

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

**WITNESS STATEMENT OF SEAN DENIS MAHONY
CHAIR OF THE SCHOOL BOARD**

**FILED ON BEHALF OF
THE BISHOPS AND CONGREGATIONAL LEADERS OF THE CATHOLIC CHURCH
IN AOTEAROA NEW ZEALAND**

Notice to Produce No. 526: Paragraphs [2] to [17]

Introduction

1. My full name is Sean Denis Mahony. I am the current chair of the St Patrick's College Silverstream (**Silverstream**) School Board (**Board**). The Silverstream Board is informally known by its prior name, the St Patrick's College Silverstream Board of Trustees, but this name has been superseded by the Education (School Boards) Regulations 2020.
2. I have been in my role as Chair since 23 August 2022. I volunteer in this role.
3. I am a Chartered Accountant and am self-employed providing financial and other management services. I have previously held a number of senior finance and chief financial officer roles for private and public sector organisations.
4. I am a lay Catholic and have never held an employed position in the Church. I am involved in my parish as a member of the Finance Committee.

Acknowledgement of harm

5. The abuse of students that occurred at Silverstream is a very sad and upsetting part of the College history. It is something that I think all associated with the College find deeply regrettable.
6. On behalf of the Silverstream Board, I offer my most sincere apologies to the survivors and others affected by the abuse that occurred at our college.
7. Our ongoing hope and aim is that the College continues to provide a safe and nurturing environment that prevents abuse. We also continue to learn whatever we can from the past and continuously improve our safety initiatives to ensure the well-being of all at Silverstream.

My personal involvement and history with Silverstream

8. I have a long family association with Silverstream. My GRO-B attended Silverstream and I attended the College between 1981 and 1985. I was head boy in my final year.

9.

GRO-B

10. I joined the Board of Trustees in July 2019 as a Board of Proprietors' appointee to the Board of Trustees. In that role, I was also the Deputy Chair on the Board of Trustees and attended the meetings of both Boards. I was elected Chair of the Board of Trustees in August this year.

What my evidence covers

11. This evidence responds to the Royal Commission's Notice to Produce 526 (**Notice**), issued by the Royal Commission on 8 September 2022, in relation to Silverstream.
12. The Royal Commission have asked a number of specific questions in the Notice I received. I have set these out below, along with my answers. Many of the questions ask about a time period from 1950; I cannot answer any questions about the School Board from the period before I joined. However, I would hope that they were committed to looking after the wellbeing and safety of the students, and preventing and responding to reports of abuse.
13. My evidence provides my answers to the questions posed in paragraphs [2] to [17] of the Notice. I answer these questions later in my evidence, to the extent that I can, and have set out the questions asked, grouping similar questions together where possible.

Scope of the evidence

14. I am attempting to provide as much information as I can to the Royal Commission in response to the Commission's questions, but from the outset however, I need to explain the limitations of the evidence I can give.
15. Silverstream integrated into the state education system while I was at the College in 1983. The information I can provide on matters around that time is extremely limited, and based only on what I have read recently. Almost all documents prior to then are held by the Society of Mary or no longer exist.

During my time at Silverstream in the early 1980's, I was not aware of the abuse that I now know to have occurred at that time.

16. The personal reflections I make in this witness statement are my own personal statements based on my experiences being on the Silverstream Board since 2019 and in my role as chair.

Records held by the Silverstream Board

17. The College holds a small number of records relating to recent abuse or harm, but there is an absence of documentation prior to 2004. I understand that this is due to document retention procedures consistent with standard operating procedure and what I understand as operating guidelines issued to schools over the years. It seems that documents were disposed of at regular intervals according to this practice.
18. We do not have significant a College archive system nor appear to have had any centralised record keeping of staff matters or disciplinary issues.
19. In order to address a possible lack of documents prior to 2004, we have not attempted to review all student files between integration in 1983 (or earlier) and 2004 – that is because at least 3,590 students have attended the College since integration; assuming a roll of 650 students in 1983 and an average annual intake of 140 students.

Review of other evidence

20. In preparing this evidence, I have reviewed:
- (a) The briefing paper on the College prepared by Te Rōpū Tautoko (TRT) (the **briefing paper**) and other evidence prepared in response to Notices to Produce No. 517, 526 and 527.
21. Where the subject matter of my response has been addressed in the evidence above, I have referenced these.

Role of the Silverstream Board

22. The Silverstream Board (prior to the 1989 reforms of the education system called the Board of Governors) came into operation following integration in 1983 and did not exist before that. Prior to that, the Society of Mary and the Board of Proprietors (known as the Advisory Board just prior to 1983) ran the school and provided teaching and other staff. I rely on the briefing paper for the history of the Silverstream Board.
23. The Silverstream Board is entrusted to work on behalf of all stakeholders and is accountable for the school's performance. It emphasises strategic leadership, sets the vision for the school and ensures that it complies with legal and policy requirements. Obviously, this vision and these requirements encompass a desire for all students to be safe at all times at the College.

Prevention of and response to reports of abuse

2. Describe how the Chair of the Board of Trustees understood the Board's role in relation to the prevention of abuse and responding to reports of abuse at St Patrick's College, including:

- a. legal obligations (statutory requirements) including those relating to safeguarding and what they required you to do;*
- b. obligations under policies or procedures in place at St Patrick's College and what they required you to do (including reporting to other church authority or state agency; and*
- b. obligations under any relevant Catholic Church protocols.*

8. Explain how the Board of Trustees has responded to reports of abuse at St Patrick's College, and to the extent responses have changed over time, describe the changes and the reasons for such changes. Please include in your answer:

- a. Whether you recorded disclosures (and if so where);*

- b. Whether you reported disclosures and to whom; and*
- c. How you responded to students who were reporting abuse.*

Current formal policies, procedures and obligations

- 24. I cannot speak for how previous Board Chairs understood the Board's role and while I do not have a particularly good understanding of how things used to be done from the 1950s to 1980s, I think our current processes are probably a significant improvement, considering the general societal improvement in governance practices and policy development that we are a part of.
- 25. As far as I am aware, there were no obligations on the members of the Society of Mary (who provided all of the staff to Silverstream prior to integration) to carry out Police vetting on potential staff. Also, all of the priests and brothers were resident on site and were therefore able to meet boys in various locations around the school.
- 26. There are only a few teaching staff who are resident on site these days, being the Rector/Tumuaki and staff needed for the supervision, safety, and care of the borders outside of normal school hours. For teaching, boarding and other school staff, there are policies and procedures in place around student wellbeing and keeping students safe. These policies are available and accessible to all staff and students.
- 27. The Board has a governance role, as opposed to the day to day operational management of the College. All day to day management is carried out by the Rector/Tumuaki, the Senior Leadership Team and other school staff. The Board has responsibility for the key focus of what the school's actually all about, which is teaching and developing fine young men. That clearly has to be in an appropriate and safe environment.

Relevant policies

- 28. As SchoolDocs shows, the Board is responsible for relevant policies including "Health, Safety and Welfare Policies." The following current policies included

in the Student Wellbeing and Safety section are relevant to the prevention or reporting of abuse. They are included on SchoolDocs and are provided to the Commission with this evidence:

- (a) Child Protection policy;
 - (b) The Abuse Recognition and Reporting policy;
 - (c) Care and Management of Students policy
 - (d) Supporting Student Wellbeing policy;
 - (e) Protected disclosure policy;
 - (f) Sexual behaviour in students policy; and
 - (g) Physical Restraint policy.
29. The complaints process and staff recruitment and appointment practices are also included in this section.
30. The Board considers that Silverstream's policies comply with relevant legal obligations including those under:
- (a) Children's Act 2014
 - (b) Oranga Tamariki Act 1989
 - (c) Children, Young Persons and Theirs Families (Oranga Tamariki) Legislation Act 2017;
 - (d) Privacy Act 2020; and
 - (e) Health and Safety at Work Act 2015.

Access to School policies, procedures and obligations

31. The Board sets out policies, procedures and obligations on Silverstream's "SchoolDocs" website. This website is accessible for all staff, parents and students. This helps to ensure that everybody can access important information and everybody understands their obligations. When this evidence is filed, we will also provide the Royal Commission with the access details for this information, so it can be reviewed.

Review of policies

32. The Board reviews its policies regularly – at least every three years. The review of policies is cyclical and there are automated prompts by the SchoolDocs software, so we review our policies in a timely way.
33. Coincidentally, many of the above policies are currently due for review as part of their usual review cycle. As a Board, we intend to apply any learnings or guidance that it receives from the Royal Commission, as we update policies.

Informal processes

34. The school is consciously trying to create an environment where, if a student has something they want to talk about, there is always somebody available that they can feel they can talk to. Teachers have formal interactions with students in terms of teaching but they also have other interactions with them outside of teaching, in terms of walking around the school, being involved in sports etc. We have counsellors at the school as well.
35. We are committed to creating a wider safe environment to make sure that that abuse doesn't occur. Our processes, both formal and informal, are focused on creating a safe environment at the College to prevent harm to our students in the first instance, and to provide a number of safe avenues to report harm should it occur.

Employment processes for safeguarding

36. In addition to the above policies, which centre on protecting students while they are at Silverstream, we also have processes which are aimed at preventing people being employed who might pose a danger to our students.
37. Teachers go through a robust screening process: they get Police vetted and also a robust referee check. In addition, there is an informal process, which is noted on the application form, that allows the college to contact other referees to check the applicants suitability and, given the size and interconnectedness of New Zealand's teaching profession, this is often used

Obligations under Catholic Church protocols

38. In terms of obligations under Catholic Church protocols, as well as obvious expectations for Catholic colleges and schools to provide for the well-being of students, other guidance and obligations arise from Safeguarding Guidelines of the Catholic Church in Aotearoa New Zealand. There is also a handbook for the boards of trustees from the Catholic Schools Education Services of the Archdiocese of Wellington and a handbook for boards of trustees of New Zealand Catholic state-integrated schools from the New Zealand Catholic Education Office that includes children safeguarding guidelines.
39. The Society of Mary would also be informed of allegations of serious abuse at Silverstream, historical or current.

Relationships with other governance entities

3. Describe your understanding of the roles and obligations of the Archbishop, the Society of Mary, the Silverstream College Trust Board later renamed the Silverstream College Board of Proprietors, the Board of Governors, and the Principal in relation to the prevention of abuse and responding to reports of abuse at St Patrick's College.

Please include in your response how this has changed over time, and any distinctions between the school and the boarding facilities

40. Again, I am not able to comment meaningfully on the current roles and obligations of particular bodies and entities or their previous obligations. However, I can make a few general comments.
41. As referred to above, there is an expectation from the Society of Mary that we, as the leaders of the College, do everything we can within our powers to make sure that the boys at Silverstream are safe. We do this by making sure we vet the teachers, creating an environment to prevent abuse and making sure we have processes in place where the boys feel they can come forward, if something's happening. In a less direct way, this expectation also seems clear from the wider Church's approach to safeguarding.
42. I do not think that this expectation has changed over time - I think that there has always been an expectation that boys at the College should be safe. However, there is now considerably more guidance and a better understanding about how to effectively achieve that goal.
43. The Rector/Tumuaki is a member of the School Board and attends the Board of Proprietors meetings. He submits and presents a written report to both Boards each meeting.
44. There is a practical and positive working relationship between the two Boards. Although the School Board and the Board of Proprietors are separate entities, with different responsibilities, there is some overlap and practical commonality to some of the responsibilities and the activities of each Board. There can also be shared membership on both Boards and attendees to the meetings of both Boards.
45. For example, a Proprietors appointee to the School Board may also be a member of the Board of Proprietors, and all Proprietors appointees attend and participate in the meetings of both Boards. There are also Joint Board meetings during the year, a joint retreat for the members of both Boards, and joint celebration at the end of the year. Each Board also has sub-committees,

some of which have membership from each Board. Because of this, members of the two Boards and particularly the two chairs will often consult on matters where there is a common interest or responsibility, and often work together as required. In most cases, the Rector/Tumuaki would be involved also.

46. I do not see a significant difference, in their respective areas of responsibility, between the role of the Board of Proprietors (who are responsible for the boarding facilities) and the Board of Trustees in terms of preventing abuse and responding to reports of abuse. Both entities must establish, follow and enforce the policies they have developed and must do absolutely everything they can to prevent abuse, and to correctly respond to it if it did occur.

St Patrick's College as a Catholic school

4. Briefly describe the relationship between St Patrick's College and the Catholic Church as you understood it at the time

47. St Patrick's College is fundamentally a Catholic boys' school. So we are Catholic in our views, in our values and in our practices.
48. The College has Catholic characteristics, including many visible Catholic symbols, the celebration of mass and sacraments, and other Catholic references, which differentiates it from other State schools that do not have a special character and specifically a Catholic character. Therefore, the Board of Trustees and Board of Proprietors, has additional obligations compared to boards of other State schools without special character to make sure that Silverstream does have a Catholic character.
49. The Board of Trustees is also required to attest that the College is meeting the Special Character requirements that are required by our Integration Agreement with the government. I have provided an example from 2020 (which was signed by a prior Board Chair) with my evidence. In addition, an internal Catholic Character review is conducted each year and an independent external Catholic Character review is conducted every three years.

50. The relationship between the College and Church has probably changed over time, however the obligation to preserve Catholic character has remained. I think there is probably a more definitive focus on Catholic character now. In previous times, Catholic character was more evident at the College because the staff was made up of members of the Society of Mary. Mass and other services were more frequent. During that period, including when I was a student, Catholic character was just the way the College culture was. Whereas now, there is a more conscious effort to make sure the Catholic character is evident.

Prevention of further abuse and improvements on response to reports of abuse

5. Outline what steps, if any, have been taken by the Board of Trustees over time to prevent abuse at St Patrick's College.

51. As well as formal arrangements, I think there always needs to be that strong relationship between the Board Chair, members of the Board, the Rector/Tumuaki and the Senior Leadership Team. The Board, including the Rector/Tumuaki meet every month during the school terms. In addition, as Chair I talk to Rob Ferreira, the Rector/Tumuaki more frequently and as often as required. So, there is a formal reporting process to us as a Board, but there is also the informal process of checking in to make sure that the school is being run as effectively and safely as possible.
52. Maintaining an open and frank line of communication between governance and management assists to ensure that all the relevant parties are informed of issues at the College. Rob and Clare both know they can call me at any time about anything.
53. As I have said before, I cannot speak for steps taken by previous Boards, but certainly my focus is on making sure the school runs well and that policies and procedures are in place. I also want to ensure that lines of communication are open and transparent so that any issues of any nature can be addressed promptly.

6. What more could, or should be, done by St Patrick's College to prevent further abuse at the College and boarding houses, and to improve the response to reports of abuse?

54. We have good policies and procedures, good committed people on the Boards and in the Rector/Tumuaki and Senior Leadership Team, and open lines of communication. The past has unfortunately demonstrated that abuse can occur. We can never be complacent and if anything was to occur, we would respond promptly and effectively as a team.
55. There have been no reports of contemporary abuse received by the School Board during the Rector/Tumuaki's and my time in our roles. While this is obviously a positive, it does mean that most of our current leadership group have not had to practically respond to deal with an incident of abuse. As a result, one improvement I have discussed with the Rector/Tumuaki and Chair of the Board of Proprietors is for us to hold an exercise as a leadership group about how we would respond to a report of abuse in the contemporary school setting, as if we received one tomorrow.
56. Other elements of the Royal Commission process could also highlight improvements to our policies and processes.

Nature and extent of abuse

7. Outline your understanding of the nature and extent of abuse at St Patrick's College and its boarding houses, and your position on the reasons for that.

57. For the period from 1950 to 1984, I now understand (as a result of this process) that there were 22 reports of abuse against seven named individuals. I have no personal knowledge of these events, the complaints or how the complaints were responded to by the Society of Mary.
58. I had previously been aware (through media reports) of three members of the Society of Mary who had taught at the College who were evidently abusers; Fathers Durning, Woodcock, and Donnelly.

59. For the period from 1984 to 2004, I am not aware of any records or instances of abuse or harm. But that does not mean that it did not happen. We have not seen any evidence of abuse in the search of our records that we have conducted. We have very limited records from this time and have no knowledge of how these matters would have been recorded in any event.
60. From 2006 to the present day, our solicitors have reviewed our files and found additional reports of abuse and/or employment issues which involve some degree of abuse or harm being caused (either between staff, students or from staff to students) – they are listed in the Appendix to my evidence. These issues all pre-date my time as Board Chair so I do not have personal knowledge of these events or how the College responded.
61. I do not know what is meant by “my position on the reasons for that” in the Commission’s question.
62. The reasons for my lack of knowledge are answered above. If the question is directed at the reason for the abuse occurring, then that is far more difficult to answer. If I were to speculate, I think the reasons for historic abuse could include the following:
- (a) Lack of background checks/ Police vetting until relatively recently;
 - (b) Weaker policies and procedures to address abuse than we have now.
 - (c) Poor or absent reporting policies and procedures for abuse.
 - (d) A general lack of awareness of abuse or the possibility of abuse, and if people were aware of it, a lack of knowledge of its prevalence and the harms that it causes, and
 - (e) A lack of understanding of abuse, how to respond to victims, and how to manage and deal with abusers.

63. In terms of the more recent instances of harm or misconduct from staff - without minimising or normalising the experiences of those harmed as a result of this recent behaviour - there appears to be a marked shift in the nature and extent of abuse being reported. There is also a shift in how any complaints or issues are handled.
64. Silverstream's goal is for there to be no abuse or harm whatsoever in our College. We cannot be complacent and continue to work hard on making our environment as safe as possible, and importantly, one where boys can raise issues if they do not feel safe.

Barriers to disclosing abuse

9. Describe your understanding of the barriers to disclosing abuse at St Patrick's College.

65. Unfortunately, there may still be a stigma attached to disclosing abuse and so people could be less likely to come forward - whether because they are concerned nothing will happen or that they perceive there may be consequences for them personally.
66. From Silverstream's point of view, we do not want those concerns to be barriers. We strive to make sure that people are aware that if they do come forward and tell us, we will do all we can help and support them. I know that Rob says that he is creating and maintaining an environment of trust in him and the College. We support him in doing that and know that he and other teachers do that as well.
67. I am not aware of any other particular factors that have prevented the disclosure of abuse at Silverstream that would differ from the barriers to disclosing abuse which have been identified at other organisations.

10. Comment on whether you consider that there was a culture or practice within the Society of Mary, lay members of staff or clergy in the Diocese of Wellington of ignoring, tolerating or normalising abuse at St Patrick's College. Please include in your answer the reasons for your view.

68. I cannot comment on people at Silverstream who were before my time, but I really hope there was not a culture of ignoring, tolerating or normalising abuse.

69. When I was at Silverstream in the early 1980s as a student, my experience was that the vast majority of the teachers (many of who were members of the Society of Mary) were well-intentioned, good people who wanted the best for us. As I have said already, I was not aware of abuse occurring at the time. However, that is from my perspective and as a child/ student. I am aware now of reports of abuse occurring at the time.

70. I have no knowledge of the history of the culture of the Society of Mary, lay members of staff or clergy at the College or the Diocese of Wellington, but I understand that Fr Tim Duckworth has reflected on this in his evidence.

11. With the benefit of hindsight, what do you think were the biggest mistakes made by each of the School, the Bishop, the Society of Mary, any School governance body, and any State agency in responding to disclosures of abuse at St Patrick's College?

71. I find it very difficult to comment on this because I was not at the College or in a leadership position at the time of most of the reported abuse occurring.

72. I think the factors I have listed above about the nature and extent of abuse are relevant to this answer. There is obviously a lot more that could and should have been done.

Responding to disclosures of abuse

12. In hindsight, do you consider that the Board of Trustees adequately responded to disclosures of abuse, and what are the reasons for your view?

Historical allegations

73. The historical disclosures of abuse have been handled by the Society of Mary as they related to priests and/or the pre-integration time period. I defer to the evidence of Fr Tim Duckworth and Dr Clare Couch in relation to the process for those historical disclosures.
74. As far as I am aware, the Silverstream Board has not had to respond to a *historical* allegation of harm against someone that the Board was responsible for – a lay teacher, coach or similar. I understand that any issues of concern or performance that have been raised with the Board since integration have involved staff while they were employed, and were responded to using the usual employment processes.

Portraits of alleged abusers

75. I am aware there have been requests to remove the portraits of known and alleged abusers.
76. The decision to take Father Durning's portrait down was made prior to my time on the Board. He was a Rector at the College and the Society of Mary accept that he was an abuser.
77. Further portraits have not been removed. There is a shared process between the two Boards to consider the requests and the removal of other portraits. Please refer to Clare's response for further discussion of this process.

Challenges for the Board of Trustees

13. What do you consider are the biggest challenges for a Board of Trustees in preventing and responding to reports of abuse of students?

78. I think the biggest challenge is to ensure that there is a school culture where abuse cannot occur and cannot be accepted, and that encourages people to speak out in the knowledge they will be heard. The particular challenge for the

Board is that we are not at the College on a day-to-day basis.

79. The Board is reliant on the Rector and senior leadership team to drive this culture and to inform us of what is happening. The Board's role is to put in place the policies and procedures that set and maintains this culture, which the Board is committed to.

Changes required

14. What changes do you consider would improve a Board of Trustees ability to prevent abuse and respond to reports of abuse of students?

15. What do you think are the most important changes that need to be made by the Board of Trustees, the Society of Mary, or any school governance entity or any relevant State agency to protect children attending schools like St Patrick's College?

16. What do you think are the most important changes that need to be made by relevant State agencies to protect children attending schools like St Patrick's College from abuse, and to improve the response to reports of abuse?

80. As I have said above, we are now intending to run an exercise of responding to a contemporary report of abuse, in order to test our processes. If I was aware of anything else that could be done now, I would be trying to implement it.

81. In terms of changes for State agencies, this is very difficult for me to comment on. I think I would echo Rob's general perspective, which I understand to be that the issue of abuse is incredibly complex and cannot be solved by money or state intervention alone.

82. I think the best thing that we can do at Silverstream- like any other school - is to try to constantly improve the College's culture and to not become complacent about the possibility of abuse.

83. For that reason, I am eager to learn from the experience of the Royal Commission and try to apply those lessons to the College's policies, procedures and culture.

STATEMENT OF TRUTH

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care.

The logo consists of the text "GRO-C" in a bold, black, sans-serif font, centered within a rectangular box with a dashed border.

Signed:

Sean Denis Mahony

Dated:

5 October 2022