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Patrick Layden



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ALLEGATIONS OF INSTITUTIONAL CHILD ABUSE
PUBLIC PETITIONS COMMITTEE – 29 SEPTEMBER 2004

1. I thought you may wish to know that Mr Peacock is due to make an appearance before the Public Petitions Committee this morning in connection with a Petition by Mr Christopher Daly who was allegedly the victim of abuse while being cared for in a children's home. As you will be aware, there are a considerable of Court actions ongoing at the moment concerning abuse in children's homes involving a large number of Defenders including the Scottish Ministers. Division B2 are handling these cases on behalf of the Scottish Ministers.

2. We understand from clients that Mr Peacock has been extremely keen when making his appearance before the Committee to express "regret" for the fact that children cared for in these Homes were, on occasions, subjected to abuse in various forms. We have in this Division and in Division B2 spent some considerable time over the last day or so trying to tone down what Mr Peacock will say to the Committee given the risk that what he says might be construed as an admission of liability. Hopefully the briefing material that he has been given is now in a form that will enable him to make the right noises to the Committee while not offering anything that could be construed as an admission of liability on the part of Ministers. I understand that at a meeting with Mr Peacock yesterday it was agreed that he could use the phrase "profound sorrow". I do not think we will be able to tone it down further.

3. It may be on reflection that it might be useful to include something in this week's Briefing on this subject but at the time we were putting the Briefing together this issue was not of major significance from our point of view. In any event, given that Mr Peacock will be making his appearance this morning it is perhaps now too late to advise the Lord Advocate. Hopefully, however, the appearance before the Committee will not give rise to difficulties, particularly if Mr Peacock is able to stick to the line that we have agreed with him and with clients.


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29 September 2004

Layden – Min – 29.09.04