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ASGD 389-391,
KMX 6/56, A-9

First Minister

ALLEGATIONS OF HISTORIC ABUSE AT LIST D SCHOOLS

Purpose

1. To inform you of our handling of allegations of historic abuse at List D schools.

Priority

2. **Routine.** But there are outstanding GPs from Fiona Hyslop and DFM and a letter from the Petition Committee.

Background

3. The background to this issue is contained in Colin MacLean's submission of 23 September and Gerald Byrne's submissions of 8 October and 20 October (attached). In brief we have been considering how to respond to allegations of historic abuse at residential institutions in Scotland, particularly List D schools in the 1960s and 1970s. There have been a small number of prosecutions and a large number of individuals (200-300) are now pursuing civil claims against religious orders, local authorities and the Executive.

4. The Minister for Justice, Minister for Finance, Solicitor General, Euan Robson and I met to discuss this issue on 25 September. We decided unanimously that there is no case for a full public inquiry, and that it was difficult to see the purpose of any other form of inquiry, such as a truth and reconciliation commission. Instead we decided we should look at a package of support measures, notably the health services available to survivors of childhood abuse (accepting that current HD work is focussed on survivors of childhood sex abuse), and how any relevant information on our files could be released.

5. Recent work on these issues is detailed at Annex A. Also attached are our proposed replies to Fiona Hyslop and DFM, and a reply to the Petitions Committee.

Conclusion

6. I would be grateful to know that you are content with our proposed handling of this issue before I issue the letters to Fiona Hyslop and DFM and respond to the Petitions Committee.

PP

December 2003

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Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Deputy First Minister					X
Minister for Justice			X		
Minister for Health and Community Care			X		
Minister for Finance and Public Services			X		
Deputy Minister for Justice			X		
Deputy Minister for Education and Young People			X		
Deputy Minister for Health and Community Care			X		
Deputy Minister for Finance and Public Services			X		
Lord Advocate			X		
Solicitor General			X		

- PS/Perm Sec
- PS/ED
- PS/HD
- PS/LPS
- PS/CSD
- Cabinet Secretariat
- Colin MacLean, ED-CYP
- Maureen Verrall, ED-LACYD
- Catherine Rainey, ED-C&F
- John Galilee, ED-ISU
- Jinny Hutchinson, HD-CCD
- Dave McLeod, HD-CCD
- Elizabeth Carmichael, JD-CJS
- Fiona Robertson, OSSE
- Gillian Nelson, OSSE
- Neil Ross, OSSE
- John St Clair, OSSE
- Gordon McNicoll, OSSE
- Tim Ellis, FOI Unit
- Mike Neale, FOI Unit
- Paul Cackette, Civil Justice & International Division
- Jane Mackenzie, Records Management
- Ian Taylor, Records Management
- Laura Mitchell, NAS
- Hugh Hagan, NAS
- Press First Minister
- Press Education
- Press Justice
- Press Finance and Public Services
- Press Health
- Lindsay Anderson, Crown Office
- Jeanne Freeman
- Adrian Colwell, Special Adviser
- Matthew Clark, Special Adviser
- Peter Hastic, Special Adviser
- Danny Phillips, Special Adviser
- Policy Unit

RESTRICTED**ANNEX A****ALLEGATIONS OF ABUSE IN LIST D SCHOOLS****Redacting Files**

1. Each file takes approximately a working day to redact. By putting work on hold (for example guidance on inter-country adoption) it should be possible to have to equivalent of one member of staff from the lead division (ED-LACYD, Looked After Children Branch) work full time to redact files relating to the schools attended by those individuals who have applied under the Data Protection Act to see data relating themselves (in response to an exercise led by the *Sunday Mail*). This should be complete by the end of January.
2. Redacting all the historic files relating to residential schools and children's residential institutions in the 50s, 60s and 70s is a much bigger job (an initial scoping exercise identified approximately 370 that we would need to look at although as yet the content of these files are unknown). A rough estimate is that it will take 4 people 3 months (full-time) to do this job. Staff have not been identified to carry out this task. One possible solution would be to second staff in from other organisations, such as Barnardo's, with experience in this work.
3. The redacted files will have to be cleared with OSSE to ensure that no data protection or other privacy rules would be breached by releasing them to the general public.

Meeting Barnardo's

4. Officials met Barnardo's on 1 December to discuss their approach to this issue and to see what we can learn from their experience. They are due to meet the chief executive of Barnardo's UK to discuss how they have handled historic allegations of abuse in their organisation. We have still to meet Quarriers but intend to do so early in the New Year.

Overseas Experiences/Foster Care/Health Services for Adult Survivors

5. Officials from ED will follow up initial research work on how these issues have been handled overseas, particularly in Australia. We are also keeping in touch with the SIRCC Historic Abuse Working Group. Officials are also meeting representatives of the In Care Abuse Survivors voluntary group.
6. Officials have been in touch with the Fostering Network to discuss whether historic abuse in foster care is an area of concern. They are aware of anecdotal allegations of historic abuse in foster homes but it is not an area of major concern.
7. HD and ED officials have yet to meet to discuss the health response to these allegations.

Ministerial Correspondence & Briefing by Officials

8. Updated draft replies 8 October are attached. We also propose to offer opposition spokespeople a meeting to be briefed by officials on the action we are taking in response to this issue, which will give us an opportunity to explain the work that is being undertaken and the difficulties with this task.