Scottish Parliament

Public Petitions Committee

Tuesday 29 June 2004

Institutional Child Abuse (PE535)

The Convener: Our next petition is PE535. The petitioner calls on the Scottish Parliament to urge the Scottish Executive to have an inquiry into past institutional child abuse—in particular, abuse of children who were in the care of state bodies under the supervision of religious orders. The petitioner also calls on the Parliament to make an unreserved apology on behalf of those state bodies and to urge the religious orders to apologise unconditionally.

At our meeting on 12 May 2004, the committee agreed to write to the Minister for Education and Young People, seeking an urgent response detailing any progress made towards conducting such an inquiry and any information on the timetable for such an inquiry. The committee also agreed to write to the First Minister expressing disappointment that the Executive had failed to respond to the committee despite a number of reminders since its initial request in March 2003. However, despite further reminders to the Executive by the clerks, the committee has yet to receive a response either from the Minister for Education and Young People or from the First Minister.

Linda Fabiani: I am really angry about this. The issue directly affects people whom I represent, on whose behalf I have been writing to the First Minister, separately from the committee, for months and months—I think that I said that when we discussed the petition previously. Not only has the First Minister not responded, he has not even had the decency to acknowledge that the letters have been received. When we compare that with the First Minister parading in a Sunday newspaper, saying that he was going to get the issue sorted out and promising an investigation, and with the fact Ireland has managed to get an inquiry under way very quickly to the satisfaction of people who now feel that they are being listened to, we have to conclude that the Executive's behaviour is completely out of order.

The Public Petitions Committee—both the current committee and our predecessor committee in the 1999-2003 session—has tried to make progress on this issue, but I believe that a committee of this Parliament is being treated with absolute contempt, which is very worrying indeed. Is there any more that the committee can do, other than write yet another strong letter to the Executive expressing our disappointment at the lack of response? We should say, "Look, guys. Time's up. This is just not good enough. You have to start coming up with some answers."

Mike Watson: May I ask the clerks whom they wrote to or spoke to? Have letters been followed up with phone calls?

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Jim Johnston (Clerk): A letter was sent to the Minister for Education and Young People on 19 May and a letter was also sent to the First Minister, as requested by the committee at the meeting on 12 May. Since then, we have had telephone conversations with officials, who have said that they hope to get a response to us. That has yet to materialise.

Mike Watson: I think it extremely unlikely that either the First Minister or the Minister for Education and Young People will have seen those letters. This is a civil service issue. When a letter goes to officials, I think that it goes from the clerks. May I suggest, convener, that you write—perhaps delivering the letters in person to the First Minister and the Minister for Education and Young People—to highlight the delays that have been encountered and the discourtesy that has been shown to this committee? I am sure that that discourtesy comes not from the ministers but from the ministers' officials.

The Convener: When letters are sent, I sign them off. They are sent from me to the ministers' departments. You might be right to say that the ministers do not actually see the letters, but they come from me.

Normally, we put a petition on the agenda when we receive a response, but this petition is on the agenda because we have received no response. However, I have spoken to the minister about the situation and he knows that I am not happy. He has apologised to me and has assured me that a response will be forthcoming. The petition was already on today's agenda when I spoke to him.

Helen Eadie: I am glad to hear that you have discussed this with the minister in person. This would be an unusual step to take—I do not recall that the committee has ever done it before—but if no reply is forthcoming, ready to be discussed at our next meeting, perhaps a meeting should be held with the convener, the deputy convener and the minister.

It is serious when a petition has been carried through from the previous session of Parliament into the current session. If our letters are not bringing forth responses—because of civil service tardiness or whatever—a personal meeting with the minister might help to focus minds and ensure that we get a response. Let us hope that there is a response in time for our next meeting.

10:45

Carolyn Leckie: I am certainly not in a position to judge why we have not received any response. When we write to ministers and the First Minister, it is their responsibility to ensure that there are systems in place to produce replies. From a trade union perspective, I am always a wee bit wary of

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criticising employees without any justification; it is not for us to speculate about people's jobs.

Politicians are supposed to be accountable and they have to answer for their actions. If there are problems with systems, that is their problem, not ours. The lack of response is disrespectful to the committee, but more important than that are the delays. When people come to the Public Petitions Committee, they have a sense of hope that we will be able to get some movement on whatever issue they are pursuing. More than anybody else, it is those people who have been treated with contempt when even we, given the office that we are supposed to hold, cannot get replies from the Executive. It is unacceptable.

The letters that we sent should be copied and delivered in person, but it is ridiculous that we have to go to those lengths. If we still get no movement after that, we should find ways of airing the issues in Parliament if that is all that we can do.

Linda Fabiani: I am concerned that our convener has spoken to the minister yet again and has been told informally that there will be a response. Here we are in the last week of the session and we are talking about another two months going by. Not only did the matter come up in the first four-year session of Parliament; it came up again in the first year of the current session. A year has now passed and we will be into the second year before we get a response. It is absolutely not good enough. Does the committee have to rely on the good will of ministers for a response or is there anything else we can do? Can concern be expressed to any other parliamentary body about such a delay?

The Convener: I am listening to what everyone is saying. I want to hear all your views before I make a couple of points.

Jackie Baillie: Like Linda Fabiani, I represent a survivor of child abuse who was abused when she was in the care of a religious order. One cannot help but contrast what we have done—or not done—with the swift and comprehensive action that was taken in Ireland, where the decision has been a slightly more uncomfortable one. I would like to see a similarly swift and comprehensive response in Scotland.

I concur with Mike Watson absolutely—ministers do not see correspondence until it is time for them to sign it off. That might be an error and there might need to be changes to the system, but I suspect that that is what has happened in this case. That does not make it right, but it offers some background explanation as to why the correspondence has gone adrift. The fact that the convener has made the minister aware of the

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situation suggests that the position will now be tracked, which is appropriate.

I will make a wider point. This is not the first case in which we have had to wait for responses from the Executive. In the recess, it might be worth while having a look at those other cases and finding out whether the problem of not getting responses in time is persistent. We could take that wider principle to the Executive for discussion as well as making progress on the individual petition.

Campbell Martin: This is an extremely important issue. We must remember that this is the Public Petitions Committee. When the public raise an issue it is totally unacceptable for ministers to fail to respond to the committee's requests.

Linda Fabiani said that we should not have to rely on the good will of ministers. Surely mechanisms must be in place in the parliamentary system to ensure that ministers and the First Minister can be held to account if they persistently ignore the requests of the Public Petitions Committee? With the greatest of respect, convener, it is not acceptable for you to have to say to a minister, "Come on, reply to the letter that we sent you a long time ago."

The Convener: I have listened to what members have said and there is nothing with which I disagree. I should make the following points, however. We have a six-week timescale in which we expect to receive replies to our communications with the Executive. The clerks inform me that the timescale is adhered to in the vast majority of cases. The problem is not widespread; we are talking about a specific issue and a specific problem.

The question is how we address the problem in this specific case. We are about to go into the summer recess, which means that there is an eight-week period in which one of two things can happen: either the response will be received and we can address its contents at our first meeting after the recess; or the response will not have been received by that time.

We can do something to pre-empt either situation: we can invite the minister to come before the committee at our next meeting. The item would therefore be on the agenda whether or not we receive a response. Either way, we can question the minister directly on the issue. If we do that, we will have taken action on the specific problem of PE535.

There is also the wider context of how we hold the Executive to account for any tardiness in its replies. The way to do that is to go to the Presiding Officer, who can discuss the matter with the First Minister. We might want to hold that option in reserve until we have had the opportunity to

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question the minister and have received a reply from the First Minister outlining his views on the subject of responses from his ministers. I suggest that we should take that course of action. We can go to the Presiding Officer at some point in the future if we consider that the issue has not been addressed properly. What do members think of my suggestion?

Linda Fabiani: I completely agree. If it is not possible for the convener formally to make that proposal, I will do so. We should invite the minister to our next meeting—regardless of whether we have received his response. After we have questioned the minister, we can decide whether to ask the Presiding Officer to look into the matter.

Carolyn Leckie: I agree. Thinking further ahead, does the Public Petitions Committee get the opportunity to make a report to the Parliament?

The Convener: We can ask the Conveners Group for time.

Carolyn Leckie: I am not suggesting that we do that right now; I am just trying to figure out what the options are.

The Convener: The Public Petitions Committee had a debate in the first session of the Parliament. I think that it was on a health issue, but Helen Eadie will be able to keep me right.

Helen Eadie: It was on Blairingone and Saline.

The Convener: The Public Petitions Committee asked for a debate in the Parliament because a series of health issues had been raised. If we thought that an issue required to be debated in the Parliament, we could ask the Conveners Group to allocate one of the committee slots to the Public Petitions Committee. We can keep open that option. Are members happy that we invite the minister to our next meeting?

Linda Fabiani: I do not know whether I am happy, convener, but I will go along with the suggestion.

Helen Eadie: The issue touches on one of the petitions that we discussed last week. The same minister is involved and, again, we are waiting for a response, in that case in relation to the draft revised policy guidance on school closures. Two issues are causing us concern.

The Convener: We would have to take them separately.

Helen Eadie: I am not suggesting that we take them together. I simply wanted to highlight that we have on-going concerns about one Executive department.

The Convener: Are members happy that we invite the minister to come before the committee

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after the summer recess? I know that members are not happy about doing so; I am just seeking members' agreement.

Members *indicated agreement.*