

Scottish Child Abuse Inquiry

Witness Statement of

Jeane Freeman OBE

Support person present: No

1. My name is Jeane Freeman. My date of birth is [REDACTED] 1953. My contact details are known to the Inquiry. This witness statement is to give information to the Inquiry regarding some of my responsibilities as Senior Special Advisor to the First Minister of Scotland between 2001 to 2005.
2. This statement is based on my recollection aided by documents. I have seen documents provided to me by the Inquiry and the current Scottish Government.

Qualifications and work experience

3. I have a BA (Hons) in Politics and Sociology.
4. From May 1986 until May 2000 I was a director of APEX Scotland. Apex's role was to work with employers and offenders to help secure appropriate employment for people with criminal records. The belief was that if people could secure that kind of stability in their life, their chances of re-offending were much reduced. A significant proportion of the people that we worked with had been in care and a significant proportion had serious literacy and numeracy problems.
5. The work that we developed was what we called "risk reduction recruitment strategy". Basically what we were saying to employers was that if you do not ask the question, then you do not know the level of risk you are taking. However, if you ask the question and as soon as someone discloses a criminal record you refuse to see

them, even if that has no bearing on the job in question, then they are going to lie to you. Doing things the Apex way meant that employers not only got the skills they needed, but also got employees who felt a degree of loyalty to them because of how their employers treated them in the first place.

6. Between 2001 and 2005, I was Senior Special Advisor to the First Minister of Scotland.
7. I am a member of the Scottish National Party. I have been a member of the Scottish Parliament for Carrick, Cumnock and Doon since May 2016. I served as Minister for Social Security from May 2016 to June 2108. I have been Cabinet Secretary for Health and Sport since June 2018. My predecessor was Shona Robison.

Role as Senior Special Advisor to the First Minister of Scotland

8. I was a Senior Special Advisor to the First Minister of Scotland, Jack McConnell. A special advisor is essentially a political advisor. Whilst you are subject to certain civil service rules and privileges, it is a political appointment made by the First Minister.
9. There was a team of special advisors. I was the senior political advisor. I worked primarily in two specific portfolio areas of Finance and Health. Another responsibility was to maintain political relations with the Prime Minister's office in 10 Downing Street. Where I was involved in other portfolio areas, it was usually only for short periods of time when there was a problem or dispute to resolve that the First Minister wanted resolved or where the First Minister wanted something moved on that he felt was getting stuck.

Strategic Policy Unit

10. There was a Strategic Policy Unit staffed and led by civil servants. My job was to liaise with them. The special advisor team had some people whose primary focus was on media relations while for others, including me, the focus was on policy work.

I would get copied into a lot of things even though I had no direct involvement with them because I was Senior Special Advisor to the First Minister.

11. The Strategic Policy Unit developed policy and took it forward. The role of the unit at that time was forward thinking. The thinking behind having such a unit was that civil servants are working on the day job in their various departments. They are working on delivering what Ministers want at that time such as manifesto commitments.
12. Those employed in the policy unit were freed from the day-to-day work and often engaged with academic institutions and think tanks. They were as much directed by the Permanent Secretary as they were by what the First Minister might want. Any engagement that I had with them was where the First Minister wanted something but did not think he was getting it quickly enough or he thought that the direction they were going in was missing something that was important to him.
13. The Strategic Policy Unit was not attached to a particular department like Education or Health or Justice. It was more global, but it would have dealings with all of these departments from time to time

Departmental structure and policy advice

14. Within departments of the Scottish Executive/Scottish Government, there are divisions and branches such as child protection, or children and families. Within those divisions, they deal with the day-to-day matters in these areas, but to some extent with issues of policy as well.
15. It was primarily from those divisions that Ministers would receive officials' advice on any issue. It was from those divisions that the draft answers to parliamentary questions came for ministers to agree or not.
16. Briefings to Ministers or "lines to take" tended to be done as part of the day-to-day work of the particular department, or division within the department, which had responsibility for the particular subject matter. I might be copied in or I might be

asked by the First Minister to become involved and offer comments and advice if he thought it was appropriate to do so

Petition regarding historical abuse of children in care

17. In August 2002, there was a petition PE355 by Chris Daly to the Public Petitions Committee (PPC) of the Scottish Parliament calling for a public inquiry and for an apology from the State and various institutions in relation to historical abuse of children in care (the Daly petition). In November 2002, the PPC called on the Scottish Executive to respond to the Daly petition.
18. I expect I would have had an awareness of the Daly petition, but I would not have had any involvement with it. I have no memory of being involved with the response of the Scottish Executive to the PPC. I recall involvement around 1 December 2004 at the point where an apology by the First Minister to victims of childhood abuse whilst in care was being discussed.

My involvement with the Daly petition and responses to PPC

19. I am told that there was a briefing by officials on 13 November 2002 to the Minister for Education and Young People, then Cathy Jamieson. That initial briefing apparently did not go down well with the Minister and so a second briefing was prepared the following day.
20. I have no recollection of having discussions with Cathy Jamieson between November 2002 and February 2003 about the terms of the initial response of the Scottish Executive to the Daly petition.

Sunday Mail story in May 2003

21. In May 2003, The Sunday Mail ran a story about alleged abuse at List D schools and suggested that certain files held by the Scottish Executive had been closed and that

there had been a cover-up. The press were also suggesting that the Scottish Executive would be resisting an inquiry without offering an alternative.

22. This was most certainly something that would have been brought to the First Minister's attention and, as such, would also have come to my attention. I expect that I would have been involved in discussions about this matter. A media special advisor would have been involved to advise on the handling of the press.

Ministerial consideration in September 2003 of four options by way of response to the Daly petition and First Minister's comments in December 2003 raising a further option for consideration

23. I am told that various options were discussed at ministerial level in September 2003 as to how to reply to the issues raised by the Daly petition. Those options were an inquiry, a truth and reconciliation committee, a package of measures approach or a "do nothing" approach which was to maintain existing policy. There was also the issue of whether or not an apology should be made to survivors of childhood abuse whilst in care. Records show that, in December 2003, the First Minister wanted consideration given to a further option which was the appointment of an expert to conduct a review.
24. I have no recollection of being involved in these discussions or the response from the First Minister's office.
25. I do know however that the First Minister was not happy with the options put forward by officials and wanted something more to be done.
26. The option of appointing an independent expert was subsequently rejected by the officials looking into the matter. From my memory of relevant records, there is not a piece of paper that indicates the First Minister ever accepted the officials' rejection of the idea. Having worked with Jack McConnell and known him for many years, if he does not explicitly say, "I agree with that", the fact that he does not then necessarily

pursue an idea he has raised does not mean he accepts your argument. It means that he has not let go of the idea.

Correspondence from PPC to the First Minister and the Education Minister in May 2004

27. In May 2004, both Minister for Education and Young People, then Peter Peacock, and the First Minister were contacted by the PPC to express disappointment at the lack of a full response by the Scottish Executive to the Daly petition.
28. I think that is something that I would have been aware of as the Senior Special Advisor to the First Minister.

An apology

29. I do recall that there was some discussion over a period of time around whether or not an apology should be made to survivors of childhood abuse whilst in care.
30. My recollection is that the only opinion the First Minister ever held on that particular issue was that an apology should be made from the outset. I have absolutely no recollection of Jack McConnell wanting to do less than make an apology.
31. I have limited, if any, recollection of the details of discussions and who talked to whom, but I do recollect that there were considerable concerns expressed by some about the implications of an apology. Alternatives were offered that in the First Minister's view fell short of an apology. My job was to convey the First Minister's view to whomever needed to have it conveyed to them and my job was, as far as I could ever possibly achieve it, to secure the First Minister's wishes.
32. When you are the First Minister you have to take account of what your legal advisers tell you. You cannot just act as an individual. You are government and you are the mouthpiece of government. That said, my recollection is that whatever legal advice he was getting at the time did not move the First Minister away from what had been

his instinct which was we should apologise for the historical abuse of children in care.

33. There was a perceived difficulty in making an apology on behalf of the state or the Scottish Executive. It was being said that it could have had consequences and implications for the state if the Scottish Executive was to come up by itself with an apology when it was involved in legal proceedings, along with others, arising out of alleged abuse of children whilst in care. There was a concern that an apology could be taken as an admission of liability.
34. At the time, institutions that had provided residential childcare were not coming forward with their own apologies. For example, the Catholic Church were not offering their own apologies. There was a concern that the Scottish Executive should not be doing something that might have the unintended consequence of letting others, who might be more directly liable, off the hook. The care providers had been directly responsible for the children that were abused. That was a concern of the First Minister.
35. After the First Minister made the apology on 1 December 2004, he said that he hoped that it would be a starting point for others to follow suit. That did not happen. I think that was a source of frustration and disappointment, as he had hoped that his apology would not just be the end of a process but the start of a process that others would follow and take up.

Public inquiry



36. I do not recall being asked for a view on whether there should be a public inquiry or to comment on that issue at all. While it might have been the kind of thing I would have been asked about, I do think I would recall it had I been asked for a view.
37. I do not recall any Minister arguing strongly for an inquiry. I have no recollection of any major discussion or argument around having, or not having, an inquiry.

Compensation scheme

38. The only recollection I have of a reference to compensation is around the time when concerns were expressed about making an apology and what an apology might lead to.
39. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed

Dated


 5 November 2020