

page 592 - 594 of
KNX: 1156, A. 11

Laing SG (Shirley)

From: Laing SG (Shirley)
Sent: 19 October 2004 13:46
To: Edgar R (Rachel); Perrott S (Stella)
Cc: McKinlay FE (Fiona); McCue L (Louise); McDonald S (Scott); Rainey C (Catherine)
Subject: NOTE OF A MEETING WITH CHRIS DALY AND HELEN HOLLAND OF INCAS HELD ON 18TH OCTOBER 2004

Rachel/Stella

Copy as above.

NOTE OF A MEETING WITH CHRIS DALY AND HELEN HOLLAND OF INCAS HELD ON 18TH OCTOBER 2004

Thank you both for attending this meeting yesterday. I thought it would be helpful for you and copy recipients if I set out briefly what was discussed and the actions agreed as a result of the discussions.

Child Protection

Stella outlined what the Executive is doing to protect all children and what, more specifically, it is doing in relation to institutional abuse. She talked in detail about the National Care Standards 2000 and the fact that the Care Commission inspects against these standards undertaking 2 visits per annum to each residential establishment; at least one of which is unannounced. The Safe Recruitment Campaign, Children's Charter and Child Protection Act were also discussed with Stella explaining that there would be a national inspection regime across all children's agencies with the first inspection being on child protection.

Chris and Helen found this session reassuring and commented that it was very important as unless current issues were tackled then those in care today would be the historical survivors of abuse tomorrow. They were pleased to note that the Child Protection Act and the list would apply to religious orders and commented on the value of the Children's charter and the importance of this being available to children from pre-school onwards. Helen also raised the point that children should be taught that adults, especially those in positions of authority, were not automatically to be trusted and that any adult was capable of abusing a child. Concern was expressed that the Catholic Church would not have to comply with the Child Protection Act and would choose not to use the best practice contained within the Safe Recruitment Campaign literature.

Action: Stella undertook to check whether the regulations cover the Church but stated that she was comfortable that they applied wherever the child was.
 Stella undertook to provide copies of the National Care Standards, the Adoption and Fostering Standards and the Framework for Standards documents to Shirley in order that these could be sent out to Mr Daly and Ms Holland. (Grateful if these could be with me by Thursday if poss).

Access to Files

Chris and Helen looked over the sample of files provided to illustrate the redaction process and were pleased at the "light touch" to redaction that had been taken. They were also not surprised at the sorts of information the files contained as they had realised it was unlikely that personal information would be held by the Executive. They went on to explain that members of INCAS have great difficulty in accessing personal information about their time in care from organisations such as Quarriers, Barnardo's, the Catholic Church etc. We undertook the following:

Action: To check the requirements for keeping personal information, i.e. how long should personal records be held by a Local Authority?
 To check with health colleagues on the policy on health records; how long should these be retained for and by whom?
 In relation to the Data Protection Act and Freedom of Information to check how this applies to personal information and what individuals are able to request from religious orders etc.
 To do what we could to encourage other organisations to make available the files that they hold.
 To check that our file search is as comprehensive as possible and to use the list of names provided by Helen to inform this search.

Next steps

Discussion focussed around what support services survivors would find helpful and how collectively we might best take things forward. Consideration was given to the setting up of a group to look at the mapping of services currently available for survivors, where the gaps in provision are etc. as well as to who might sit on any such group. This led to a fairly long discussion on whether or not the Executive would undertake some sort of public inquiry. We explained that Ministers had decided against an inquiry but that we were keen to work with them to look at what support mechanisms we were able to provide that would be of assistance. Chris and Helen made it clear that they were looking for Ministers (specifically the First Minister) to apologise for what had happened to them and to acknowledge that a wrong had been done. They were also looking for a sympathetic audience to listen to their experience and for counselling to be available where required. Compensation was an issue for some members but for the majority it was more about being believed and getting an explanation for what had happened to them. We undertook the following:

Action: to check if discussions with Barnardo's and Quarriers had been at Ministerial or official level to identify suitable dates for INCAS to meet with the Minister for Education to give further thought to what supports could be provided and what form these might take to consult with health colleagues re when a decision would be reached on INCAS bid for funding. (copy of bid attached to this email for ref)



Incas application
(section 10)...

to send expense forms to Chris and Helen for their travel expenses incurred as a result of the meeting.

INCAS undertook to give some thought to the format of any future group and what it might look at.

POSTSCRIPT

Helen rang me this morning to apologise for the difficult discussion around the issue of a public inquiry which happened towards the end of yesterday's meeting. She felt that things had become overly personal partly due to both her and Chris being tired given the overall length of the meeting. I thanked Helen for calling but made clear that an apology was totally unnecessary. Given our conversation with Colin Maclean last night I did however take the opportunity to discuss with Helen what a public inquiry looked like (using the Fraser Inquiry as my example), to explain that the description they had given in the course of our discussions (around the need for a listening process, a sympathetic ear and counselling services) did not in my mind equate to a public inquiry and to ask if

INCAS could give some thought to what the elements of an inquiry would look like; what was it they were hoping to get from this request? This discussion proved really useful, Helen felt that a public inquiry along the lines of the Fraser inquiry was definitely not what was being requested and she took my point that we were perhaps using the term inquiry to mean different things. INCAS are due to have their AGM this Sunday (24th October) and Helen will raise this issue at that time with a view to forming a clear idea of what INCAS would like to see coming out of all this. She made clear however that for the majority of members an apology from the First Minister would go a long way to removing the hurt that survivors feel as this would publicly acknowledge what they had gone through and for many would be enough as allow them to move on with their lives. Helen also made the point (which is not new to us) that by using the evidence which already exists from past court cases INCAS members see no reason why the First Minister can't stand up and say that there is evidence that systematic abuse took place in Scotland and apologise for this. We ended the call with Helen undertaking to send in a formal response outlining what they see as constituting an inquiry following the AGM.

I hope the above is helpful. (Rachel you may wish to share some of the postscript with Colin, I feel real progress was made during this call in terms of understanding of where we are coming from.)

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ED-LACY 1
[REDACTED]

19th October 2004

Tracking:

Recipient	Delivery	Read
Edgar R (Rachel)	Delivered: 19/10/2004 13:46	
Perrott S (Stella)	Delivered: 19/10/2004 13:46	
McKinlay FE (Fiona)	Delivered: 19/10/2004 13:46	Read: 19/10/2004 13:53
McCue L (Louise)	Delivered: 19/10/2004 13:46	
McDonald S (Scott)	Delivered: 19/10/2004 13:46	Read: 19/10/2004 14:29
Rainey C (Catherine)	Delivered: 19/10/2004 13:46	