

Knox/1/56

Laing SG (Shirley)

From: Edgar R (Rachel)
Sent: 30 November 2004 21:19
To: Minister for Education and Young People
Cc: Deputy Minister for Education and Young People; MacLean CR (Colin); Laing SG (Shirley); Layden P (Patrick); McNicoll G (Gordon); Donnelly LM (Louise); Peacock P (Peter); Stewart DT (David); PS/ED
Subject: FW: Ministers Speech for 1 December 2004
Importance: High

Minister,

As discussed I attach the speech with some suggested tracked changes that you would allow you further scope to consider the risks that Mr Layden is about to provide advice on. They are contained on p. 9 with minor typos tracked on p.7.

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**COMMITTEE DEBATE ON PETITION PE 535:
1 DECEMBER 2004**

Thank you Presiding Officer.

I welcome the opportunity to contribute to this debate.

Presiding Officer

When I gave evidence to the Petitions Committee in September I made very clear the feelings of the Executive about the appalling nature of historic abuse.

The First Minister has been able to add to that today in setting out what he said earlier

Presiding Officer

I also made clear the Executive's policy was not about closing the book on the question of historic abuse in institutional care but about opening a new chapter of events.

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I want to set out for Parliament today what the Executive has been doing over recent weeks to try and address the issues raised by the petition, in collaboration with the petitioner and the In Care Abuse Survivors – INCAS.

My Officials have met INCAS on a number of occasions and I met with them last week.

I want to begin by updating Parliament on issues I touched on at the Petitions Committee and which have since moved on.

I made it clear to the Petitions Committee we were working to open all relevant files to those seeking to gain insights into what was happening in the residential establishments they were living in.

I can confirm today that the detailed work we have been doing is now well advanced.

To prepare these files for publication we are ensuring that sensitive personal information about individuals is not inadvertently revealed – a process of 'redacting' files.

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We have shown representatives of INCAS what redacting involves and they have seen examples of files and the type of information they contain.

The public inspection of our files will be able to start at the beginning of January.

Presiding Officer

The Petitions Committee raised with me the question of contact with other organisations which also will hold relevant information.

I can confirm to Parliament that I have written to;

- The Catholic Church,
- The Church of Scotland,
- Quarriers,
- Barnardos,
- CoSLA
- and the local authorities
- and to the Care Commission inviting them to follow our example in opening up their files.

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[I am pleased to be able to tell members that some of these organisations have already indicated that they will do all they can to allow individuals access to relevant information.]

Presiding Officer

I want to ensure that we are doing everything we can to identify and make public relevant files.

These are exceptional circumstances and to provide reassurance and independent scrutiny of our actions I have asked my Officials to involve the Keeper of Records in the process.

I have also asked the Scottish Information Commissioner – appointed on the recommendation of this Parliament and completely independent of Ministers – to undertake an examination of what we have been doing to trace and open up our files.

I want him to verify that what we have been doing is taking all reasonable steps to be open, or if he finds deficiencies in any actions to highlight those so I can rectify that matter.

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I hope these actions will reassure Parliament and the survivors that we are being as open as it is possible to be on these matters.

Presiding Officer

During the Petitions Committee evidence I acknowledged that the short life working group on the impacts of child sex abuse did not fully cover the areas of concern of the survivors of abuse while in care.

Today I can confirm that I will establish a further short life working group to look into those issues and it will involve individuals who have experienced abuse.

My Officials will proceed immediately to make the necessary arrangements.

Presiding Officer

For some people pursuing a case through the courts is a vital part of bringing closure to what happened to them.

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I am aware that the law on limitation means that claims for compensation cannot be pursued for injuries sustained before 1964.

I know that this has caused survivors a lot of difficulty.

I indicated to the Petitions Committee that, Cathy Jamieson, had written to the Scottish Law Commission inviting them to undertake a review of the laws on limitation.

I can now inform Parliament that the Commission will prepare and publish - in the second half of 2005 - a paper for public consultation on limitation and will report to Ministers in 2006.

Presiding Officer

INCAS have submitted an application to the Executive to improve counselling services for survivors of in care abuse.

Their proposals would not only give the opportunity for survivors to tell their story in confidence in a sympathetic environment.;

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- it would provide counselling support
- it would help connect individuals to health and other services they may need
- it would also potentially help with advocacy services for survivors
- it would provide – while always protecting the confidentiality of individual cases – a valuable source of information about the full nature and extent of the abuse that took place.

I have told INCAS that I am prepared to provide the financial support necessary to help further develop such services.

Precisely how this will be achieved will be a matter of further discussion between INCAS and my Officials.

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However, Parliament and survivors can rest assured that services across Scotland will be improved to meet the needs expressed to us.

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Presiding Officer

One of the questions that keeps coming through discussions with survivors is their need to understand more fully why the abuse they experienced was - as they would put it - allowed to happen.

Why was no one able to stop what was happening to them.

This is an entirely reasonable question.

It is one not just for survivors, but for wider society to understand and will help us explore any lessons in the past for what we are doing at present.

When I met INCAS last week I offered to take this issue forward.

This is a very difficult issue.

I am conscious that a number of court actions are going on at present, and that we cannot discount the possibility of further criminal proceedings.

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It is vital that any other process which we undertake to look into this matter should not interfere with such proceedings.

Having said that, I have been exploring with INCAS the possibility of appointing someone with experience in this field to analyse

- What were the regulatory requirements of the time
- What were the systems in place to monitor the operation of those requirements; and
- In general terms, how that monitoring was carried out in practice.

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This is something that I would wish to discuss with other interested parties so as to start the process as soon as possible. I will keep members informed of progress.

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I will of course, as I have told INCAS, consider any conclusions reached and any policy questions that arise.

It would be my intention to report to Parliament on the outcome.

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Presiding Officer

I believe what I have suggested is a positive way forward to address outstanding concerns.

I do not have time in today's debate to cover all that we are doing to ensure child protection is stronger and that what happened in the past cannot be allowed to happen in the future.

Parliament is aware of our Child Protection Reform Programme.

We have debated it before and will do so again.

I believe that in what I have set out today [– together with what the First Minister said today on behalf of the nation -] we have for the first time comprehensive plans to address what survivors have been asking of us – Executive and Parliament.

I believe that by following these proposals through we will be able to shed more light on the national shame that in care abuse represents and I believe it will immeasurably improve services available to survivors.

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Presiding Officer

I know from meeting survivors the courage and dignity with which they have made their case – they are making a big contribution to making Scotland a better place.

Survivors of abuse carry with them burdens laid on their shoulders as a result of what was done to them as innocent children.

I genuinely hope that today's debate, events and the new actions I have outlined will make a significant contribution to help lighten that burden as time moves on.

ENDS [1,398]