer sixth form college corporations to the Charity Commission for them to exercise their powers under the Charities Act 2011. I can confirm that the Secretary of State has not referred St Mary's College to the Charity Commission.

It may however be helpful to note that the Secretary of State authorised placing the college under a Notice to Improve for financial health in February 2017. The conditions of the Notice authorise intervention and scrutiny by the Further Education Commissioner (FEC), along with regular monitoring by the Education and Skills Funding Agency (ESFA). Regular reports are submitted to ministers on the intervention and monitoring arrangements in place for the college. In addition, both the FEC and the ESFA continue to meet regularly with the college to review their financial position, leadership and governance.

These interventions have meant St Mary's College has not required any additional financial support to date. The ESFA and FEC are now working with the college leadership and governors to identify a solution that can provide the college with a sustainable long-term future.

The college is also subject to the requirements of the ESFA's guidance on college accounts direction. This requires colleges to provide a financial statement that is independently and externally audited on an annual basis. A copy of this guidance is available on GOV.UK at:

www.gov.uk/government/publications/college-accounts-direction.

Regarding Mr Murray's particular concerns about safeguarding risks to individual children and vulnerable adults, I should explain that the statutory duties in relation to safeguarding individuals lie with local authorities. I understand that officials have not been made aware of any current safeguarding concerns that would warrant further action in this case. In terms of allegations of historic abuse, our advice remains that any such allegations should be referred to the police.

I hope this is helpful in replying to Mr Murray.

Rt Hon Anne Milton MP
Minister of State for Apprenticeships and skills

Appendix 5

Correspondence with Charity Commission

Letter to of complaint to Charity Commission 11 February 2018

Dear Sir/Madam

Complaint re Society of Mary (Marist Fathers) Charitable Trust, no. 235412

In relation to the Charity Commission's regulatory responsibilities, I am concerned that the Marist Fathers have failed in their duties as Trustees of St Mary's College Blackburn (SMC) in a number of ways, in that:

- They failed to report to the police, and to my knowledge the Charity Commission, a serious crime of sexual abuse by one of their members and a Headmaster of SMC, the late Kevin O'Neill, that was perpetrated against a schoolboy at SMC. The abuse took place in the 1970s/80s and was brought to light by the now adult victim, Graham Caveney, in the early 1990s. Mr Caveney has written a book that includes his account of the abuse, *The Boy with the Perpetual Nervousness*, reviews of which can be found online.
- O'Neill was retired as Head teacher in 1993, with a false reason given publicly by the Marists and with all the acclaim of the school, the Marists and of many previous pupils, including myself, who were ignorant of the real reason he stepped down.
- Instead of being reported to the police, expelled from the Marists or disciplined in any way, O'Neill was sent by the Marists (presumably at cost to the Charitable Trust) to be 'treated' for his sexually abusive behaviour (and, knowing the Catholic Church, for his homosexuality) to St Luke's Institute, Maryland, USA. This bizarre and thoroughly disreputable organisation has a 'colourful' history of dubious therapeutic practices and criminality which can easily be researched online.
- In 2008, whilst O'Neill was still alive, SMC named a newly built arts block after him. The Marists, as Trustees and with a governor of SMC, stood by and allowed this to happen without alerting the then Headteacher or senior management that this would be inappropriate and highly upsetting and insulting to O'Neill's one known victim.
- O'Neill died in 2011. I and several other past pupils attended his requiem mass as did teachers and other members of the community served by SMC, still in ignorance of his crimes. Only in late 2017 did I become aware through Mr Caveney's book of O'Neill's abusive behaviour towards him.
- I was a pupil at SMC 1970-77 when O'Neill was deputy Headteacher and he taught me English and Religious Studies. Whilst he did not sexually assault me, he did make me the object of what I have long suspected to be, and now recognise clearly, as his grooming behaviour. His befriending of and relationship with me as a vulnerable adolescent was almost identical to his approach to Graham Caveney a few years later, failing only to take the final step into overt sexual behaviour and assault. Had the Marists done their moral duty in bringing O'Neill's abuse to light once they knew about it, I (and for all I know others) would also have come forward with my own story at the time.

Since October 2017 I have been in correspondence with the Safeguarding Officer responsible for the Marist order, both in relation to the O'Neill case and to the classroom behaviour of another Marist priest towards me in the early 1970s which I will not go into here. The Safeguarding Officer is [...], based at the Diocese of Middlesbrough. Whilst the initial response to my questions and concerns was relatively quick, a supplementary set of questions that I submitted on 5 December 2017 has yet to receive a substantive reply.

The above summarises my concerns to date and forms the premise of my complaint to the Charity Commission. It seems to me that, both morally and legally, the Marist order has fallen well short of the standards required and expected by the Charity Commission, their beneficiaries and the public. Consequently I believe that they should be stripped of the Trustee and governorships of St Mary's College Blackburn and of any other educational establishments to which they are connected. Their entitlement to remain as a registered charity should also, I believe, be at least reviewed by the Charity Commission. If I had my way this status would be rescinded.

The Marist order seems to me to have consistently placed protecting their own reputation and income streams before their duties as Trustees, governors or even ordinary citizens. Their particular regulatory failings, I believe, include:

- Breach of Trust, eg by failing to act reasonably or responsibly as Trustees or school governors
- Failure to act for public benefit in relation to the O'Neill case
- Failure to report a serious incident to the Charity Commission
- Failure to report a crime of sexual abuse against a schoolboy to the police
- Placing beneficiaries of the Trust at risk both physically and mentally, whether at the time of O'Neill's abuse or subsequently in their management of a known incident
- Applying charitable funds inappropriately, ie in funding O'Neill's 'treatment' at the St Luke's Institute, Maryland, USA
- Behaving in such a way as to bring the charity and the charitable sector into disrepute
- Having no adequate corporate governance framework over many years that would prevent, detect or report abuse such as O'Neill's and no capacity for independent scrutiny or separation of duties within a small, close-knit organisation of colleagues who are also in many cases long-term friends.

Please advise me of what, if any, your next steps will be and if there is any further input or information you would require from me.

Yours faithfully

Damian Murray

[NB: letter also sent 19 March chasing a response.]

Charity Commission response to 11 February complaint, 2 May 2018

Dear Mr Murray

THE SOCIETY OF MARY (MARIST FATHERS)

Thank you for your letter dated 11 February and 19 March in which you raise concerns about the above Charity. Sorry for the delay in replying the commission has been receiving a high volume of correspondence.

We note the concerns you have raised regarding the former Headmaster of SMC. The commission is aware of the situation and we are monitoring the situation.

Thank you for contacting us, we will keep a record of your concerns on file. However we will not be providing updates regarding this matter.

Yours sincerely

[...]

Monitoring and Enforcement Team

Follow up complaint letter to Charity Commission, 5 May 2018

Dear [...]

Complaint re Marist Fathers, Charity no 235412

It did not take me long to read your response to the complaint that I first submitted to you on 11 February, some 80 days previously.

If you reflect on your words, you ought not be surprised that I find your letter to be peremptory, vacuous, dismissive and probably negligent.

You have given no substantive response to any of the detailed and serious concerns that I raised about this charity and what you have said is essentially meaningless. Of what 'circumstances' are you aware? In what way might they be being 'monitored'? Who is doing this monitoring and what plan of action do they have over what timescale?

The Marist Fathers as a corporate entity has covered up and failed to report to the police the paedophile sexual assault by a Marist head teacher on a pupil in his care. They lied to the public, donors and beneficiaries about the reason this priest left his job. They went on to name a school building after this known predatory paedophile. In corporate governance terms they have, to say the very least, flouted every single one of the Nolan Principles of conduct. I myself was molested as a child by one of the priests still active in this charity and this is currently the subject of a police investigation under Operation Hydrant.

The Marist Fathers have behaved in a corrupt, devious and dangerous way towards vulnerable young people. They remain the Trustees and governors of several schools. And you are monitoring the circumstances. Is this this really an appropriate degree of regulatory action?

I consider that you have not addressed these extremely serious concerns at all. I would go as far as to say that this tolerance of abusive institutions by the Charity Commission explains a lot about how predatory paedophiles can find a safe haven in the charitable sector.

I will therefore ask you once again to respond substantively to each of the specific, serious concerns that I raised in my original complaint letter. If I receive no competent, professional reply from you within ten working days, I will escalate my concerns about your failure to meet your responsibilities to the Charity Ombudsman, to my MP and, if necessary, to the press.

Yours sincerely

Damian Murray

Email from Charity Commission in reply to 5 May letter, 15 June 2018

20180615 Email from the Charity Commission detailing our role and requesting further information - to Mr Damian Murray CRM:0375100

Dear Mr Murray

THE SOCIETY OF MARY (MARIST FATHERS): 235412

I refer to the letters you have sent to the Commission concerning the above charity dated 11 February 2018; 19 March 2018 and 5 May 2018.

I have looked through this correspondence and apologise for the delays you have encountered in receiving a full response.

The Role of the Commission regarding Safeguarding.

I would firstly ask you to note that the Charity Commission has an important regulatory role in ensuring that trustees comply with their legal duties and responsibilities in managing their charity. In the context of safeguarding issues, it has a specific regulatory role which is focused on the conduct of trustees and the steps they take to protect beneficiaries and other persons who come into contact with the charity.

We will give the highest priority to any case where there is any live risk of harm or damage to the charity, its assets which includes its reputation, and/or its beneficiaries or any live risk of harm to the general public.

I would ask you to note that the Commission is not a prosecuting authority. Any criminal offences should be reported to the respective authorities including the Police and I have noted that this has been done in this case.

I attach some further guidance below related to our role and strategy for dealing with safeguarding concerns within charities –

[Strategy for Dealing with Safeguarding Issues](#)

[The Commission's Regulatory Work](#)

Further Information Required and To Note -

I can confirm that the Commission may be contacting the above charity about the issues you have detailed in your letter but before I do this could I ask for the following information –

- The details and any reference numbers of the referral to the Police – I will need to contact the Police prior to any contact being made with the Commission to ensure that this does not affect any investigation that they have in place and are undertaking. I will obviously let you know if I am advised not to proceed with any contact. I would also ask you to note that if contact is made with the charity the

Commission does not provide regular updates but will normally let you know when the case is closed and the result of the conclusion of our correspondence.

- You have also advised in your letter of 19 March that you have correspondence from the charity's safeguarding officer which you consider the Commission should have sight of. I would appreciate it if you could send this through to me.

Finally I would also ask you to note, that I am not contactable by phone until Monday due to some connection issues. I apologise for any inconvenience this may cause but can confirm that I am fully contactable by email.

I look forward to hearing from you at your earliest convenience.

Yours sincerely

[...]

Charity Commission

Monitoring & Enforcement Team

Letter to Charity Commission investigating officer, 17 June 2018

Dear [...]

Complaint re Society of Mary (Marist Fathers) Charitable Trust, no. 235412

Per our recent exchange of emails, I enclose my correspondence with the Marists' Safeguarding Officer [...] regarding the Marists' ethical and governance failings in the way they dealt with the grooming and sexual abuse perpetrated by the late Father Kevin O'Neill, former Headteacher of St Mary's College Blackburn.

I would emphasise again that my concerns relate not to current safeguarding arrangements at the school, which are doubtless compliant, but to the behaviours of Marists priests, individually and as a charitable trust, who remain in positions of responsibility in spite of the dereliction of their duties of trust and care and their failure to observe any of the Nolan Principles of Public Life in relation to the O'Neill case, either at the time they were made aware of the abuse in the early 1990s or subsequently.

The crime reference for my allegation of non-recent abuse against a current Marist priest is ED1720943 and it is also filed at Lancashire Constabulary's Operation Fervent under reference no. 359. The officer in charge is DI Dave Groombridge (10645) who can be contacted at Lancashire Constabulary by telephone via the 101 number. The priest was interviewed under caution in May this year. He declined to answer my specific allegation and the case is not currently being pursued pending further witnesses or victims coming forward. Whilst this remains a realistic possibility, you will not interfere with any current police action by contacting the Marists in your capacity as charity regulator.

I understand that you may be reluctant to speak to me by phone or face to face, but a conversation will almost certainly be the most efficient way to clarify our respective concerns and approaches. Whilst I have remained persistent in the face of reluctance and deflection to date on the part of those with the power and responsibility to act on the issues I have raised, I can guarantee always to be professional, objective and courteous in any dialogue.

Yours sincerely

Damian Murray

Charity Commission letter notifying investigation decision, 28 January 2019

[NB: 11 months since my first letter of complaint.]

Dear Mr Murray

SOCIETY OF MARY (MARIST FATHERS) (SOMMF) - 235412

I refer to our recent correspondence concerning the above charity including the following emails to which I have not responded previously –

- Email of 20 December 2018 – containing the attachment to the letter to [Marist Secretary] and also a letter to [Marist Secretary] dated 20/12/2018.
- Email of 27 December 2018 – attaching a copy of an email sent to [...] (Middlesbrough Diocesan Safeguarding Officer)
- Email of 7 January 2019 – attaching a letter from [Marist Secretary] dated 3 January and a response from you dated 7 January 2019.

The Commission has noted the information in these emails.

Conclusions of Commission Case

As you are aware the Commission has been in correspondence with both yourself and the above charity for some time and having now considered the correspondence we have received provide the following conclusions which are based on the information that has been provided. We also acknowledge the seriousness of the allegations made against Father O'Neill and the affect this has had on the people concerned.

Communication - The Commission does recognise that there has been issues with the communication between SOMMF and Saint Mary's College (SMC) which have resulted in many of the concerns you have brought to our attention including the naming of a building after Father O'Neill and the concerns related to Father Horsley. We have been informed that communication between the organisations is now much improved and we have provided SOMMF with advice and guidance in relation to this issue. We particularly want to be assured that there are clear communication channels between SOMMF and SMC going forward to ensure that both parties are appropriately made aware of any serious incidents that may occur in the future and may follow up this issue with SOMMF.

Safeguarding – The Commission is satisfied that SOMMF now has well developed safeguarding procedures established by the Catholic Safeguarding Advisory Service and any incidents would be dealt with correctly including reporting issues to the Police. Based on the information we have received, whilst it would appear that you did not always agree with their decisions, the charity seems to have dealt appropriately with the complaints and issues you have brought to their attention in that they have responded to issues and you have met with representatives acting for SOMMF to discuss issues.

Conflicts of Interest – Although it cannot be proven, there could be a perception in respect of possible conflicts of interest in the way that the allegations of abuse were dealt with in the past

when reported to SOMMF. The charity is being provided with advice and guidance in respect of this issue.

Decision and Closure of Case

Obviously the incident related to Mr Caveney happened some time ago and you have also made allegations which you have reported to the Police who are not taking the issues forward.

The Commission assesses the nature and level of risk on a case by case basis and this can be affected by several issues including whether the issues are ongoing or in the past and the capacity and willingness of the trustees to remedy the issues.

The Commission has fully assessed the information that has been sent in relation to the allegations of historic sexual abuse and your concerns about the way this was dealt with including issues with conflict of interest and your allegation that there was a cover up in respect of the alleged abuse by Father O'Neill.

We have also assessed information sent in by SOMMF including the way they have dealt with your complaints and the policies and procedures they have in place going forward. As indicated above we have provided the charity with advice and guidance going forward.

The Commission cannot become involved in the administration of a charity but we would expect it to deal appropriately with any concerns raised including historical concerns. Similarly we would want to be assured that the charity is operating correctly and has robust safeguarding processes and procedures in place. The Commission is satisfied based on the information we have received that this is the case.

After considering the information the Commission has concluded that it will not be taking any further action in respect of the historic allegations and will be closing our case. Obviously if further issues come to light in the future we may assess these and re-engage with the charity if we consider it is required. We may monitor the charity going forward to ensure that they act appropriately in respect of the concerns we listed above.

Complaints Procedure

We recognise that you may be disappointed and you can, of course, appeal against our decision. I have attached information about this process below.

Charity Commission Complaints Procedure

Finally, we confirm that a letter is being sent to the SOMMF today also detailing the conclusions of this case.

Yours sincerely

[...]

Charity Commission
Monitoring & Enforcement Team

Response to Charity Commission' requesting decision review, 6 February 2019

[NB: in CC-required email format]

Grounds for decision review

It is not clear from the decision letter dated 28 January 2019 (Ref KTP/235412/C475532/MET) under which of its powers and responsibilities the Charity Commission conducted its investigation or came to its decision.

Be that as it may, the basis upon which I would challenge the conclusions in the letter is that they do not address many of the specific complaints that I made in my correspondence with [investigator], focusing rather on administrative generalities in a way neither fair nor proportionate given the seriousness of a decades-long cover-up of serious sexual abuse by the Marist Fathers.

In particular, the conclusions fail to address the ways in which the interests and goodwill of the charity's beneficiaries and donors have been disregarded and abused, the charity's continuing culture of secrecy and bullying, and the roles of individuals still active in the charity whether as acting or former trustees or as, in one case, governor of St Mary's College Blackburn (SMC) during the period of the cover-up and to the present day.

I will not rehearse all my specific complaints here, they are set out clearly in the correspondence I have already sent to the Commission.

In short, I do not believe that the Commission's response has been relevant, fair or proportionate to the issues that I raised first with Commission in January 2018. The Commission only reluctantly pursued my concerns in the first place, and I feel that this reluctance has been reflected both in the sheer amount of time it has taken to respond, on the part of the Commission and of the Marists, and the rather superficial and 'admin-based' conclusions reached.

During the period of my complaint the Marist charity was also allowed to convert to being a Charitable Incorporated Organisation (CIO), this I found to be odd, given the serious nature of the complaint outstanding against them, but it also suggested to me that, in allowing the conversion, the Commission had already concluded that there was no case to answer before all the evidence was weighed and considered.

Nor at any time during my correspondence with Charity Commission has anyone there spoken directly to me either by telephone or in person, although on several occasions I made the offer to speak and/or meet. This does not seem to me to be good investigative practice in circumstances as serious, complex, long-standing and nuanced as in this case. As a minimum, a meeting to discuss and clarify the issues would have speeded up the process and have left less room for misunderstanding on all sides.

Additional information or evidence

Two specific and serious issues additionally do not appear to have been taken into account in the Commission's deliberations or conclusions:

1. During the period of the cover-up (more than 20 years) the Marists received donations and legacies amounting to hundreds and thousands, if not millions, of pounds. **[Note by DM, Sept 2020: much of this may be Marist personal income from pensions, salaries etc. Point re donors**

still stands however.*] It is difficult not to conclude that had many of these donors been aware that Austin Horsley and others had concealed serious sexual abuse by a headteacher on a pupil, they would have placed their scarce, precious resources elsewhere. In my opinion this amounts to obtaining very significant financial benefit essentially by deception. What is the Commission's opinion about this?

2. In the final paragraph of their first letter to me dated 7 December 2018, the Trustees of the Marists wrote: "With respect, the contents of this letter are strictly private, confidential and personal to its recipients and should not be discussed or passed to any third party without first seeking prior consent from the Trustees". Far from being respectful, I found this unwarranted condition to be threatening and bullying and a continuation of the culture of secrecy that led to the cover-up in the first place. This to my mind contradicts the Commission's conclusion that the charity's safeguarding and communications arrangements are now up to its standards. We know that the Marists do not believe that the Nolan Principles of Public Life applied to them, and this is simply further, continuing evidence of that.

Reasoned argument why decision is wrong

Communication

"Issues with the communication between [the Marists] and SMC" severely understates the Marists' intentional deception of the school, donors and beneficiaries, the public and the Commission for over two decades.

The school's arts block named after the sexual abuser and former headteacher Kevin O'Neill whilst the Marist governor Noel Wynn and other Marists stood by and allowed it. When the Marists were aware of the abuse, after lying publicly about the reason for O'Neill's removal, the school was also permitted to award to students an annual prize for achievement in O'Neill's name whilst Fr Wynn and doubtless other Marists looked on at prize-giving evenings.

"Improving communication" is the least that needed to happen and is not an adequate response by the Commission. As well as a public case report and a reprimand for the Marists by the Commission, I would have expected the circumstances of the cover-up to have been referred by the Commission to the Secretary of State for Education as Principal Regulator of SMC.

Safeguarding

The Marists' safeguarding arrangements are provided by a third party, the Diocese of Middlesbrough. Whilst the Diocese's Safeguarding Officer (SO) has behaved properly in his dealings with me, he is dependent upon the Marists coming forward and observing Nolan Principles in notifying any current or historical safeguarding issues to him. Nothing in the UK Marists' conduct (including their insistence that I too maintain secrecy about them) suggests that this would be guaranteed to happen, and I see no reason why the Commission concludes that it would.

The Marists have not "dealt appropriately" with my complaints. Middlesbrough's SO did respond properly to the best of his knowledge and ability, but I concluded that he was not given a full or entirely truthful story by the Marists, but rather the bare minimum they felt they could get away with. This was certainly their approach with me.

The meeting with the Marist European Superior was welcome and his regrets sincere, but he was fairly new to the job, with no first-hand knowledge of the issues. The meeting was also only offered

once the main perpetrator of the cover-up, Austin Horsley, had died in April. The meeting in August 2018 was in fact the first mention of his name, although I had first raised concerns in October 2017. The letters I received from the Marists in December 2018, which exposed even more their dismissive attitudes and persistent deceptions, were only sent to me at the prompting of the Commission and were by no means an exemplar of good communication or safeguarding practice.

Conflicts of interest

The Commission does not specify the conflicts of interests to which it is referring. The whole chain of events over many years, and to date, seems to me to have been designed by the Marists to serve the interests of the Marists, to frustrate their proper accountability and to avoid risk to their reputation or the loss of donation and legacy income. Again, “perception in respect of possible conflicts of interest” seems to me a weak and insupportable conclusion.

Decision and closure of case

The distance in time of the Caveney abuse is irrelevant. It was the Marists’ decades-long cover-up that contributed to my delay in making a complaint.

The allegation I reported to the police is irrelevant. Nothing in my complaint to the Commission hinges on my molestation as a child at the hands of a Marist priest still benefiting from the charity.

Neither O’Neill’s abuse nor the subsequent cover-up are “alleged”. Both are admitted and well-evidenced. The Marists’ European Superior at our meeting in August freely stated that “wrong decisions” had been made by the UK Marists.

In summary, I disagree with most of the Commission’s findings and all of its conclusions.

The evidence is that the Marists are not fit or proper to be school trustees or governors. Nor does anything in the UK Marists’ responses suggest that, either culturally or in governance terms, they could be trusted to prevent, detect or report any historical, current or future abuse of a vulnerable person by any of their members.

I also believe that the deception of donors and beneficiaries over many years has in all probability resulted in the receipt of funds that could and would otherwise have gone to more honest and deserving charities. [*]

The Marists’ conduct should in my opinion have resulted in a public report by the Commission to ensure that all that had been previously hidden was brought properly to light and that future beneficiaries, donors and other stakeholders could make properly informed decisions before providing cash and other support, or giving onerous and sensitive public responsibilities, to such a morally derelict organisation.

As it stands, the Charity Commission has, on the contrary, put its weight approvingly behind the Marists’ behaviour from 1993 to date, with a few minor recommendations to “improve communication” and avoid the “perception” of conflicts of interest.

From: Damian Murray

[* General donations to Marists in 2016 were £46k (2015, £52k). Extrapolated over 20 years, this would approach £1m, excluding legacies.]

Result of 'Stage 1' decision review by Charity Commission, 22 February 2019

Our ref: C-494131/JK/Stage 1

Dear Mr Murray,

THE SOCIETY OF MARY (MARIST FATHERS) – 235412 ('the Charity')

Thank you for your e-mail of 6 February 2019, in which you have requested a decision review.

Our Decision Review procedure can be used to challenge any decision which can be considered by the First-tier Tribunal (Charity) (listed in the table in Schedule 6 of the Charities Act 2011) and any decision either to exercise or not to exercise a legal power which is not listed in schedule 6. As we have not exercised a legal power in this case, Your complaint has been passed to me to consider under the Commission's stage 1 review procedure. This is the first step in our complaints process. The aim is to try to resolve complaints locally as close as possible to the point of dissatisfaction, so that if we have made any errors we can put them right quickly.

A stage 1 review is carried out where a customer is dissatisfied about the standards of service they have received on a case and/or about the outcome of a case, or if they consider that they have not been provided with a service that the Commission states that it will provide.

Findings

I have reviewed the case and conclude that it was dealt with in accordance with our own internal guidance, policies and procedures and in furtherance of our objectives, general functions and duties as outlined in sections 13 to 16 of the Charities Act 2011.

I have made the following observations in consideration of your complaint:

- The Commission's e-mail to you of 15 June 2018, made clear the Commission's regulatory position and that in the context of safeguarding issues, it has a specific regulatory role which is focused on the conduct of trustees and the steps they take to protect beneficiaries and other persons who come into contact with the Charity. We further explained our limits as a regulator and that we are not a prosecuting authority.
- I acknowledge that there were delays in the progression of this case, and note that we did apologise for this. However, we have seen an increase in reporting to us since February 2018, and as I am sure you will understand cases are dealt with in order of risk priority, and that we prioritise those with a live risk. The delay does not mean that we did not take your complaint seriously.
- Our regulatory role in this particular case was to ensure that the trustees were complying with their legal duties and responsibilities in managing their charity. In the context of safeguarding issues, we focus on the conduct of trustees and the steps they take to protect beneficiaries and other persons who come into contact with the charity in accordance with them discharging their duty of care.
- Whilst the matter relates to historic allegations of abuse, as the police confirmed that they would not be taking matters any further unless witnesses or other victims came forward. The Commission's regulatory role in this case was limited to the current governance of the Charity. Unfortunately it is not within the Commission's remit to support or advocate for victims of abuse/ alleged abuse.

- The Commission considered whether the conversion of the Charity to a CIO had any impact on the circumstances of the case which was being considered at that point, and decided that it did not. I therefore make no further comment in this regard.
- Whilst I appreciate you were disappointed with the Commission's engagement with you, the Commission has a duty to utilise its resources carefully and it is not possible for us to meet face to face with each complainant. I note that the case officer did offer to speak to you by telephone. At the point that we considered that we had enough information we were then able to draw our conclusions.
- I have considered the closure letter of 28 January 2019 and find the explanations to be sufficient. I consider that the Commission has fully considered your complaint and provided an adequate response.

Whilst I appreciate that you may find this response disappointing, and that it was not the outcome that you wanted, I hope the explanation provided is helpful.

This letter concludes my consideration of your complaint and I hope that you have found it helpful. However, if you remain dissatisfied with the standard of service you have received, then please email the Business Assurance Team on or before 22 March 2019 at BusinessAssurance@charitycommission.gsi.gov.uk and a review of the way your complaint has been handled will be undertaken by a member of that team.

Yours sincerely

[...]

Senior Case Manager

Monitoring & Enforcement Team

Request for Charity Commission Stage 2 review, 25 February 2019

Dear Sir/Madam

Stage 2 complaint: Concealment of sexual abuse by The Society of Mary (Marist Fathers) 235412

I refer you to [investigator's] decision review letter dated 22 February 2019, ref C-494131/JK/Stage 1 and to all of my previous correspondence with [...] of the Commission's Monitoring and Enforcement Team. I remain unsatisfied both with the Commission's response to my original complaint against the Marist Fathers and with [investigator's] Stage 1 review.

It now honestly feels to me as though the Commission is responding to a complaint that it thinks I have made rather than the one that I have in fact made. Both [...] and [investigator's] responses focus puzzlingly upon incidental or even irrelevant features of my complaint against the Marists, and they seem unable or unwilling to discern or focus upon the core truths that I have brought to the Commission's attention, demonstrating that the Marists have for many years been and remain in breach of trust and of their charitable objects. I therefore believe that my original complaint against the Marists and against [...]’s initial decision still stand and have not been adequately addressed.

As part of the Stage 1 findings, [investigator] states: *“I have reviewed the case and conclude that it was dealt with in accordance with our own internal guidance, policies and procedures and in furtherance of our objectives, general functions and duties as outlined in sections 13 to 16 of the Charities Act 2011”* (CA2011). I do not have access to your internal guidance, but I have read the relevant sections of CA2011 as well as the Commission’s Revised Regulatory Statement on the Gov.uk website.

As far as s.14 of CA2011 is concerned, I fail to see how, in dealing with the Marists’ long-term concealment of sexual abuse, the Commission has met its statutory objectives in relation to public confidence (s.14.1) or accountability (s.14.5). Arguably, the Marists have also acted in contravention of their public benefit duty (s.14.2).

As far as s.15 of CA2011 is concerned I also fail to see how the Commission has discharged its statutory functions, in particular:

- ***Identifying and investigating apparent misconduct or mismanagement in the administration of charities and taking remedial or protective action in connection with misconduct or mismanagement in the administration of charities.*** (s.15(1)3) This and my previous letters address why I think this duty has not been met.
- ***Obtaining, evaluating and disseminating information in connection with the performance of any of the Commission’s functions or meeting any of its objectives.*** (s.15(1)5) I believe that the Commission should issue a case report setting out the Marists’ decades-long concealment of sexual abuse in order that beneficiaries, donors and other stakeholders are able to make properly informed decisions when dealing with the charity.
- ***Giving information or advice, or making proposals, to any Minister of the Crown on matters relating to any of the Commission’s functions or meeting any of its objectives.*** (s.15(1)6) I believe that the Commission ought to have reported the concealment of sexual abuse to the Secretary of State for Education, given the fact that the abuse concealed was between a Marist headteacher, Father Kevin O’Neill, and a pupil at St Mary’s College

Blackburn (SMC) and given that the Marists were and remain trustees and/or governors of SMC and two other publicly-funded colleges in England.

You will be familiar with the Commission's Regulatory Statement. Even at this high level of generality it seems clear to me that its aspirations have not been met in this case:

- The **strategic priority** of '*enhancing transparency and the rigour*' with which the Commission holds charities accountable has not been met.
- Under **compliance and enforcement**, I do not believe the Commission has used information '*effectively to identify risk and to pursue abuse of charity*', nor has it acted '*where there is significant risk to public trust and confidence*'.
- Under **accountability and transparency**, the Commission has not published a report on '*the outcomes of and lessons from*' this case. I believe this case to be significant because of its serious nature and duration, the continuing insistence on secrecy by the Marists, and the consistency of the abuse and its concealment with the endemic culture and practice of sexual abuse within the Roman Catholic Church (RCC). To underline the significance of this case, there is a national Independent Inquiry into Child Sexual Abuse (IICSA) currently under way in the UK with a specific strand of inquiry dedicated to the RCC, and even the Pope is currently convening a worldwide conference of bishops on the subject.
- Under **efficient, objective and proportionate regulator**, the Commission says it aims to '*act robustly whenever we have reasons to doubt the veracity of information provided to us, or where trustees are unreasonably slow or unwilling to respond to our concerns*'. In my view, the Marists responded extremely and unreasonably slowly to the concerns I raised via the Commission (and directly with them by me, come to that). Nor were the Marists entirely open or truthful in their responses, for example only disclosing the name of the main perpetrator of the cover-up, Father Austin Healey, once he had died.

Below I address the bullet points in [Investigator]'s letter of 22 February (I have numbered them for convenience of reference).

Bullet points in Stage 1 decision letter

- 1 The Commission's regulatory responsibilities were indeed explained to me, in the broadest possible terms, at the outset and I acknowledged that I understood them. I am not asking the Commission to act outwith its regulatory remit. Whilst my complaint against the Marists does have its roots in their failure to safeguard the children in its care, my core complaint is not primarily a safeguarding matter; it relates to the Marists' decades-long flouting of basic standards of governance, accountability or openness and the fact that it has acted, and continues to act, against the interests of its beneficiaries and donors, the general public and the charitable sector as a whole.
- 2 As I had myself observed when chasing progress, the Commission has treated my complaint as low priority. I understand that these judgements have to be made when allocating scarce resources. Nevertheless, the Marists' disregard for basic standards of governance was and remains a 'live risk' and they are even now continuing to demand that secrecy around their cover-up is maintained. Had the Commission insisted more urgently upon a prompt response from the Marists I would also have been made aware, whilst he was still alive, that the main perpetrator of the cover-up, Father Austin Healey, had been allowed to vet the Marists' responses to my initial complaint to them. He died, apparently unexpectedly, in April 2018. Only

after this did a Marist representative offer to meet me, and only after being pressed by the Commission did the Marists write to me with explanations that only confirmed and intensified my concerns about their culture and behaviours.

- 3 See response to bullet points 1 and 2.
- 4 The Commission appears to be confusing two separate, though linked, strands of my experience at the hands of the Marists, as well as misunderstanding their relevance to my core complaint. I was indeed molested by Father Michael Simison when I was a pupil at SMC in the early 1970s. I was indeed groomed later in the 70s by the late Father Kevin O'Neill. O'Neill later went on to commit the sexual abuse of another pupil in the late 70s/early 80s which the Marists lied about and concealed for over 20 years after they were notified about it in 1993. I reported Simison's behaviour to the police in 2018. He was interviewed under caution and no further action is being taken pending any other victims coming forward. Neither this nor O'Neill's grooming is directly relevant to my core complaint. I provided that sensitive, personal information as context, as one of the reasons I felt bound to pursue the complaint with the appropriate regulatory authorities. I am not asking, and have never asked, the Commission for support or advocacy as a victim of 'abuse/alleged abuse', as [Investigator] puts it. For the avoidance of doubt, the abuse I suffered may correctly be described as 'alleged' (though it did happen); the sexual abuse of another pupil, covered up by the Marists for over 20 years, was admitted by the perpetrator and now indeed by the Marists. There is absolutely no doubt that it took place and the Marists subsequently made a secret financial settlement with the victim in, I think, 2014. It is the Marists' behaviour in relation to the abuse of this other pupil to which my complaint is directly addressed. Though the abuse may have been 'historical', the cover-up by the Marists is neither non-recent nor alleged; it is the case, it is persistent and it is continuing.
- 5 I think this is framed the wrong way around. The Commission should in my view have considered whether the circumstances of the case would have had an impact on the Charity becoming a CIO, not vice versa. Why, coincident with my complaint, were the Marists seeking to limit the liability of individual Trustees? As the question was never put, we will never know.
- 6 I have no recollection of being offered a telephone conversation by [...], though would be happy to be directed to any evidence for this. In one email there was a generic 'out of office' message stating that [...] would not be available to respond to telephone calls for a period, but I would hardly say this counted as an offer to speak to me. [Investigator]'s consideration that the Commission had enough information from which to draw their conclusions seems to me, if we are talking about the correct conclusions, to be evidently wrong.
- 7 On the contrary, I found the explanations in the closure letter of 28 January to be opaque, highly generalised and not related to my detailed concerns; where explanations could be discerned at all, they were inadequate and incorrect for the reasons set out above and in my previous correspondence with the Commission.

Conclusion

The Commission has failed to address my concerns about the culture and behaviour of the Marist Fathers' in relation to their decades-long cover up of child sexual abuse and has not, in my view, met its own statutory and regulatory responsibilities as enumerated above. Please consider this letter to be a formal complaint, now, as I understand it, at Stage 2 of the Commission's complaints process.

Yours faithfully

Damian Murray

Charity Commission Stage 2 review letter, 21 June 2019

Dear Mr Murray

THE SOCIETY OF MARY (MARIST FATHERS)

Thank you for your email and attachments of 25 February in which you set out your dissatisfaction with the stage 1 review of your complaint conducted by my colleague [investigator].

Please accept our sincere apologies for any inconvenience or frustration the delay in responding to your stage 2 request may have caused, this is due to large volumes of work the Commission is handling at present.

Your letter has been passed to the Records, Information Governance and Assurance team to consider at stage 2 of our complaints process, I am a member of that team and have now completed a stage 2 review.

It may be helpful if I first set out the parameters of the stage 2 review.

A stage 2 review looks at how the first review was handled, specifically if it:

- addressed the issues of your complaint
- fixed any shortfalls in our service
- conveyed the outcome clearly
- was thorough and fair

Background

You first contacted the Commission in February 2018 setting out your concerns that the "Marist Fathers have failed in their duties as Trustees of St Mary's College Blackburn" by failing to report to the Police, and to your knowledge the Commission, the sexual abuse of a schoolboy by one of their members and a headmaster of the said college. This abuse occurred in the 70s/80s.

You wrote further to this advising that you yourself had reported a matter of abuse to the Police and this was currently under investigation.

We responded to you on 15 June, requesting further information regarding the matter reported to the Police and asking you to note our role in the context of safeguarding issues.

You were directed to further information which explains in more detail our role and approach in safeguarding matters

You responded on 17 June and emphasised that your concerns related not to current safeguarding arrangements at the school, but to the behaviours of Marists

priests, individually and as a charitable trust, who remain in positions of responsibility.

You emailed the Commission on 16 August advising that you would have expected a substantive response to your concerns to which we advised we would provide you with a substantive response when our case was concluded.

We responded on 19 September advising we would provide you with a substantive response at the conclusion of our case. We reiterated the Commission's role in the context of safeguarding and advised that this is a historic case and there did not appear to be any immediate risk to beneficiaries or other people connected to the charity.

On 28 January we provided you with our substantive response advising you that based on our assessment of all the information we had regarding this matter we were satisfied the charity is now operating correctly and has robust policies and procedures in place regarding safeguarding. We concluded that we would not be taking further action in respect of the historic allegations and closed our case.

Stage 1 review

You were unhappy with the handling and outcome of our case and wrote further to the Commission setting out your dissatisfaction. In your email of the 6 February you contend that:

- the conclusions of the case closure letter dated 28 January 2019 did not address many of the specific complaints that you made.
- You were unhappy with the length of time taken to consider your complaint.
- During the course of dealing with your complaint the charity were allowed to convert to a CIO. You found this odd and it suggests to you that the Commission had already concluded that there was no case to answer before all the evidence was weighed and considered.
- At no time during your correspondence with us has anyone spoken with you directly, either by phone or in person even though you offered.

The stage 1 review looked at your complaint and the Commission's case again and concluded that your complaint was handled appropriately and in accordance with our policies and procedures in relation to historic cases concerning safeguarding.

The reviewer made a number of observations in the closing of their stage 1 review of your complaint, noting:

- The Commission's e-mail to you of 15 June 2018 made clear the Commission's regulatory position in the context of safeguarding issues. We advised it has a specific regulatory role which is focused on the conduct of trustees and the steps they take to protect beneficiaries and other persons

who come into contact with the Charity. We further explained our limits as a regulator and that we are not a prosecuting authority.

- Acknowledging that there were delays in the progression of your complaint case for which we apologised and explained to you why these delays occurred. We provided reassurances that the delay did not mean that we did not take your complaint seriously.
- Our regulatory role in this particular case was limited to the current governance of the charity, ensuring that the trustees were complying with their legal duties and responsibilities in managing their charity. In the context of safeguarding issues, we focus on the conduct of trustees and the steps they take to protect beneficiaries and other persons who come into contact with the charity in accordance with them discharging their duty of care.
- The Commission considered whether the conversion of the Charity to a CIO had any impact on the circumstances of the case which was being considered at that point, and decided that it did not.
- That it is not possible for us to meet face to face with each complainant who contacts us.
- Found the case closure letter of 28 January 2019 to be a sufficient and adequate response to your complaint.

Stage 2 review

As stated previously the stage 2 review looks at how the first review was handled, whether it addressed the issues of your complaint, fixed any shortfalls in our service, was clear in conveying the outcome of the review and was thorough and fair.

Having reviewed our records I am satisfied the stage 1 reviewer had consulted the records and having done so was able to confirm to you that we had fully considered your complaint.

I concur with the reviewer's conclusion that our remit in the context of safeguarding issues has been clearly explained to you and our response was appropriate and in line with our current policies and practice. I also note you were again directed to further relevant information about our strategy in safeguarding cases to aid your understanding of our approach and remit.

The reviewer has explained that your complaint was about historic abuse and therefore, in this case our remit would be limited to looking at how the charity's trustees are now discharging their duties.

We have acknowledged and apologised for any shortfall in the standard of service you received and explained that we did not consider the charity's conversion to a CIO would have any impact on your case. I also note that [...]’s full contact details were provided in her communications with you, in particular her work and mobile telephone numbers and email address, you would have been free to contact [...] by telephone if you had so wished.

Conclusion

In conclusion I am satisfied that the Commission has followed its policies and procedures when considering your concerns. Furthermore, the Commission has clearly and adequately answered your concerns and explained the reasons for the conclusions reached in your case.

I hope that my review has gone some way to reassuring you that the Commission has considered your complaint seriously. There are however no further routes for you to take within the Commission for consideration of your complaint.

Should you remain dissatisfied with the service you have received, you may wish to approach the Parliamentary and Health Service Ombudsman (PHSO).

The PHSO considers certain complaints about the service provided by a range of bodies, including the Commission. Further information is available from the Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London SW1P 4QP, telephone number 0345 015 4033 (www.ombudsman.org.uk/make-a-complaint).

Yours sincerely

[...]

Information Rights and Complaints Manager
Charity Commission

Reply to Charity Commission's Stage 2 decision, 22 June 2019

Dear [Stage 2 reviewer]

Your letter indicates that the stage 2 review process was in fact a "rubber stamping" of the stage 1 findings and it seems to me that it could only have been the work of minutes rather than the labour of four months, workload or no workload.

You have defaulted again to the argument that my complaint is solely about current safeguarding arrangements, in spite of my very detailed correspondence explaining that it is not. In fact, I find it difficult to believe that my online submission of 28 January or my letter of 25 February were read by you at all, given that hardly any of their specific concerns, entirely germane to a range of the Commission's statutory responsibilities, have been addressed.

I now fully understand that you do not wish to engage with my real concerns and that the Ombudsman is now my only redress (much delayed by the Commission).

The conclusions I do draw from your response, given all the evidence I have put before you, include, amongst other things, that you find:

- The Marist Fathers, in spite of their decades long concealment of sexual abuse, to be fit and proper persons to act as trustees of their charities and as trustees and governors of publicly funded schools and colleges.
- That their deliberate concealment of sexual abuse did not amount to 'misconduct or mismanagement' of their charity.
- That retaining the main architect of the cover-up, Fr Austin Horsley, as a charity trustee from 2014, when they were finally obliged, against their will, to disclose the abuse, until his death in 2018, was acceptable governance and good safeguarding practice.
- That failing to disclose the sexual abuse for at least 20 years (1993-2014) was acceptable practice, demonstrating a proper duty of care, whilst the Marists were raising millions of pounds in funding from donors and legators **[Note by DM, Sept 2020: much of this may be Marist personal income from pensions, salaries etc. Point re donors still stands however.*]**, most of whom would have assumed they were not financing an organisation committed to concealing the sexual abuse of a schoolboy and some of whom would have been vulnerable adults.
- That the Marists warning me as recently as December 2018 not to disclose their actions without their consent is consistent with the Charity Commission's regulatory framework and indicative of an acceptable safeguarding culture.

Please keep this email for your records. I do not expect a response as you have already explained that your work as you see it is complete.

Yours sincerely

Damian Murray

[* General donations to Marists in 2016 were £46k (2015, £52k). Extrapolated over 20 years, this would approach £1m, excluding legacies.]

“... therefore, do whatever they teach you and follow it; but do not do as they do, for they do not practise what they teach. They tie up heavy burdens, hard to bear, and lay them on the shoulders of others; but they themselves are unwilling to lift a finger to move them.”

Matthew 23:3-4