

Laing SG (Shirley)

From: Trifkovic A (Alexandra) on behalf of Minister for Education and Young People
Sent: 09 November 2004 09:49
To: Laing SG (Shirley); Minister for Education and Young People
Subject: RE: I:BACKGROUND BRIEFING NOTE ON COMMITTEE DEBATE ON PETITION PE535

Shirley,

Mr Peacock has seen and noted your email.

Thanks

Alex

Alex Trifkovic

APS/Minister for Education and Young People

x

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

From: Laing SG (Shirley)
Sent: 02 November 2004 19:02
To: Minister for Parliamentary Business
Cc: Minister for Education and Young People; Deputy Minister for Education and Young People; PS/ED; MacLean CR (Colin); Edgar R (Rachel); McKinlay FE (Fiona); Phillips D (Danny); Clark M (Matthew); Press Education
Subject: I:BACKGROUND BRIEFING NOTE ON COMMITTEE DEBATE ON PETITION PE535
Importance: High

PS/Minister for Parliamentary Business

Copy as above.

BACKGROUND BRIEFING NOTE ON COMMITTEE DEBATE ON PETITION PE535**Purpose**

To provide the Minister with some background information in advance of her discussions with the Presiding Officer regarding the potential Committee Debate on 1st December.

Timing - Immediate**Background**

Mr Peacock appeared before the Public Petitions Committee on 29 September to explain and apologise for the delay in the Executive responding to the petition of Mr Daly seeking an Inquiry into abuse in List D and other residential establishments. Mr Peacock: reiterated that the Executive does not plan to hold an Inquiry; outlined actions that the Executive is taking to address the needs of survivors and to ensure such abuse cannot happen again; acknowledged that abuse took place and expressed profound sorrow about the damage that had been caused to individuals. The words that he used were carefully chosen to reflect concerns from OSSE that the Executive is not seen to accept liability for abuse (given a number of current cases in which the Executive is cited as a defender).

Mr Peacock told the Committee that the Scottish Law Commission had been asked by Ms Jamieson to undertake a review of the law on limitation which currently stops many survivors from bringing

civil cases to court. The Committee expressed concern at the length of time any such review would take. Following the meeting the Committee decided to seek a debate in Parliament; this Committee debate is now scheduled for the afternoon of Wednesday, 1 December. Since 29 September officials have met with the In Care Abuse Survivors Group (INCAS), of which Mr Daly is a member, to explore what further action the Executive might take to meet the needs of survivors. Mr Peacock is also due to meet with INCAS on Tuesday 23rd November 2004.

Discussion

We would be content for the Committee debate to go ahead on 1st December as any delay in holding this debate could:

- Provide an opportunity for criticism of the Executive; it has taken almost 2 years for Ministers to reach a view not to hold a public inquiry and any further delay might be viewed as untenable.
- Any further delay might be seen as an attempt by the Executive to avoid a full and frank debate of the issues.
- Raise expectations of what the Executive might ultimately say/offer at any future debate.
- Provide more time for INCAS to lobby supporters and raise the profile of the issues.

In any event officials are currently in detailed discussions with INCAS, exploring how the Executive might meet their needs. It is hoped by the time of the debate that we will be able to:

- Confirm to Parliament that the redaction exercise of Executive files is nearing completion (this is the process by which we are removing sensitive personal information from files pertaining to List D and residential establishments prior to making all files publicly available.)
- Announce the setting up of a working group – remit and membership yet to be agreed
- Announce funding for INCAS – to build their capacity to provide peer support and possibly access to other services
- Announce the commissioning of relevant research.
- Announce timescale for review of the law on limitation.
- Report on meeting between Minister and INCAS due to take place on 23rd November 2004.
- Announce that the Minister has written to the Church and other organisations making them aware of the actions the Executive is taking to make all relevant files held available for public inspection and encouraging them to take similar action.

We are also considering (with OSSE) how Ministers can best express their feelings over past abuse.

Sensitivities

We expect the motion to ask Parliament “to note” the petition. Ministers could support that position. If however any amendment is tabled to the motion it is likely to explicitly call on the Executive to hold an inquiry. This might interfere with the ongoing productive negotiations with INCAS who now recognise that a traditional public inquiry might not actually be the best way of meeting their needs. Ideally there would be no amendment however, should an amendment be tabled, Ministers would need to table a further amendment.

Recommendation

We recommend that the Minister notes the above information.

Shirley Laing
ED-LACY1

2nd November 2004