

## SOUTH EASTERN HEALTH BOARD HANDLING OF ALLEGATIONS OF CHILD SEXUAL ABUSE.

### FR JAMES GRENNAN (Deceased)

#### Monageer 1988

The Monageer case, which arose in 1988, is the first recorded case of child sexual abuse involving a priest that came to the attention of the South Eastern Health Board. The details of the allegations made and the Church response to such allegations are outlined in Chapters 4 and 5 of this Report. It is necessary to repeat some of the relevant facts here.

On 26 April 1988, a group of 10 girls approached Mr Higgins, Principal of Monageer National School complaining that Fr Grennan, the Chaplain and Chairman of the Board of Managers of the school, had touched them under their skirts and inside their clothing. They also complained about Fr Grennan's harsh approach to teaching religion and his preparation for Confirmation. Mr Higgins contacted Childline who advised him to refer the matter to the South Eastern Health Board and gave him the name and contact number of the relevant official, Mr. Joe Smyth.

The following day, Mr Higgins telephoned Mr. Joe Smyth, who asked a social worker, to visit the school. By 12 o'clock on 27 April 1988, Mr Higgins had made available a room in which the social worker met with the girls concerned. This was followed up with another meeting some days later. The social worker interviewed the girls collectively over a two-day period. She told Mr Higgins that she was concerned that there was substance in the allegations. She described to the Inquiry how she called to each individual family and asked the parents to bring the children to the Community Child Centre at Waterford Regional Hospital for the purposes of assessment. The children were interviewed by the Validation Unit Medical Officer, Dr Geraldine Nolan on 4 May 1988.

Dr Nolan, a qualified paediatrician, took up a position with the South Eastern Health Board in 1986. She had studied the problem of child sexual abuse and the means of validating allegations over a period of some seven weeks in both Canada and the UK. She explained to the Inquiry that the purpose of a validation unit was to establish whether an allegation of child sexual abuse was credible. In fact, the facility in the South Eastern Health Board was only in the course of being set up and was not fully commissioned until December 1988. The task undertaken by Dr Nolan was the first of its kind in the Health Board area.

Originally ten girls made complaints but the parents of three of the girls did not give consent for their children to be interviewed by Dr Nolan.

Dr Nolan described to the Inquiry how she spent an entire day interviewing each of the girls individually in order to assess whether their allegations could be validated. Dr Nolan was quite clear that she did not see her role in any way as determining guilt or innocence but as simply establishing that the allegations made by the girls, were on the face of them, credible. She said that the stories were consistent and varied only in minor detail. Dr Nolan's report of 5 May 1988 consisted of a brief summary of the allegations of the children, a conclusion that the allegations were not made for any malicious motive, a finding that Fr Grennan had been abusing the girls particularly over the past year, sexually, emotionally and physically, and a recommendation that the children be protected from further abuse. No individual reports were made in respect of each child although Dr Nolan interviewed each child individually and had individual case notes on each child.

In the course of the validation procedure, evidence of a criminal nature emerged which involved a person other than Fr Grennan but which had implications for child protection. Dr Geraldine Nolan did not include this information in her report but did refer to it in the letter accompanying that report. This information does not appear to have been passed on the Gardai although one of the witnesses to the Inquiry described how she was visited by a detective some months later for a statement on this matter. It is not clear how the information got to the Gardai or whether it was communicated by the Health Board and no record of such a visit appears on Garda files.

Dr Patrick Judge, Director of Community Care of the South Eastern Health Board, spoke with Dr Nolan about the content of her report on the evening of 4 May and called to see Monsignor Breen, Vicar General of the Diocese, who was acting in Bishop Comiskey's absence. Dr Judge informed Monsignor Breen that Fr Grennan was alleged to have sexually abused the girls in Monageer and that he should be immediately removed from the parish. As has already been described at Chapter 5, a misunderstanding arose as to whether Dr Judge alleged a sexual assault involving exposure by Fr Grennan on the altar during Confession or whether what was involved was inappropriate touching.

Monsignor Breen spoke with Fr Grennan who vehemently denied all the allegations. Fr Grennan called to Dr Judge but after an acrimonious meeting, he left.

On 5 May, Dr Judge instructed Mr Higgins that he was never again to release children alone into Fr Grennan's company. When Mr Higgins protested that Fr Grennan was "*his boss*" Dr Judge said; "*well you can't, how will it look if we have a file that thick on him and he reoffends*". This placed Mr Higgins in a difficult position because Fr Grennan, as Chairman of the Board of Management of the National School, was effectively Mr Higgins's employer. Nevertheless, Mr Higgins improvised and created a permission slip which he asked parents of children to sign before he would release them to attend the church or the parish house.

The Inquiry has heard from Bishop Comiskey that he considered Dr Judge to be anti-clerical and to have a personal agenda in his pursuit of Fr Grennan. It is clear that Dr Judge took a personal and active interest in this case at the beginning but there is no evidence that he was involved in any way after the Confirmation ceremony had taken place.

Dr Judge reported the allegations to the Gardai on 5 May. The Gardai took statements from the girls involved and also from the social worker. Informal approaches were made by a member of the Garda Síochána to Fr Grennan, suggesting that he should absent himself from the altar for the Confirmation ceremony. Tension was high in Monageer with the community becoming more and more divided over the issue. Fr Grennan went on a short holiday to Spain in order to diffuse some of the tension in the parish but refused to absent himself from the Confirmation ceremony.

The Inquiry understands that some of the parents were led to believe by Dr Judge that Fr Grennan would not be on the altar for the Confirmation. They were then informed that whilst he would be on the altar, he would be playing a minor role in the ceremony.

Bishop Comiskey had returned to the Diocese some weeks before the Confirmation ceremony, which took place on 21 June, 1988. He informed the Inquiry that he did not believe the allegations of the girls and felt that Fr Grennan should not absent himself from the Confirmation ceremony as to do so would be to imply guilt. He did not speak with any of the Health Board officials nor with any of the girls. He knew of the existence of the Validation report by Dr Geraldine Nolan and knew that it had been given to the Gardai on 5 May but he did not see it until 29 August 1988.

When Fr Grennan entered the church and walked up through the centre aisle accompanied by Bishop Brendan Comiskey and the curate from the neighbouring parish, two parents stood up, signalled to their children and left the ceremony before the entrance hymn was over.

The walk-out was reported in some local papers the following Sunday. After the walk-out at the Confirmation and the subsequent publicity, the Monageer incident appears to have died down.

In her report of 5 May 1988, Dr Geraldine Nolan recommended that the girls receive further counselling and support. The Inquiry asked the South Eastern Health Board whether any such counselling or support had been made available to the girls at the time. The social worker who had originally interviewed the girls explained to the Inquiry that the Health Board simply did not have facilities to offer counselling or support. She said that there were only four social workers serving the whole of Wexford at the time. This meant that each social worker was serving 25,000 people. The resources were not available to offer the children any realistic support after the Monageer incident occurred.

Mr Higgins, the Principal of the school, described to the Inquiry how, immediately after the incident occurred, Fr Grennan did not attend the National School as regularly as he had previously done. However, within a few months, his previous pattern resumed and the incident faded into the background. Mr Higgins contacted his union, INTO, and was assured of their support in the event of any action being taken by Fr Grennan against him. He also reported the matter to an Inspector of the Department of Education. The Department took the view that as no formal complaint was made to it and a Garda investigation had occurred it could take no further action in the matter.

## Monageer 1995

In November 1995, Councillor Garry O'Halloran requested that the Chief Executive Officer of the South Eastern Health Board prepare a Report for the Board on all aspects of the child sexual abuse allegations that arose in Monageer in 1988. Mr John Cooney, Chief Executive Officer, reported that the Medical Officer who interviewed the children concerned at the Validation Unit in Waterford concluded that the allegations were not malicious, that the abuse had taken place and that the children needed protection from further abuse.

Mr. Cooney further reported that two health board staff members brought the matter to the attention of the Gardai and also advised the diocesan authority of the allegations made by the school children. The alleged abuser was advised of the allegations but denied them. The report by Mr Cooney went on to say that the abuse of the girls ceased following the Board's investigation. He said that the children were from good homes and received ongoing support from their families during that time. He said that the social worker also provided support and concluded by saying that if anybody wished to have assistance from the Board at this stage by way of counselling they should make themselves known and assistance would be given.

The report concluded "*we are satisfied that the Board's local staff dealt quickly and competently with the case and not only did they comply with the then recently introduced Department of Health Guidelines on child abuse, but they went beyond them. Our staff is to be complimented on their professional competence on dealing with this sensitive matter, especially in the light of the limited resources available to them in 1988, and the newness of the guidelines and the general levels of awareness of this problem at the time".*

This report did not advert to the lack of any power on the part of the Health Board to intervene in a case of child sexual abuse arising outside of the family.

Extensive newspaper coverage followed the Health Board investigation and Bishop Comiskey was severely criticised for not responding appropriately to the allegations of sexual abuse. In particular, Bishop Comiskey was accused of allowing his priests to confront the media about the allegations without informing them that the Health Board had investigated the claims in 1988 and found them to be credible.

Fr Grennan died on 9 May 1994, aged 61. The following day a 13 year old local boy (Fergus 4.4.5) took an overdose of medication and was admitted into hospital. On 30 May, the boy disclosed to his mother that Fr Grennan had molested him. On 6 June he spoke about this abuse to a clinical psychologist, who was dealing with his case in the South Eastern Health Board. This psychologist approached Father Paul Andrews S.J. and asked him to contact Bishop Comiskey on her behalf and enclosed a letter from her and from Fergus. As has already been outlined, Bishop Comiskey wrote to Fergus assuring him that his allegations were being taken very seriously and offering to meet him. Fergus' psychologist wrote to Bishop Comiskey in December 1994 to say that Fergus had been greatly relieved by his letter but that he did not think a meeting would be necessary at that point.

## **THE INQUIRY VIEW ON THE SOUTH EASTERN HEALTH BOARD HANDLING OF THE FR GRENNAN CASE:**

- As has already been pointed out in Chapter 3 of this Report, Health Boards have express statutory powers in dealing with child sexual abuse perpetrated by, or through the negligence of, a parent or guardian. It has no express statutory power of intervention where the abuse is perpetrated by a third party.
- The Inquiry appreciates the speed and urgency of the Health Board in dealing with this matter but believes this response must be seen in the context of the legislative powers available to the Board.
- The Health Board involvement in the Monageer case raised an expectation on the part of the complainants and Mr Higgins that it would be able to resolve the matter. In fact, the Director of Community Care was not authorised to notify the Diocese. He did not have authority to ask for Fr Grennan's removal from the Confirmation ceremony or from the parish, nor did he have any authority to require Mr Higgins not to release children to Fr Grennan in the future.
- Where a number of complainants of any criminal offence are interviewed, such interviews should always be carried out individually and privately in order to avoid contaminating evidence for future court proceedings. In this case, all girls were initially interviewed together in a classroom which might have jeopardised subsequent prosecution.
- The Inquiry is satisfied that no follow-up services were offered to the children involved in the Monageer case. The Inquiry is aware of the very limited personnel and financial resources available to the Health Board in 1988 but feels that where an intervention has occurred by the Health Board with serious consequences for the children, priority ought to have been given to minimising the consequences of that intervention.
- The Inquiry appreciates that the assessment unit of the Community Child Centre of the South Eastern Health Board was in its early stages of development and that in those circumstances, it provided an effective response for the children at the time. Nevertheless, the Report which attempted to combine all the allegations into a single document was, by today's standards, inadequate. There was however an urgency about the issue given the proximity of the Confirmation ceremony, and the speed with which Dr Nolan dealt with it should be commended.
- Had there been a proper formal communication in the form of a liaison between the South Eastern Health Board and Gardai and proper

**monitoring of the situation in Monageer, the Inquiry believes that an effective investigation of this incident would have been more likely and the outcome more satisfactory for all concerned.**

- **The Inquiry has not examined the files or records of the Department of Education in this matter but believes that the Department should have been proactive in ensuring that children were protected once a complaint had been communicated to it.**
- **When senior personnel of the South Eastern Health Board investigated the Board's handling of the Monageer incident in 1995 and 1996, there was no reference to the lack of any statutory power to intervene in such cases.**

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### **FR JAMES DOYLE.**

#### **ADAM (4.2.3)**

This case had its origins in an assault on Adam (4.2.3) by Fr James Doyle on 26 April 1990. On 26 June Adam's father spoke to Bishop Comiskey who suggested that he should speak to his General Practitioner so that his GP might refer the matter to the Health Board. As had already been stated, Bishop Comiskey was aware of the 1987 Department of Health Guidelines and knew that they imposed a duty on GPs to report allegations of child sexual abuse to the Health Board. On 27 July 1990, the then senior social worker in Wexford, Mr Joe Smyth, contacted Gardai regarding the assault. He also referred Adam's case to the regional child abuse unit, which, from that point on, played the key role in the day to day management of the case. Two members of that unit, a social worker and a psychologist, interviewed Adam and his parents on 31 July, and interviewed his parents again on 14 August 1990. It is clear from case notes on these visits that the unit was aware of the strain the case was having on the family and on Adam's father in particular.

A case conference was called by the South Eastern Health Board in August 1990; one month after the South Eastern Board was first informed of the allegations. It was attended by personnel from the South Eastern Health Board, the family GP, a representative of the regional child abuse unit and Garda Patricia Whelan. The case conference made a number of decisions including:-

- *That Mr Joe Smyth of the South Eastern Health Board would liaise with Adam's father's GP in order to offer support to him.*
- *That social work support would be offered to the family.*
- *That the community care centre in Waterford would see the family again if so required and offer support during the process as deemed necessary.*
- *That Dr Judge would contact the Garda Superintendent to clarify any intervention in relation to Fr Doyle.*

This case conference was a positive step in that it gave the various organisations and relevant individuals an opportunity to hear and discuss the history of the case. However, no mechanism was set up to convey the results of the implementations of the decisions made at that meeting and neither the victim or his family were consulted or informed of the calling of the conference or what had been decided.

Although concern was expressed at the case conference for Adam's father, there was no discussion on how to help his family after the court case had ended. Neither was there any discussion on the possible implications of Fr Doyle's activities in the area over the previous ten years. Adam had identified another boy to the interviewing social workers whom he believed was also abused by Fr Doyle who, he alleged, touched his private parts some years previously.

The assessment unit in the Community Child Centre in Waterford continued to be in regular contact with the family until the court case. After the trial, the file recorded the case as closed. There was one more contact that year in November and another in January 1991, the last contact seems to have been in July 1991.

An unforeseen consequence of the court case was the identification of Adam by a local newspaper. There was hostility in the area against the newspaper which reported this court case which it was felt had unfairly publicised the allegations against Fr Doyle with consequent damage to the Church. This hostility was extended to Adam and his family. This had very serious consequences for them.

In a letter dated 10 December 1990, Adam's father said that the family were grateful for the help and support given by the regional child abuse unit since the previous July.

#### **THE INQUIRY VIEW ON THE SOUTH EASTERN HEALTH BOARD HANDLING OF THE FR DOYLE CASE:**

- The Inquiry believes that the South Eastern Health Board acted appropriately in reporting the Doyle case. It immediately referred the allegation to the Gardai and then offered a supporting role to the family in assisting them through the court case.
- The Inquiry believes that the case conference called by the South Eastern Health Board and attended by the local GP and the Gardai was an important precedent and afforded the agencies a useful opportunity of exchanging information but believes that communication with the family

**on matters dealt with at this case conference should have been maintained as far as possible.**

- The Inquiry believes that the support extended to Adam and his family by the SEHB should have continued after the court case particularly in light of the damaging publicity that ensued.**

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### **FR ALPHA**

In early 1996, Eric (4.3.3), who was 16 years old, told a doctor in Wexford general hospital who was treating him for a medical condition that Fr Alpha had sexually abused him. The doctor wrote to Dr Antoinette Rogers, Director of Community Care for the South Eastern Health Board informing her of this and she informed An Garda Siochana.

Subsequent contact between the South Eastern Health Board and the Gardai concentrated on whether Eric would make a Garda statement. At that time, the Gardai had received an allegation from Edward (4.3.1) which had been made in November 1995, although the South Eastern Health Board were not informed about this allegation. In March 1996, the Gardai interviewed Fr Alpha about both Edward's and Eric's allegations.

In September 1996, Gavin made a statement to the Gardai in which he also made allegations against Fr Alpha.

On 12 March 1996, Dr Rogers informed Bishop Comiskey that child abuse allegations had been made against a curate of a named parish in the Diocese. No information was given about Eric's identity and Dr Rogers informed Bishop Comiskey that the Gardai and the Social Services were looking into the case.

In August 1996, Fr William Cosgrave, the diocesan delegate asked the South Eastern Health Board and the Gardai for help in arranging a meeting with Eric, whose identity was still unknown to him. Ms Geraldine Quigley a social worker with the SEHB acted as a liaison. This meeting took place in January 1997. The main outcome from the South Eastern Health Board perspective was that Eric expressed concern that Fr Alpha might have abused the children of a third party. Dr Rogers stated that it was her duty to make sure as far as possible that such children were not put at risk and when she heard that this fear had been expressed, she asked Bishop Comiskey to act as liaison between the South Eastern Health Board and the third party concerned. Ms. Quigley met the third party in February 1997, and was informed that this person had

no concerns whatsoever for the safety of their children in the presence of Fr Alpha and that they were perfectly safe and happy in his company. The social worker was of the opinion that there was no need for further action. This third party has expressed annoyance to this Inquiry that the family has been implicated in the allegations against Fr Alpha which they believe to be false. However, once the question had been raised, the Health Board could not ignore the potential risk to children and had to investigate the matter.

#### **THE INQUIRY VIEW ON THE SOUTH EASTERN HEALTH BOARD HANDLING OF THE FR ALPHA CASE:**

- When the Health Board received the allegation from Eric, it immediately informed the Gardai and shortly after the Diocese. However, Eric was not prepared to have his name disclosed to either and the Health Board respected that confidentiality. In this case, the Health Board encouraged Eric to make a statement to the Gardai and meet with the Diocese which he eventually did.
- The Gardai did not inform the South Eastern Health Board about these allegations, despite the protocol agreed in 1995 between the Gardai and the Health Board, which required cooperation and an exchange of information between the two agencies. Where such an exchange of information might result in the compromising of the criminal investigating, it would be appropriate for the Gardai to withhold relevant information from the Health Board. Such a withholding of information should never result in an increased risk to children in the community. The Inquiry understands that there is increasing awareness on the part of the Gardai of the need for child protection implications in any investigation to be taken into account.
- A question arises as to whether the Health Board acted appropriately in informing the Diocese of the allegations of child abuse against Fr Alpha, without informing Fr Alpha of its intention to do so. This is yet another example of the difficulties faced by the Health Boards in fulfilling a duty imposed by statute without any clear legislative guidelines to assist it.
- The Inquiry believes that it is in the interests of encouraging reporting of child sexual abuse that persons who report abuse to Health Boards ought not have their name passed on to other agencies without their consent. Whilst obviously, complete confidentiality cannot be guaranteed, the Health Board should encourage victims themselves to report the allegations of abuse to the Gardai. Where a report is made without the consent of the complainant, that complainant is not obliged to cooperate with the Gardai and indeed may be discouraged from so doing by a perceived breach of faith on the part of the Health Board. The allegation should however be reported to the Gardai with the name of the alleged perpetrator where that perpetrator may be in a position to abuse other children.

- The Diocese has expressed itself frustrated at its inability to proceed canonically against this priest in the absence of an identified complainant at the time when the complaint was initially made to the Health Board. Bishop Walsh has expressed the view that he would like to be able to get more information from the Garda and Health Board Authorities for the purposes of canonical procedures. The Inquiry believes that the Inter-Agency Review Committee established by Bishop Eamonn Walsh would have been a particularly useful device in this case where information could have been exchanged on a confidential basis and each party would have been given an indication of what was happening in the matter. Under the Child Care Act 1991, the Health Board is given quite a wide remit for the protection of children in the community. Dr Rogers believed that she had an obligation to follow up on concerns expressed by Eric for the safety of the children of a third party. The Inquiry believes that the obligations imposed by Section 3 of the 1991 Act are a matter for the Oireachtas and in the absence of any clear legislative guidelines as to how the obligations imposed by Section 3 are to be achieved, the Inquiry was unable to express a view on the matter.

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### **MONSIGNOR MICHAEL LEDWITH**

Raymond (4.6.2) met with Bishop Comiskey on April 1994, and informed him that he had been sexually abused by Monsignor Ledwith during the early 1980s in his family home and also at Monsignor Ledwith's house. Raymond stated that he was aged 13 to 15 years at the time of the alleged abuse although the records from the three bodies examined by this Inquiry do not concur on the dates when this alleged abuse is said to have commenced and concluded.

Bishop Comiskey arranged for Raymond to be interviewed by two diocesan priests and they informed him that they were satisfied that Raymond's allegation was capable of being true. Bishop Comiskey met Raymond and he confirmed to this Inquiry that he was impressed by the young man and that he too found his complaint to be credible.

On 23 December 1994, Bishop Comiskey informed Dr Antoinette Rogers who was Acting Director of Community Care in the South Eastern Health Board, that this allegation had been made. He did not give Dr Rogers the name of the complainant because he had guaranteed confidentiality to him but he did inform her of the identity of Monsignor Ledwith.

In January 1995, Dr Rogers wrote to Chief Superintendent Murphy in Wexford to notify him of the allegations. She also communicated with the Mid Western Health

Board because the complainant was residing in that Health Board's region. Neither the Health Board nor the Gardai were aware of the identity of the complainant as he, and his family, were quite adamant that they would not speak with Gardai and would not co-operate if approached. The family were fearful of the publicity that would undoubtedly attach to the prosecution of a man in the position of Monsignor Ledwith. The Mid-Western Health Board requested identifying information from Bishop Comiskey who provided it by giving the name of Raymond's solicitor.

Coincidentally, the solicitor acting for the family of the complainant asked Mr Gerard Crowley, Child Care Development Officer with the Mid Western Health Board, to meet with a family that he was acting for. The family spoke of child sexual abuse by Monsignor Ledwith. Mr Crowley realised that this was the same allegation that had been communicated by the South Eastern Health Board some months earlier. Subsequently, Bishop Comiskey referred the Mid-Western Health Board to this same solicitor.

The Mid Western Health Board offered counselling and support to the family but the family and the complainant, who was by this stage a young adult, were adamant that they would not cooperate with any Garda investigation and would deny the allegations if approached by the Gardai. Mr Gerard Crowley communicated all information other than the identity of the young man to An Garda Síochána and was requested to make a statement to the Gardai confirming that the young man or his family would not make a complaint to them. According to Mr Crowley, the Gardai discovered the name of the complainant through other means and therefore the necessity of informing the Gardai of his identity did not arise.

In November 1995, the Mid Western Health Board informed the Eastern Health Board in whose region Maynooth College is situated, that this allegation had been made against Monsignor Ledwith. At a meeting of the three relevant Health Boards in February 1996, a decision was made that the hierarchy should be contacted to establish Monsignor Ledwith's whereabouts and that the Department of Education should be informed of the allegation. Accordingly, in April 1996, a letter was written to the Secretary of the Department of Education informing the Department that an allegation of sexual abuse had been made against Monsignor Michael Ledwith, former President of Maynooth College. The letter stated "...The Eastern Health Board is concerned that no-one in respect of whom such allegations have been made, and are still under investigation or consideration, should be in direct contact with children or young or vulnerable persons.

*"In the circumstances there is no direct action that the Eastern Health Board can take. It is nonetheless of the view, that the Department of Education and the Board of Management or Board of Governors of Maynooth College should be advised so that no young persons are exposed to potential risk. It is to obviate this danger that the Eastern Health Board's concerns are being made known to you."*

In November 1995, the Mid Western Health Board informed the Eastern Health Board in whose region Maynooth College is situated, that this allegation had been made against Monsignor Ledwith.

As recommended by the Department of Education, the Eastern Health Board wrote to Monsignor Matthew O'Donnell and Dr William J. Smyth in Maynooth who were in charge of the pontifical and the national universities respectively and expressed the concern of the Eastern Health Board that Monsignor Ledwith should not be in direct contact with children or young or vulnerable persons. Monsignor Ledwith was not contacted prior to this letter being sent.

The Inquiry is aware that Monsignor Ledwith was on sabbatical in the United States during this period and that the Bishop of Seattle and the authorities in Seattle had been informed by Bishop Comiskey of the allegations against him.

The Trustees of Maynooth College commenced proceedings against Monsignor Ledwith under the "Statutes of Maynooth" and these culminated in Monsignor Ledwith agreeing to retire from his teaching position in Maynooth.

Raymond and his family did not make a complaint to the Gardai but received private counselling paid for by the Diocese of Ferns. Raymond reached a financial settlement with Monsignor Ledwith in respect of civil proceedings commenced by him. A confidentiality clause was a condition of this settlement.

The Mid Western Health Board was concerned with regard to other members of Raymond's family but no complaint was made in respect of them and therefore the Health Board was not in a position to offer any assistance to them.

#### **THE INQUIRY VIEW ON THE HEALTH BOARD HANDLING OF THE MONSIGNOR LEDWITH CASE:**

- Bishop Comiskey did not reveal the identity of the complainant to the SEHB but did inform them of Health Board area in which he resided. Accordingly, Dr Rogers (acting DCC) informed that Board of the allegation. The Inquiry believes that confidentiality should be maintained as far as possible in dealing with complainants although it would recognise that the paramountcy of child protection may not always allow that to happen.
- An issue arises as to whether the Health Board was correct in informing the authorities in Maynooth without first communicating with Monsignor Ledwith whose address in the United States was readily available. This fell short of compliance with the judgement of Barr J.<sup>55</sup> and illustrates once again the difficulty of attempting to exercise powers which are inferred from general provisions and not expressly granted.

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<sup>55</sup> MQ v. Robert Gleeson & Ors. [1997] IEHE 26

## **FR OMEGA**

On 20 October 1994, a teacher reported concerns to the local public health nurse about a 14 year old boy who was not attending school, was unsupervised, isolated and who had been befriended by the local curate, Fr Omega. The public health nurse made a child abuse notification regarding the boy. The Director of Community Care (DCC) for the South Eastern Health Board discussed the matter with the Principal of a school where the priest had previously worked and from where he had apparently left "*under a cloud*". The Principal told the DCC that Fr Omega had shown inappropriate diagrams to children in the course of sex education classes and that the Principal had spoken to Bishop Comiskey at the time (mid 1980s). Bishop Comiskey transferred Fr Omega out of the school and it is believed, referred him to a psychiatrist.

In November 1994, the Health Board informed the Gardai about the concern that had been expressed to them but stressed that they had no evidence against Fr Omega. The Gardai arranged for the mother of the boy to be interviewed by a member of An Garda Síochána. The mother made no complaint and seemed perfectly satisfied about the relationship between her son and the curate. The Gardai decided that they would monitor the situation for the time being.

Bishop Comiskey also spoke with Mr Joe Smyth, the senior social worker with the Health Board, in December 1994, in relation to this case. At that time, Bishop Comiskey undertook to speak to Fr Omega, and when asked whether he had done this, Bishop Comiskey confirmed that he had.

In October 1995, this case came up for routine review by the South Eastern Health Board and a letter was written to the Gardai asking whether there was any further action that should be taken. The Gardai informed the Health Board that no complaint was forthcoming and that the mother of the boy in question was absolutely satisfied that nothing untoward had occurred or was occurring between her son and the priest. The matter rested there.

### **THE INQUIRY'S VIEW ON THE SOUTH EASTERN HEALTH BOARD HANDLING OF THE FR OMEGA CASE :**

- The Fr Omega case which occurred in 1994, illustrates a willingness on the part of the South Eastern Health Board to consider seriously, allegations or concerns expressed by third parties. The Health Board referred the matter to the Gardai and facilitated them in interviewing the mother and child in question. The Health Board did not themselves attempt any formal investigation other than to elicit some background information from a former employer.
- The Inquiry believes that the Health Board acted correctly in this matter.

## **FR UPSILON**

An allegation by Denis (4.17.1) came to the attention of a Dublin social worker in July 1998. This allegation was immediately communicated to the South Eastern Health Board, since Fr Upsilon resided within its area. Denis alleged that he had been abused by Fr Upsilon approximately twenty years previously. He was a young man in his late twenties at the time of making the complaint. The South Eastern Health Board notified Gardai in Wexford of the complaint citing the names of both the accused and accuser. It did not notify the Church Authorities at any time. Five weeks later, the South Eastern Health Board was informed by An Garda Síochána that Denis had withdrawn the complaint and did not want any investigation into the matter.

As far as the Health Board was concerned, the allegations made by Denis were completely withdrawn and in its view no further action could be taken.

### **THE INQUIRY'S VIEW OF THE SOUTH EASTERN HEALTH BOARD HANDLING OF THE FR UPSILON CASE:**

- The allegation made by Denis was handled appropriately by the Health Board in notifying Gardai and providing counselling to the complainant. However, the withdrawal of an allegation by a complainant, particularly in circumstances where the complaint as originally made was not stated to be false, does not necessarily preclude further action being taken by the employer of the alleged abuser where that employee's job brings him into unsupervised contact with children.

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## **BISHOP BRENDAN COMISKEY**

In August 1990 in the course of an investigation of another matter, the South Eastern Health Board became aware of an allegation of inappropriate behaviour which was made against Bishop Comiskey by the parents of a girl who was over 16 at the time of the alleged incident. The South Eastern Health Board did not report the incident to the Gardai or to Church Authorities as the complainant was over 16 at the time and she was adamant that the matter should not be mentioned to any Authority. The complainant likewise, did not pursue the complaint with the Gardai or the Church Authorities. The Inquiry was concerned that either such behaviour itself or the existence of an allegation of such behaviour against a Bishop would influence his

ability to deal effectively with a problem of sexual abuse when it was brought to his attention in relation to other priests.

Bishop Comiskey has no recollection of any such incident occurring and denies the allegation.

He also stated that he was not influenced in his handling of allegations of child sexual abuse by the existence of this complaint as he had no knowledge that this complaint had been made to anyone until after his resignation in 2002.

The Inquiry contacted the mother of the young woman involved who said that Bishop Eamonn Walsh became aware of this allegation early in 2004. He called to see her daughter and urged her to make a statement to Fr Dennis Brennan, Diocesan Delegate, which she did. Fr Brennan also interviewed Bishop Comiskey and all persons who were present when the incident was alleged to have occurred.

Bishop Walsh reported the matter to the Metropolitan for the Diocese of Ferns, Archbishop Desmond Connell. Consequently, a report on the matter was presented to the Holy See as prepared by Monsignor Dolan, Chancellor of the Archdiocese of Dublin, at the request of Archbishop Desmond Connell on the advice of the Papal Nuncio. Bishop Comiskey was not interviewed during the preparation of this report. The report concluded that a delict had not been committed as regards the behaviour alleged but the fact that under the influence of alcohol Bishop Comiskey was alleged to have acted in such a manner was something that needed to be addressed to ensure that no repetition of such behaviour could take place.

The Inquiry has been informed by Bishop Comiskey that although he agreed to step aside from active ministry when this allegation was first made known to the Church authorities, he is now returned to ministry by the Congregation of Bishops. Bishop Comiskey has agreed to refrain from high-profile acts of Episcopal ministry.