

8106529

**Carson R (Rona)**

**From:** Laing SG (Shirley)  
**Sent:** 24 August 2005 16:17  
**To:** Minister for Education and Young People  
**Cc:** Deputy Minister for Education and Young People; MacLean CR (Colin); Tullis D (Douglas); Edgar R (Rachel); Press Education; PS/ED; Donnelly LM (Louise)  
**Subject:** RE: U - HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS - APPOINTMENT LETTER AND REMIT FOR INDEPENDENT EXPERT

**Importance:** High

PS/Minister for Education and Young People

Copy as above.

**RE: U - HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS - APPOINTMENT LETTER AND REMIT FOR INDEPENDENT EXPERT**

Please find attached a revised letter and remit to reflect the Minister's wish to extend the time frame under consideration to 1995.

SHIRLEY LAING  
 ED-LACY 1

24<sup>th</sup> August 2005



Revised - 22  
 August 05 - Fina...



Final Remit -  
 Independent Ex...



Final Remit -



Revised - 22

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

**From:** Minister for Education and Young People  
**Sent:** 24 August 2005 15:21  
**To:** Laing SG (Shirley); Minister for Education and Young People  
**Cc:** Deputy Minister for Education and Young People; MacLean CR (Colin); Tullis D (Douglas); Edgar R (Rachel); Press Education; PS/ED; Donnelly LM (Louise)  
**Subject:** RE: U - HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS - APPOINTMENT LETTER AND REMIT FOR INDEPENDENT EXPERT  
**Importance:** High

Shirley,

Copy: As above

**HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS -  
APPOINTMENT LETTER AND REMIT FOR INDEPENDENT EXPERT**

Mr Peacock has seen and noted your e-mail below and has indicated that he is content subject to the '1985' date in the draft letter changing to '1995', as per my earlier e-mail to Rachel Edgar on the Independent Expert's remit.

We will arrange for a copy of the letter to be signed tomorrow morning.

Thanks

David

**DAVID STEWART**

PS/Minister for Education and Young People

24 August 2005

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

**From:** Laing SG (Shirley)

**Sent:** 24 August 2005 11:10

**To:** Minister for Education and Young People

**Cc:** Deputy Minister for Education and Young People; MacLean CR (Colin); Tullis D (Douglas); Edgar R (Rachel); Press Education; PS/ED; Donnelly LM (Louise)

**Subject:** RE: U - HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS -  
APPOINTMENT LETTER AND REMIT FOR INDEPENDENT EXPERT

**Importance:** High

PS/Minister for Education and Young People

Copy as above.

Further to the Minister's telephone conversations with Rachel Edgar on Monday 22<sup>nd</sup> and my conversation with you please find attached a revised draft letter which takes on board the Minister's comments. Namely: that the letter should confirm his appointment, invite regular progress reports and make clear that we should be advised of any obstacles to his work at an early stage. With regard to monitoring the work, we will be able to monitor the progress of Mr Shaw's work quite closely as, after the initial scoping exercise, we will be looking to agree both an overall timescale and interim stages with him.

The Minister also asked about the time period (1950 to 1985) chosen for the remit. Rachel minuted separately on this point at 11 am today.

We have also noted the fact that the Minister is keen to meet with Mr Shaw and will look to arrange this at a mutually convenient time.

**Grateful if the Minister could advise if he is content to approve and issue the revised appointment letter and remit and to agree to this being circulated to INCAS.**

Many thanks,

SHIRLEY LAING

ED-LACY 1

23<sup>rd</sup> August 2005

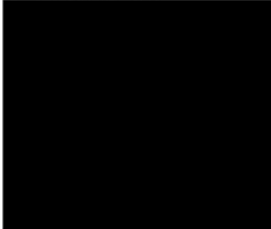


## SCOTTISH EXECUTIVE

Minister for Education & Young People  
**Peter Peacock** MSP

Victoria Quay  
 Edinburgh EH6 6QQ

Mr Tom Shaw



Telephone: [REDACTED]  
 scottish.ministers@scotland.gsi.gov.uk  
 http://www.scotland.gov.uk

Our ref: KNX/1/56

August 2005

Dear Mr Shaw

### **HISTORIC ABUSE IN CHILDREN'S HOMES AND RESIDENTIAL SCHOOLS – APPOINTMENT OF INDEPENDENT EXPERT**

I am writing to confirm your appointment as the independent expert who will investigate and report on the abuse that took place in children's homes and residential schools in Scotland, focusing in particular on the period 1950 to 1995. I enclose a remit for your work and understand that you have had the opportunity to discuss this with officials.

Given your background as a former Chief Inspector of Education and Training in Northern Ireland, I have confidence in the skills and experience you bring to this task and I look forward to reading your final report.

Obviously, the task that you are to engage in is very important to me and to the survivors of abuse. In analysing the regulatory requirements of the time, the systems that were in place to monitor operation of those requirements and their adequacy, you will, in effect, through your final report be assisting us in answering the key question asked by survivors of abuse: why was this allowed and able to happen?



I know that you have already had very productive discussions with Rachel Edgar and Shirley Laing from Looked After Children and Youthwork Division and I have asked them to liaise with you on the detail of your engagement and to conclude arrangements just as soon as possible.

Given the importance of this task I would ask that you keep me informed of progress made and advise my officials immediately if you are experiencing any difficulties in your work or encounter any obstacles in gathering the information you require.

**PETER J PEACOCK**



**REMIT OF INDEPENDENT EXPERT**

1. Against the background of the abuse suffered by children up to the age of 16 in residential schools and children's homes in Scotland over the period from 1950 to 1995 the Independent Expert is instructed to carry out an investigation and, as soon as may be practicable, to present a report for consideration and for publication by Scottish Ministers with the following objectives:

(1) to identify what regulatory requirements and powers were in place from time to time over that period and which provided for the provision, regulation and inspection of such schools and homes and for the welfare and protection from abuse of children resident in them;

(2) to identify, and review the adequacy of any systems, whether at national, local or organisational levels, intended to ensure compliance with those requirements and with any prescribed procedures and standards from time to time including systems of monitoring and inspection;

(3) to review the practical operation and effectiveness of such systems.

2. While the remit is primarily concerned with the period 1950 to 1995 the Independent Expert should not regard himself as precluded from considering material from outwith that period which he considers to be of relevance.

3. So as not to prejudice either any possible criminal proceedings or any litigation at the instance of the survivors of abuse the Independent Expert is not to report on the facts or circumstances of any individual cases of abuse.

4. For the purposes of his investigation the Independent Expert will, in addition to information that is publicly available:

(1) have access to all documentary records of the former Scottish Office in so far as in the possession of Scottish Ministers from the period under consideration and in so far as relating to residential schools and children's homes which will be subject to redaction to ensure that no individual can be identified ;

(2) be expected to seek the cooperation of local authorities and other organisations with responsibility for the management and administration of residential schools and children's homes in making available to him such documentary records and explanation of such records as he considers to be necessary for his purposes.

5. Except in so far as provided above the Independent Expert is not expected to consider material or submissions from individuals or from local authorities or such organisations except to the extent that he may consider it necessary for the purposes of his investigation to obtain information from organisations representing the interests of the survivors of abuse.