

MINUTE OF MEETING WITH INCAS ON WEDNESDAY 25 AUGUST 2004

Attendees: Shirley Laing, SE Looked after Children & Youthwork Division
David McLeod, SE Health and Community Care Division
Anne Dagg, SE Health and Community Care Division
Frank Docherty, INCAS
Alan Draper, INCAS
David Whelan, INCAS
[REDACTED] INCAS
[REDACTED] Speak up

Background

INCAS was established to represent in-care survivors of abuse and has recently gained charitable status. They have 400 members across the UK and receive no funding from statutory bodies, with the exception of North Lanarkshire Council.

This meeting was arranged to give INCAS representatives the opportunity to offer feedback on the SLWG report on services for adult survivors of childhood sexual abuse (CSA).

SLWG Report

INCAS representatives saw merit in the work of the SLWG and of the Scottish Parliament's Cross Party Group (CPG). They had the following concerns on the content of the report:

- the lack of inclusion;
- the predominately female research base;
- the lack of survivor involvement;
- sets the views of voluntary organisations against each other, termed as 'survivor baiting' and this was used to dilute the real issues; and
- the lack of addressing the processes of criminal and civil court actions applicable to adult survivors.

The report is seen by INCAS as part of 5-part equation, the report forming one part and implementation the final part. However, these key weaknesses undermined the overall aim of the report, which had to be addressed to ensure services improved.

In respect of the membership of the SLWG, INCAS were concerned about the lack of in-care survivor representation and suggested this had resulted in the needs of in-care survivors being ignored.

INCAS said that there should be a detailed look at the history of in-care abuse, as demonstrated by the Irish government's actions, and the position in England where the Home Affairs Select Committee has clearly set out the position and way forward. INCAS was also concerned that the CPG is not fully familiar or educated on in-care abuse issues, their view was that there is too much focus on care needs and not enough on the abuse. Too few individuals are educated on the care issues and fail to realise the effects of abuse contribute towards the need for care packages.

Frank Docherty said that there is too much focus on CSA and not enough paid to other forms of abuse, such as physical abuse, torture, mental and emotional abuse. The CPG should be more widely-focused on all these types of abuse.

David McLeod explained that the rationale and remit of the SLWG was inclusive and that it had adopted an holistic approach with an underlying emphasis on moving forward, not to examine or investigate past abuse. The statistical information used was that currently available. The Group recognised that, in some areas, the research evidence was poor, especially concerning male survivors, and there has been poor tracking of survivors in the past. There had been no deliberate exclusion of in-care survivors; there were 5 survivor groups represented as well as from the Parliament's CPG. It would have been insensitive to have inquired whether any of the survivor representatives had been in-care victims.

While INCAS viewed the report as the first significant development for abuse survivors in 30 years, the Scottish administration had not taken any pointers from the actions of Westminster, i.e. the Survivors Trust in England and Wales that allows survivors to input and discuss the issues relating to services. While some groups do not support this type of approach, most recognise that more needs to be done.

In looking to implementation of the report's findings, INCAS asked for other factors to be addressed. These included:

- clear recognition of the damage abuse causes and changes to justice services to prevent time barring;
- imperative that survivor groups/organisations are fully funded to allow them to be fully involved; and
- that there should be scope for and a role for a network of survivors.

It was suggested that the ways of working that have been developed by *The same as you?* Implementation Group could be used to ensure that survivors were involved in developments of service policy.

David McLeod explained that the SLWG had now disbanded, that it was now for Ministers to decide on the way forward, and that it was assumed that the implementation of the work would be led by the Mental Health Division within the Executive.

██████████ asked if an implementation model was put forward for Phase 2 of the work would it be considered? The model would use Forums etc. to allow survivors to give their views. David McLeod confirmed no decisions on forward action had as yet been considered and that any suggestions on implementation would be welcome.

The Need for an Inquiry

In letters sent to INCAS, the First Minister stated that he was going to learn from other countries on how to deal with historical in-care abuse. INCAS have provided information on what has been done in other countries, such as Australia where compensation has been paid to survivors. INCAS firmly believed there were justifiable reasons for a public inquiry to redress the balance in Scotland.

Shirley Laing said that the First Minister did instruct officials to investigate the position in other countries regarding this and confirmed that this had been done. She acknowledged however that the decision ultimately reached by Ministers was not the response that INCAS wanted.

David Whelan (INCAS) stated that the Executive should have created its own models of dealing with abuse survivors. He also said that it appeared that the Executive had drawn a line under historical abuse and moved into a modern light and refused to look back at three generations of in-care abuse. The Executive had, in his view, failed to recognise that the last voice to be heard is the voice of the abused. INCAS had made a request to the Executive for access to the advice officials had provided on the justification for a public inquiry. Shirley Laing explained that under the Code of Practice on Access to Scottish Executive information documentation relating to internal discussion and advice was exempt from such requests.

David McLeod clarified the way SE officials and Ministers worked: Ministers take decisions partly, but not exclusively based on advice they receive from officials. Ministers are free to reject this advice and to ask for additional work if they feel they are unable to take decisions. Ultimately, however, Ministers are responsible for deciding on political and policy priorities

In response to INCAS's wish to meet with Mr Peacock to discuss his decision, David McLeod said that the INCAS should write to the Minister to request such a meeting.

Action Point: INCAS to write to Ministers seeking a meeting.

David Whelan then explained his experiences of being a survivor and has provided an updated version of this information which is contained in **Annex A**.

INCAS representatives were meeting with Senior Executive Officials from Children, Young People and Social Care Group to discuss the issues around the decision not to hold a public inquiry on 31 August 2004.

In relation to the lack of an inquiry, INCAS stated that, if there was not going to be an inquiry then the organisation should receive funding to allow it to provide services to survivors of in-care abuse.

David McLeod stated that it was open to INCAS to apply for SE funding, and briefly explained the process. The Executive would provide the necessary documentation.

Action: Anne Dagg to send grant application pack to Alan Draper, INCAS.

Annex A

I am writing to confirm what I personally informed you and the officials of the Executive of at the meeting dated 25th of August 2004 in the presence of David Mcleod, Anne Dagg and yourself and representatives of INCAS Frank Docherty, Alan Draper, Mr and Mrs [REDACTED] and why I believed there should be a Public or a SWSI Inquiry into Quarriers Homes of the past.

1. That myself and [REDACTED] had reported Mr John Porteous a former employee of Quarriers to the management of the day Superintendent of Quarriers Homes Mr Mortimer for physically abusing us. [REDACTED] was moved out of Quarriers after complaining to a hostel in Denniston.
2. Mr [REDACTED] reported Mr Porteous for sexually abusing him in 1982 to the management of Quarriers. There was a police investigation undertaken.
3. In 1996 Mr J Porteous is recommended to be the Chairman of a children's panel (Inverclyde) by the former Secretary of State for Scotland Mr Michael Forsyth. Was this a reason not to hold an Inquiry?
4. Mr Wilson had also been reported by employees and children to senior management of the day in relation to sexually abusing them.
5. I had been contacted by [REDACTED] at my home on the telephone many years later and asked to support a position in relation to allegations re girls no mention of boys. I spoke to [REDACTED] and then reported to the police what had happened to me.
6. After the trials of Mr Porteous and Mr Wilson there had been intimidation of witnesses which had to be reported to the police, Procurator Fiscal and we through INCAS informed the Solicitor Generals office I produced the response received from the Solicitor Generals office.
7. [REDACTED] had informed the BBC Scotland Frontline programme makers of abuse and they had chosen not to broadcast it.
8. I informed you of the investigation being undertaken by the BBC CPU (London) and produced the letter from Douglas Evans Editor of BBC CPU.
9. I informed you that I had to give up my identity which had been given to me by the courts after this programme was broadcast.
10. I informed you that witnesses had been contacted by [REDACTED] after the trials and produced the letter that [REDACTED] had received from [REDACTED] accusing the police of offering an incentive of money to the victims. I also produced the letter re [REDACTED] contacting [REDACTED] and pleading with her to contact [REDACTED] representative. This was after they had given police statements and after the trial of Porteous. All letters received or given to me sent to Police and Procurators Fiscal office.
11. I informed you that Mr Mortimer a former Superintendent and Director of Child Care had spoken to the BBC about Highly Confidential Children's files which was illegal in my view. I produced the schedule from BBC Scotland confirming this.
12. I informed you that Quarriers had stated that they would allow Porteous to return to Quarriers on his release and deal with him as a Community Safety issue which I found totally unacceptable as children are still cared for there.
13. I informed you that Glasgow Social Work Department have informed no files/record on me [REDACTED] and they have written to me to say they have exhausted there searches and no files exist.
14. I also informed you that I believed that persons connected to the Porteous case had tried to pervert the Course of Justice by there actions.
15. I stated that I believed that my health was being further damaged by the Executive stance and the fact that the whole process was confrontational for victims.

16. I stated that I had asked for an apology publicly in the media whereby I would have dropped all claims against Quarriers. To-date I have not received an apology from Quarriers even after the Appeal was upheld against Porteous.

17. I informed you that I had raised these matters with the Chief Executive of Quarriers Mr Phil Robinson at a meeting on the 24th August 2004 in Glasgow.

18. Quarriers felt constrained by what they could do or say by the Insurance Company.

19. I informed you that I had individual testimonies/original letters given to me in trust by a former Quarriers Homes lady from a previous generation outlining a catalogue of abuse inflicted on them while in the care of Quarriers Homes and that the abuse was not only in my generation.

I asked you how many ex employees have to be convicted before any type of Inquiry is undertaken?

I stated that if it was anywhere else in the UK due to the number of ex-employees convicted there would automatically be an Inquiry of some type.

I stated that I understood that due Judicial Process had to be completed but why not have any Inquiry at the end of the Judicial process.

M/s Laing I would like to thank you and the Executive Officials personally for agreeing to meet with us from INCAS

I wish this personal appendix to accompany the minutes of our meeting and be a record of my statement given to the officials of the Executive at the meeting.