

Scottish Child Abuse Inquiry

Witness Statement of

Frank MCAVEETY

Support person present: No

1. My name is Frank McAveety. My date of birth is [REDACTED] 1962. My contact details are known to the Inquiry. This witness statement is to give information to the Inquiry on some of my experiences as the Convener of the Public Petitions Committee ("PPC") when I was a member of the Scottish Parliament ("MSP").
2. This statement is based on my recollection aided by documents. I have seen documents provided to me by the Inquiry.

Term of office as an MSP

3. I served as a member of the Scottish Parliament for Glasgow Shettleston between 1999 and 2011. I was a member of the Scottish Labour party during that time.
4. I held three different ministerial appointments between 1999 and 2004. I was the Deputy Minister for Local Government from May 1999 until about November 2000. I was the Deputy Minister for Health and Community Care from May 2002 until May 2003. I was the Minister for Tourism, Culture and Sport between May 2003 and October 2004.
5. I was the Convener of the PPC from 19 June 2007 until 22 June 2010.

Chris Daly's petition PE535

6. I have been reminded that Petition PE535 by Chris Daly was lodged on 20 August 2002 ("the Daly Petition"). The petition called for an inquiry into the abuse of children in care. It also asked for an apology from both the state and religious orders who ran institutions that looked after children.
7. The issues raised in the Daly petition were debated in the Scottish Parliament when the then First Minister, Jack McConnell, gave a public apology on behalf of the people of Scotland.

The debate and apology – December 2004

8. I remember the actual debate because it was well covered and also because it was unusual. The PPC had been pushing for the matters raised in the Daly petition to be brought to the floor of the Chamber of the Scottish Parliament, which was considered unconventional at the time.
9. I was still an MSP at the time of the debate, but was no longer a minister. I was in the Chamber on the day of the debate. I do remember there was an atmosphere in the Chamber because we knew that the PPC had been pushing the boundaries. It was the first time the PPC had put a matter into debate.
10. I would not say that I had strong views one way or another at the time about whether a public inquiry should be held. My position would have been to listen to the evidence and the nature of the debate.

Closing the Daly petition

11. I have been asked why the PPC decided to close Daly petition on 15 April 2008.

12. I find it difficult to remember. I have read the documents provided by the Inquiry which include minutes of the PPC. Whilst I know this is an important issue, I do not recollect it being an important issue then in the PPC structure.
13. I get the impression that, because there had been a public apology by the then First Minister in 2004, the assumption of the PPC was that the Scottish Executive/Scottish Government was taking forward whatever needed to be done, either via the Justice Ministerial Team or through the portfolio of the First Minister. Therefore, the PPC was no longer an appropriate vehicle for the matter. That is the impression I get from looking back at the minutes.
14. The minutes show that Rhoda Grant suggested that the Daly petition be dealt with by closing it and there was no dissention among PPC members to that course of action. It strikes me that if it had been a contentious issue across the Scottish Parliament, that would have exhibited itself at the PPC. Having looked at the minutes, I am almost certain it was seen as very much a procedural matter, as it was getting dealt with via other avenues within the Scottish Government. From memory, I think Rhoda said it had been well-aired, discussed and had been taken up elsewhere.
15. The reality is that there were maybe about two hundred petitions still in the system at the time. When the Scottish Parliament was first established, there was a lot of enthusiasm for petitioning the Parliament as it was a different model from what had been the experience to date. Therefore, you could have a lot of petitions that had been in the system for a long time.
16. What tended to happen was that the clerk to the PPC who was Fergus Cochrane during my time, would put together the itineraries for the PPC. He would identify which petitions had been running through the system for a considerable period of time and these would be included on the itinerary for the day. The debate then would have been about how we could free space to enable other petitions to come forward. The situation with Chris Daly's petition was that there had been a full debate in the Scottish Parliament and there was an assumption that the Scottish Government was treating it with the utmost seriousness.

17. I have seen a copy of a letter from Chris Daly dated 4 January 2008 which was addressed to me and Fergus Cochrane, which says:

"My overall view of the response to my petition is that Scotland has fallen short of what other countries such as Ireland has given survivors of institutional child abuse. The petition received much support from the current administration when in opposition, however we have seen little of substance as yet".

18. The letter shows Chris Daly's position was that he did not feel that matters had gone far enough at that stage. I cannot recollect the letter coming to me, although it does say that a copy was sent to me and Fergus. My experience as Convener of the PPC was that if members of the PPC were lobbied or felt strongly on an issue, I was always open to having a discussion. That was my style of convenership. I think at the time the PPC believed that the matters in the Daly petition had been addressed by the debate and First Minister's apology in the Scottish Parliament in December 2004.
19. I am told that Michael McMahon thinks that if he had stayed on the PPC, he would have pressed to keep the petition open because he felt that the steps that had been taken at that stage by the Scottish Executive/Scottish Government were not sufficient and a public inquiry should have been pushed for.
20. I can understand Michael saying that. He was always quite close to the First Minister, as was I when I served in the ministerial teams. I get the impression that Michael would have pushed issues for Jack McConnell in the PPC. Jack McConnell, with his teaching background, was someone who was keenly aware that we should always be protective of youngsters in our care.
21. I can say that Michael never raised any concerns when the PPC did make its decision to close the Daly petition. Life is busy when you are an MSP and other things are prioritised. I think Michael McMahon is quite an independent-minded individual. He is someone with very strong Christian principles and is someone I think is impeccable. So, if Michael had ever come to me to say that he really needed

my support for this, I would by and large have given him a good listen, but that did not happen.

22. The reality of life is that people are passionate about different issues. I think Michael had been working closely with Jack McConnell's team to push the issue. Jack McConnell was very fond of pushing issues in a committee, which would then allow Ministers to respond. By that I mean if you get the a parliamentary committee pushing something, it makes it more difficult for the Scottish Executive/Scottish Government to ignore it or not take action.

23. 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.....

23/9/20