



SCOTTISH EXECUTIVE

Education Department
Children and Young People's Group

August 7 19 to 7 66 of FILE.
KNX 1/56, Pt. 11

Looked After Children and Youthwork
Victoria Quay
Edinburgh EH6 6QQ

Mr Chris Daly



Telephone: [REDACTED]
Fax: [REDACTED]
<http://www.scotland.gov.uk>

Your ref:
Our ref: KNX/1/56

9 September 2004

Dear Mr Daly

PAST INSTITUTIONAL CHILD ABUSE IN SCOTLAND: 2004/0022285OR

Thank you for your letter of 10 August to Fiona McKinlay.

We wrote to you on 20 August confirming our meeting arrangements for 31 August to discuss your Freedom of Information request. With that letter we provided you with a copy of the Code of Practice on access to Scottish Executive information and confirmed that we would respond formally to you after the meeting.

You requested a copy of the documentation that the Executive has amassed on the issue of child abuse that informed the decision making process. Enclosed with this letter are documents that informed our consideration of these issues, listed in the Annex. These include publicly available documents on Ireland and Canada. There is also a position paper prepared by officials on the situation in Ireland. There is advice given to officials by the Executive's research department on the information available on the internet, but not all of the websites listed in that document were consulted. The Annex also lists other sources of information taken into account, but not enclosed because of bulk or copyright. This information is all in the public domain.

In addition to these documents there are a number of papers written by officials giving advice to Ministers on how to proceed. I consider that these papers fall within Paragraph 2 ("*Internal discussion and advice*") of Part II of the Code of Practice on access to Scottish Executive information enclosed with our letter of 20 August. I have considered whether there is any overriding public interest in releasing these documents which would outweigh the general public interest in frank advice being given to Ministers. I have concluded there is no such public interest and that these documents should not be released.

Paragraphs 11 and 12 of Part I of the Code of Practice lay out how to complain about this decision if you are dissatisfied. If you wish to follow this procedure you should write to Mike Ewart, Head of Department, Scottish Executive Education Department, Victoria Quay, Edinburgh, EH6 6QQ.



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In looking at this issue Executive officials also had discussions with the In Care Abuse Survivors group, as well as with individuals who contacted the Executive. In considering the Irish inquiries, officials talked to officials of the Irish Government. Officials also had discussions with both Barnardo's and Quarriers on their experiences of providing support to survivors of abuse. Regard was also given to existing and proposed child protection measures. All of this informed the decision reached by the Executive.

As Colin MacLean mentioned at our meeting, we would be happy to arrange for a presentation to INCAS members about developments in child protection if that would be helpful. You also expressed some reservations about the redacting of files, and I indicated that I would be happy to make arrangements for you or an INCAS representative to see the files that have already been redacted to get a sense of the extent of the redaction. Please let me know if you would like to take up either of these offers.

We also discussed a number of other issues at our meeting, and you kindly indicated that you would be prepared to have further discussions once we had had a chance to consider the points further.

Yours sincerely



RACHEL EDGAR
Head of Looked After Children and Youthwork Division



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DOCUMENTS ATTACHED**Ireland**

1. Summary of Irish Commission by Scottish Executive Education Department
2. Review of the Commission by the Irish Government (2002) ✓
3. Guidance to the rules of the Redress Board (2002) ✓
4. Report of Judge Sean Ryan into the workings of the Commission (2003) ✓
5. Irish Government response to the resignation of Judge Mary Laffoy (2003) ✓
6. Extracts from the third interim report of the Commission (2003) ✓

Canada

7. Executive summary of the report of the Law Commission of Canada (2000) ✓

Research

8. List of relevant websites from Scottish Executive research department (2003)

OTHER SOURCES**Inquiries into child abuse**

Another Kind of Home by the Chief Inspector of Social Work Services for Scotland (1992)

Edinburgh's Children by Marshall, Jamieson and Finlayson (January 1999) (see <http://download.edinburgh.gov.uk/full97.pdf>)

Lost in Care report by the North Wales Tribunal by Sir Ronald Waterhouse QC (February 2000) (HC 201)

Report of an inquiry by Newcastle City Council into Shieldfield nursery (November 1998) and libel case (*Reed and Lillie v Newcastle City Council*) (July 2002)

(see: http://www.courtservice.gov.uk/judgmentsfiles/j1302/lillie_reed_part_1.htm
http://www.courtservice.gov.uk/judgmentsfiles/j1302/lillie_reed_part_2.htm
http://www.courtservice.gov.uk/judgmentsfiles/j1302/lillie_reed_part_3.htm)

Public Inquiries into Abuse of Children in Residential Care by Corby, Doig and Roberts (Jessica Kingsley Publishers, 2001) (ISBN 1 85302 895 9)

Other inquiries

Bloody Sunday Inquiry by Lord Saville of Newdigate (see <http://www.bloody-sunday-inquiry.org/>) (1998 – present)

Inquiry into the death of Dr David Kelly by Lord Hutton (see <http://www.the-hutton-inquiry.org.uk/>) (2003)

Mr Chris Daly

11 September 2004

Your ref: KNX/1/56

**Rachel Edgar
Head of Looked After Children & Youthwork Division
Scottish Executive
Education Department
Victoria Quay
EDINBURGH EH6 6QQ**

Dear Rachel,

PAST INSTITUTIONAL ABUSE IN SCOTLAND

Thank you very much for your fast response to my request for a copy of documentation that informed the decision making process regarding a public inquiry into past institutional child abuse in Scotland.

It is very clear that your department did look into the matter thoroughly. I do appreciate the documents you enclosed. Some of the Irish documents I'm familiar with eg the Redress Board work and the Commission to Inquire into Child Abuse in Ireland.

You mention additional documents written by officials giving advice to Ministers. At this stage I don't think it is necessary to ask for your department to review the decision not to supply this information.

Regarding discussions with INCAS and individual survivors in the decision making process. In my view these discussions were not to any great length or depth. Also it is interesting to note that officials had discussions with Bernardos and Quarriers, on their experiences of providing support to survivors of abuse. Why was there no dialogue with the religious orders involved or the Catholic Church hierarchy?

I would like to take the opportunity to attend a presentation about development in child protection and if you could make arrangements for Alan Draper and myself to attend this and look at the redacted files I would be very grateful.

The other issues discussed at the meeting such as alternative forums for an inquiry into the matter can as you say be on the agenda for further meetings with your

department.

Having scan read some of the documents and having knowledge of the Redress Board and Commission to Inquire into Child Abuse in Ireland it convinces me more the Executive are very much wrong in there decision.

Furthermore an argument has been put forward that the symbiotic relationship between church and state in Ireland added weight to the decision to have an inquiry in that country. There is no such relationship in Australia yet they had a Senate inquiry with welcoming recommendations for survivors. If you remember I pointed to the fact that abuse took place in the same institutions in Australia, Ireland and Scotland.

Thank you again for the information. I look forward to hearing from you regarding access to files and the presentation about developments in child protection.


CHRIS DALY
Member INCAS (In Care Abuse Survivors)