

Nelson G (Gillian)

From: Tresidder E (Esmond)
Sent: 10 March 2005 15:31
To: Neale MP (Michael); Nelson G (Gillian); Donnelly LM (Louise); Peddie Brian
Subject: Contribution for 2005/0006195 (GF), target date 16 Mar 2005

Please can you provide a contribution to the above case. The correspondence is attached.



520050006195.PDF
 (87 KB)

Suggested draft response below. Please comment on the sections that are relevant to you (these are highlighted). Sorry for the tight timescales on this piece of work!

Dear Allan

Thank you for your letter of 22nd February providing comments on the package of measures announced for survivors of historic abuse during the parliamentary debate held on 1st December 2004. I am pleased that you welcomed the First Minister's apology on behalf of the people of Scotland. Your letter raises a number of points in relation to the package of support measures I announced and it might be helpful if I address each in turn.

I note with interest the progress INCAS is making towards setting up systems and my officials look forward to seeing your proposed business plan in due course. In addition to your discussions with Who Cares? Scotland you might find it helpful to contact Lloyds TSB (tel 0870 902 1201; www.fundingthefuture.org.uk) regarding their Capacity Building Grant. A copy of their leaflet on how to apply for this grant is enclosed with this letter. Info to be posted into Louise McCue from Rachel Sunderland.

My officials would be happy to discuss the remit of the independent expert with you although, as you may recall from the debate, the reason for not listening to individual survivors is that we do not wish to prejudice those court cases which are ongoing. That remains the case however I know my officials would appreciate the opportunity to discuss matters further with you regarding both this and the short life working group to agree how best INCAS can feed into that process. I would be grateful if you could contact Shirley Laing on [REDACTED] to agree a mutually convenient time for you to meet up.

In relation to the Scottish Law Commission's review of the law of limitation; the SLC has indicated that it will report to Ministers by the end of 2006 and not the beginning as you had hoped. This is because the review covers a number of areas including matters such as [REDACTED] and is not a small piece of work. This is where we need to get lines from Brian Peddie. I think asbestosis and other matters are covered and Brian should be asked to provide a contribution and confirm he is happy with what we are saying.

Lastly, you ask for an update on the outcome of my letter to organisations asking that they make available what information they hold in the same way that we have done. I received a generally positive response to my letter and officials plan to meet with the various organisations to discuss matters further. They will update you on the position once they have done so. Your letter also seeks clarification on those organisations covered by the Freedom of Information Act. This Act covers public bodies and therefore covers local authorities but does not cover Quarriers, Barnardos, the Church, or religious orders. Please check this text with FOI and OSSE for accuracy.

I hope the above is helpful. As you had copied your letter to Michael McMahon, Convenor, Public Petitions Committee I have also copied this response to him to ensure he is kept informed of the progress being made.

PETER J PEACOCK

INCAS

In Care Abused Support / In Care Abuse Survivors
 Helping VICTIMS become SURVIVORS
 HELPLINE 01389 750588



Mr. Peter Peacock
Minister for Education and Young People
Scottish Parliament
Edinburgh EH99 1SP

22 FEB '05 13:53

Cc: Michael McMahon, MSP

PETER PEACOCK

21 FEB 2005

PRIVATE OFFICE

Date:

Dear Mr Peacock,

Thank you for your letter of 12th January. I have not been able to respond sooner because it was important that I discussed the proposals, outlined in the parliamentary debate, and subsequent correspondence, with the executive of INCAS, as well as taking soundings from the membership.

We have been very pleased with the progress made over recent months, in discussions with your officials, headed by Rachel Edgar. We were also very pleased with the apology made by the First Minister and yourself, in the Scottish Parliament.

It is important that I state very clearly that the preferred option of the executive and the membership is for a Public Inquiry. We feel that too many organisations were complicit in the cover up of the abuse of children in residential institutions, and that they continue to minimise that abuse and blame victims. Justice is an important part of the process along the road of reparation and reconciliation. Too many perpetrators have and continue to escape justice.

The executive of INCAS is, however, prepared to look at the details of the proposals stated in your letter.

1. We welcome the proposal to that the Scottish Executive will fund INCAS in helping to providing counselling and advocacy services to victims and survivors. We are holding discussions with Who Cares Scotland to see how they can assist us in setting up systems and possible providing mentoring. I am seeing Deirdre Watson on 15th February to discuss the situation.

2. We are not happy with the proposed appointment of an independent expert, unless his/her remit is extended to ensure that victim and survivors are listened to as part of the process. If in the process of that listening it emerges that there is evidence of criminal or negligent activity then we expect that matters are referred to the appropriate agencies for action. We also feel that a member of INCAS should be part of the review group.


3. We welcome the Scottish Law Commission being asked to review the laws of limitation. We would hope that a report to ministers could be prepared no later than January 2006. This is a relatively small piece of work and victims have already been waiting a long time for some positive resolution of the issue.

4. We welcome the release of information held by the Scottish Executive. We have asked members to let us know how helpful this is. We consider that similar records held by other organisation such as Quarriers, the Catholic Church, and religious organisations are also opened up to victims and survivors. Perhaps you could clarify the position in view of "The Freedom of Information Act", and also the outcome of your letters to these organisations. We suspect that they will not be keen to make this information available, and that legislation may be necessary.

We look forward to continuing our discussions and hope that you are able to respond, positively, to the points I have made on behalf on INCAS.

I have sent a copy of this letter to Mr. Michael McMahon as Chair of The Petitions Committee who are anxious to keep under review the request for a Public Inquiry.

Yours Sincerely


Alan Draper
Chairman of INCAS