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 material
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McKay P (Paul)

From: Byrne G (Gerald)
Sent: 07 May 2004 12:59
To: Dunbar R (Rona); Laing SG (Shirley)
Cc: Rainey C (Catherine); McKinlay FE (Fiona); Verrall M (Maureen)
Subject: RE: petition re past institutional child abuse

Importance: High

Rona
 Shirley

Oh dear. This is difficult. Mr Daly and the Committee have indeed been waiting for an answer for a while. To be fair, the first six months (ie from March 2003 to October 2003) were lost because the Committee's request was sent to the Health Department, where it vanished. However, the delay of the last six months is all our own doing.

The background is allegations of abuse, sexual or other forms, in residential institutions in Scotland over the last forty years. Most of the allegations have been about abuse in List D schools run by religious orders, and three men have been convicted of offences. There are also a large numbers of civil cases - 300-400 - which are now in the courts. Some of these cases face problems over time bars (that is, too much time has passed since the events for an action to proceed). The lead case - *McEwan v Hendron* - is due in Court in June to consider these issues. The Executive is a defender in this action because of our approval and inspection of these schools. These have also been allegations of abuse in other institutions, particularly Quarriers homes and there have been criminal convictions of staff in one of their villages.

Mr Daly's petition asked for an inquiry and we have been considering, with Ministers, how to respond to this request. The main parallel would be with the wide-ranging public inquiry held in Ireland, which has cost many hundreds of millions of pounds in legal costs and compensation. There are other examples closer to home, such as the inquiry into sexual abuse in children's homes in North Wales. However, we have been reluctant to go down the path of a public inquiry, as there does not seem to be the evidence of widespread or systemic abuse - as there was in Ireland - or a ring of perpetrators in positions of influence - as there was in North Wales. At the moment, the picture is one of isolated cases by individuals, which horrific as they are, do not justify a public inquiry. Another consideration has been an inquiry is unlikely to learn any lessons of relevance to the modern system of residential care, which has changed considerably since the abuse took place.

We have also considered other forms of inquiry, such a truth and reconciliation commission or a private inquiry, but none of them seem to meet the needs of survivors.

For the moment, we have recommended that the Executive should seek to put into the public domain all the information it holds on residential establishments, a process that will involve us blacking out the names (or "redacting") on some hundreds of files. We will also look at the services for survivors with the Health Department. We have also met with Quarriers and Barnado's to see how they tackle such allegations, and with a survivors group. We have been not been in touch formally with the Catholic Church or the Orders.

Ministers have not formally agreed to this approach and we have not put it in the public domain. Personally I think we might have to look at it again in the light of the very strong Ministerial reaction to the Borders case. We have a number of outstanding GF and PQs on this subject as well as this petition. The latest submission on the subject is due to be Ministers next week.

That's the background. Turning to the questions from the journalist, I suggest this line, which follows the response given originally to the Petitions Committee:

Any case of child abuse is unacceptable. Abuse of vulnerable children in institutions which should provide them with safety is particularly deplorable. There have been many improvements in child protection and residential care over the years which should ensure that vulnerable children are protected from abuse. The Executive is considering carefully what steps to take in response to allegations of abuse in the past in the light of criminal cases and civil claims that are underway. The Executive is also considering what other role it might take in addressing these cases. Announcements will be made when decisions have been taken.

I would not answer separately the question on religious orders.

Given Ministerial sensitivities, I would make sure this line is cleared with Mr Peacock, and that he is aware of the request.

Gerald

-----Original Message-----

From: Dunbar R (Rona)
Sent: 07 May 2004 11:32
To: Laing SG (Shirley)
Cc: Byrne G (Gerald); Rainey C (Catherine)
Subject: petition re past institutional child abuse
Importance: High

Shirley

copy as above

As discussed, this email has been sent to us from colleagues on Press Justice. The journalist, who we think writes for the Express, seems to be looking for a comment on what we are doing in response to the petition.

As we have not spoken to the journalist I'm unclear where she is going with it and what her deadline is. I'm happy to call her to clarify matters, but I'd be grateful if someone could talk me through the background first, (I could not find a Brix note) and consider what our line should be.

Happy to discuss
 Rona

Murray can you send me a comment from the Scottish Executive on the following.

On 19 August 2002 Christopher Daly presented a petition (PE535) to the Public Petitions Committee "to urge the Scottish Executive to (a) make inquiry into past institutional child abuse, in particular for those children who were in the care of the State under supervision of religious orders and (b) make unreserved apology for said State bodies and to urge the religious orders to apologise unconditionally.

On 8 October 2002 The Public Petitions Committee agreed to write to both the Scottish Executive and the Cross-Party Group on Childhood Sexual Abuse, seeking their comments in relation to the issues raised in the petition.

On 25 March 2003 The Public Petitions Committee considered responses from the Scottish Executive and the Cross-Party Group on Survivors of Childhood Sexual Abuse in relation to the issues raised. The Committee noted that the Executive is considering conducting some form of inquiry into this matter and agreed to ask the Executive to provide firm details and a proposed timetable for such an inquiry early in the new session.

A year later there are no "firm details and no proposed timetable for such and inquiry early in the new session".

Why not?

The Public Petitions Committee meet on May 12 and this Petition is on the agenda.

Will the Executive provide the Committee with "firm details and a proposed timetable for such an inquiry.

Will the Executive also "urge the religious orders (involved) to apologise unconditionally?

Many Thanks

Meg Milne