

Official Report 1 December 2004

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Scottish Parliament

Wednesday 1 December 2004

[THE PRESIDING OFFICER *opened the meeting at 14:00*]

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Institutional Child Abuse

The Presiding Officer (Mr George Reid): The next item of business is a statement by the First Minister on institutional child abuse.

14:06

The First Minister (Mr Jack McConnell): Presiding Officer, with your permission I wish to make a brief statement in advance of this afternoon's debate on institutional child abuse. I want to speak on one subject that should unite us, whatever opinions might be expressed in the debate that follows.

I have said often that I am proud to be First Minister of Scotland—and I think that I speak for everyone when I say that I am particularly proud of Scotland's young people. I believe that we are the best small country in the world and I take pride in the way that Scotland has made, and will continue to make, a huge contribution to the world. However, we also have a duty to address those episodes in our history in which we can take no pride.

It is clear that some children were abused in Scottish residential care homes in the past. Children suffered physical, emotional and sexual abuse in the very places in which they hoped to find love, care and protection. Those children, adults today, deserve our full recognition of what happened to them. They should not have been abused. They were badly wronged. Such abuse of vulnerable young people—whenever or wherever it took place—is deplorable, unacceptable and inexcusable.

Members will be aware that litigations are currently before the courts in which those issues are being examined. Those proceedings will establish, in accordance with the law, where responsibility lies and what should happen as a result. It would be inappropriate for me to say anything that would cut across the work of the courts and that is not my purpose here today.

We should be grateful to those who, despite their pain, have brought these matters to our attention. I am grateful to Michael McMahon and the Public

Petitions Committee for sponsoring the debate that we will hold this afternoon. Because of the bravery of those who have suffered abuse, we now know much more about the propensities of some members of our society to abuse children. There is now a much greater awareness in our society that such abuse of young people did happen and we know that, without the vigilance of all of us—including Government and its associated agencies and authorities—it could happen again. It is that recognition of the potential for abuse that has led to alterations to the statutory and

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regulatory structure in which establishments operate, and how we monitor them.

It would be a mistake for us to try to fit all that happened in the past into the framework of our own knowledge and experience, but some things are and always have been wrong. Now that we know what has happened, it falls to us, as representatives of the Scottish people, to acknowledge it. It is for this generation of the people of Scotland to say quite clearly that it was unacceptable that young people were abused and that it was appalling that they were abused by those entrusted with their welfare. That is why, today, I offer a sincere and full apology on behalf of the people of Scotland to those who were subject to such abuse and neglect and who did not receive the level of love, care and support that they deserved, and who have coped with that burden all their lives.

I know that MSPs of all parties are committed to doing all that they can to ensure that no child or young person currently in residential establishments in Scotland suffers abuse. That is why we are ensuring that inspection, regulation and standards are in place to prevent, detect and deal with abuse, and we are anxious to do the right thing by the survivors of past abuse.

In the committee debate that will follow this statement, Peter Peacock will set out the proposals that we have developed with survivors of abuse to support them more effectively in a range of ways and to examine what happened to them. Scotland should be proud of the contribution that survivors of abuse have made to ensuring that Scotland is a better and safer place in the future. They are truly remarkable people who have suffered in ways in which no one should ever have to suffer. From today, I hope they can continue to move forward in their lives, certain in the knowledge that we in the Parliament, on behalf of the people of Scotland, recognise that they were wronged and that we will do more to support them in the future than we have ever done in the past.

Nicola Sturgeon (Glasgow) (SNP): I unreservedly welcome the First Minister's statement and associate myself and the SNP with his comments. I will speak at greater length later in the debate, on behalf of some of my constituents, but I want to say now that the extent of the emotional, physical and sexual abuse that was suffered over the years by too many children in

care homes is absolutely horrific. It is right and essential that that horror is acknowledged.

When a child is placed in care, the state assumes parental responsibility. The widespread and systematic nature of the abuse that took place demonstrates a failure to protect those children. We all know that saying sorry does not make everything okay, but it does acknowledge the pain

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that was suffered, and is still being suffered all these years later, by the victims of abuse, and the share of the responsibility for it that the state must carry. I sincerely hope that in some small way the public apology that the First Minister made today on behalf of the people of Scotland will help to relieve the continuing suffering of those who have gone through experiences that the rest of us cannot even begin to imagine and that we all hope will never be repeated.

Miss Annabel Goldie (West of Scotland) (Con): On behalf of the Scottish Conservatives, I thank the First Minister for an advance copy of his statement. I too welcome the opportunity to express our profound sorrow for and sympathy with those who, while in care, found themselves victims of child abuse. Child abuse is abhorrent in any circumstances, but when its perpetrators are those who have been entrusted with the care of children, and in whom those children have placed their fragile trust, it is a particularly vile and odious betrayal.

The damage that was inflicted on these hapless victims is incalculable and left them with shadows and dark corners for the rest of their days. It takes a particular kind of courage to be prepared to come forward, or even to be able to talk of these dreadful events. On behalf of the Scottish Conservatives I pay tribute to those who, from somewhere, found that courage and in so doing enabled the rest of us to understand, probably for the first time, the hell that they endured.

It is important that the Parliament sends out a clear message to the victims of such harrowing experiences that we stand with them and that they are not diminished, stained or set apart by what happened to them. We are with them. It is also important for the Parliament to be alert to what the political process can offer by way of help and support. I acknowledge the measures that the Scottish Executive has already taken, with "Protecting Children and Young People: the Charter" and "Protecting Children and Young People: the Framework for Standards". However, the Scottish Conservatives urge the setting up of an independent inquiry, not only to uncover the problems of the past but to evaluate whether the measures that have been put in place during the past 10 years are effective and whether other measures need to be taken. We will listen with interest to what the Minister for Education and Young People has to say in this afternoon's debate.

The Deputy First Minister and Minister for Enterprise and Lifelong Learning (Mr Jim Wallace): We heard, and I am sure that the nation heard, the political leaders in our Parliament share the grief and sorrow that our country feels for its children who endured abuse at the hands of those

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whom they trusted. As Deputy First Minister, and on behalf of the Scottish Liberal Democrats, I add my voice.

On behalf of and before Scotland, we have come to the Parliament to apologise to and show our respect for survivors of abuse. None of the suffering should have occurred and words cannot remove their pain, expunge their memories or wipe clean the blemish.

For survivors, the pain is not just in the past; it lives on. We are humbled by their determination, courage and dignity. Let us at least learn from what happened to them. Let us ensure that we have in place all the safeguards that we need. Let us not forget. Let us be vigilant, so that we never permit a return of what should have been banished from our land for ever.

Those of us who are parents will no doubt think, "What if I were not here? What if my children were alone? What would I want for them?" Those thoughts should guide us as we care for our nation's young who are at risk or in need. Among the first duties of any society is to nurture and protect its children. It is clear that we manifestly and grievously failed some. It is right that we apologise for that and, in doing so, reaffirm our determination to ensure that never again will vulnerable children live in fear and misery.

I support the full and sincere apology that we heard from the First Minister. In acknowledging with gratitude and respect those who brought shameful events to public view, we commit ourselves to ensuring no repetition of them in 21st century Scotland.

Robin Harper (Lothians) (Green): I add my and my party's complete agreement with the sentiments that the First Minister expressed and our support for the commitments that he made.

I agree with the sentiments that previous speakers expressed. We should apologise. If we were not aware, we should have been. The damage caused by the abuse of young people by adults is deeply wounding and can affect succeeding generations. We must recognise the severity of those wounds.

On behalf of ourselves, the Parliament and the nation, it is right to express our deep sorrow that, in homes that we had a right to expect would deliver the highest quality of professional care, such awful things happened. Annabel Goldie's reference to a "vile and odious betrayal" sums that up most effectively.

I thank the First Minister for giving us the opportunity through his apology to express our feelings on the matter.

Rosie Kane (Glasgow) (SSP): I, too, thank the First Minister for, and associate myself and my

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party with, his statement and apology. He and all of us recognise the importance of acknowledgement and apology for victims and survivors of abuse. I hope that all organisations and orders follow that lead and understand the need to deliver a sincere public apology in the same dignified manner.

No one who has been involved at any level in the subject of today's debate could fail to be moved, shocked and frightened by what we have had to learn on our journey through the history of children in care in Scotland. That journey and our understanding of events may bring us to a place where we can truly start the healing process. I sincerely hope that today's apology and other events in the chamber will allow us to do that.

Margo MacDonald (Lothians) (Ind): I speak for the independents to record our appreciation of the quality and sensitivity of the First Minister's remarks. I take some hope from his concluding sentence, which contained a pledge to continue to support the victims of abuse. I take it that that includes people who are now outwith the care system, but still feel the effects of abuse.

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Institutional Child Abuse

The Presiding Officer (Mr George Reid): The next item of business is a debate on motion S2M-1988, in the name of Michael McMahon, on behalf of the Public Petitions Committee, on PE535, which seeks an inquiry into past institutional child abuse. Before we begin the debate, I say to members that I understand that a number of civil actions are under way in the courts or are in the course of being prepared. Therefore nothing that members say in the debate can or should refer to any particular case or individual circumstance that is currently before the courts or might come before the courts in future.

14:20

Michael McMahon (Hamilton North and Bellshill) (Lab): As convener of the Public Petitions Committee, I welcome the First Minister's statement and the contributions from Nicola Sturgeon, Annabel Goldie, Jim Wallace, Robin Harper, Rosie Kane and Margo MacDonald. I am delighted that the committee has managed to secure this debate on a petition that raises highly sensitive issues and I am sure that colleagues will agree that the petition is genuinely worthy of debate in the chamber. I am particularly delighted for the petitioner,

Chris Daly, that his petition has resulted in a full parliamentary debate and a ministerial statement.

As colleagues are aware, one of the underpinning principles of our new Parliament is that we should be open and accessible and encourage a participative approach. The public petitions system has consistently provided one of the main avenues for public participation, and today's debate again emphasises that. This is the first time that the committee has secured such a debate and I thank the other members of the committee for their diligence and hard work in progressing PE535. In doing so, the committee is mindful of the need to balance the wishes of those victims of childhood abuse who believe that the process is cathartic with the wishes of those who might prefer not to reopen old wounds. On that basis, the committee has been careful not to refer to individual cases.

I point out that the committee has not taken a view on whether or not to recommend that the Parliament support the petition's aims. In seeking today's debate, our aim has been to facilitate a full consideration of the issues raised by the petition. The committee will consider the petition further, along with the *Official Report* of today's debate and any additional evidence, and agree what action to take when we meet on 22 December.

In opening today's debate, my role is simply to provide the background to the committee's

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consideration of the petition and an overview of the main issues that have arisen during the process. On that basis, it would not be appropriate for me as committee convener to take a view on the aims of the petition.

Public petition PE535 was lodged by Chris Daly on 20 August 2002 and first considered by the Public Petitions Committee on 8 October 2002. The petition calls on the Scottish Parliament to urge the Scottish Executive to conduct an inquiry into past institutional child abuse, particularly for those children who were in the care of the state under the supervision of religious orders, to make an unreserved apology for said state bodies, and to urge the religious orders to apologise unconditionally. The petition is prompted by the petitioner's belief that the Executive should follow the Irish Government's lead in recognising the need to acknowledge and support victims of past childhood abuse. Colleagues might be aware that in May 1999 the Taoiseach announced the Irish

"Government's wish to apologise on behalf of the State and all citizens of the State ... to victims of childhood abuse for our collective failure to intervene".

At the same time, the Irish Government established a commission to inquire into child abuse in Ireland, with the primary focus of determining the causes, nature and extent of physical and sexual abuse of children in institutions and

other places, and to make appropriate recommendations. The petitioner wrote to the Public Petitions Committee that

"counselling, compensation and pastoral services help Irish survivors with the process of healing and reconciliation. It's my view that Scottish victims and survivors should be given the same recognition."

The petitioner has also stated:

"I'm sure I speak for other survivors in saying that we need support from the Scottish Parliament. It would be courageous of the Parliament to take this matter on board and deal with it in the sympathetic searching way it was dealt with in Ireland."

Furthermore, in a letter to the First Minister dated 15 June 2004, and copied to the committee, the petitioner suggested:

"In my view, we have to move forward from here and the time has long since arrived when the adult survivors of institutional abuse have the opportunity to tell of our experiences to a sympathetic, experienced forum. That would be an inquiry set up by the Scottish Parliament/Scottish Executive as outlined in the petition terms of reference."

At its meeting on 8 October 2002, the committee agreed to write to the Scottish Executive and the cross-party group on survivors of childhood sexual abuse and see their comments in relation to the issues raised in the petition.

In a response dated 17 February 2003, the Executive stated that

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"any case of child abuse is unacceptable"

and said that it was

"considering whether an inquiry of the sort that had been requested, or some other forum, should be established to look into cases of abuse in institutions in Scotland, having regard to cases that have come to light in recent years, and what other role the Executive might take in addressing these cases."

In a letter to the committee dated 6 March 2003, the cross-party group on survivors of childhood sexual abuse stated:

"We believe it is right to expect an inquiry into past institutional child abuse, in particular for those children who were in the care of the state under the supervision of religious orders. We further agree that an unreserved apology to those survivors from the religious orders is appropriate."

The petitioner has also provided a letter of support from Children 1st, which has

"agreed to support the petition and further that: there should be a public statement acknowledging that child abuse has occurred, apologising for it and stating unequivocally that it should not have happened; that anyone who has suffered abuse should have access to services, which they need, regardless of their age and how long ago the abuse happened; that there needs to be an investigation into why the voices of children are not sufficiently heard when accusations are made and are being investigated. The inquiry should also ascertain why children are too often powerless when those investigations take place, and make substantial recommendations on how that will be changed."

The committee has received other letters of support for the petition from victims of institutional child abuse. For example, in response to the minister's decision not to hold an inquiry, one submission states:

"I am appalled that the Scottish Parliament has refused to hold a public inquiry into the abuse of children in institutions in Scotland. This is a scandal of enormous proportions and in my view makes the legislators in Scotland part of the conspiracy of silence that surrounds the sexual abuse of children while in 'care' ... I add my voice to the many others calling on the Scottish Parliament to immediately open a full inquiry into the abuses committed against the children of that country ... The truth must be told. People robbed of their innocence as children must now be heard. That is the very least they deserve."

Another victim states:

"Until Scottish society acknowledges the awful nature of what happened to thousands of innocent children in care, the terrible pain and torment will remain strong for many victims."

Although the Parliament has not yet come to a view on whether it would be appropriate to hold an inquiry, that letter expresses the strength of feeling that exists on the issue and underpins the decision by the Public Petitions Committee to bring forward this afternoon's debate.

The committee again considered petition PE535 at its meeting on 25 March 2003 and expressed

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concern that the Executive had not provided any timetable for progressing the matter. It requested that the Executive provide an update on progress early in the summer term—by mid-June 2003, if possible. However, in spite of a number of reminders, no response was received from Executive officials.

Having been advised by the clerk that the Executive had not responded, I placed petition PE535 on the agenda for the committee's meeting on 12 May 2004. At that meeting, the committee agreed to write to the Minister for Education and Young People to seek an urgent response on any progress that had been made on consideration of whether to conduct an inquiry and the

timetable for such an inquiry. The committee also agreed to write to the First Minister to express disappointment that the Executive had failed to respond to it, in spite of its having sent a number of reminders since its initial request.

Having still not received a response, I placed petition PE535 on the agenda for the committee's meeting on 29 June 2004. At that meeting, the committee agreed to invite the Minister for Education and Young People to give evidence at its first meeting after the summer recess on the issues that had been raised by the petition. The committee subsequently received a reply from the minister in which he stated:

"The First Minister and I apologise for what has clearly been an unacceptable delay in providing a substantive reply to your original request for information. I know you will appreciate this is a difficult and complex subject and we have been examining the way ahead very carefully."

He went on to say that, after very careful consideration of

"whether an Inquiry would prevent future abuse, help meet the needs of survivors, or be in the wider public interest ... we decided that it would not."

The minister provided four main reasons for deciding against an inquiry. First, he said:

"Following inquiries and reports into residential establishments, we have taken steps to improve the protection afforded to these vulnerable children."

Secondly, he spoke about

"Providing high quality support for survivors of past abuse."

The third reason was about

"Ensuring that individuals who have suffered abuse have access to legal rights and remedies."

The final consideration was

"Whether an Inquiry would prevent future abuse, help to meet the needs of survivors, or be in the public interest."

The minister stated:

"We have given very careful consideration to this. We have concluded that, on balance, an inquiry would not achieve these purposes."

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The petitioner also responded in writing to the committee regarding the minister's decision. He stated:

"There was two years delay in a response to the petition. In those years no contact was made with the survivors during the decision making process. Also there was no apparent study of other countries progression on the issue."

The petitioner also asked to which survivors the minister had spoken who would be against a public inquiry, while recognising that although some survivors might welcome an inquiry, others might prefer that the issue was not raised in public because that would reopen old wounds. The petitioner suggests that we need to find a way of meeting the needs of both sets of survivors.

After receiving the minister's response, the committee took oral evidence from the Minister for Education and Young People at its meeting of 29 September 2004. In his opening remarks to the committee, the minister stated:

"I make as clear as I possibly can that the decision not to proceed to an inquiry does not imply that the Executive does not acknowledge that, at times in the past, the treatment of some of our young people fell well short of what should be regarded as acceptable."

He continued:

"The Executive is very clear ... that some of the things that happened to young people in residential settings were gross and truly appalling."—[*Official Report, Public Petitions Committee, 29 September 2004; c 1046.*]

Having heard from the minister, the committee agreed unanimously that the issues raised by the petition warranted a full debate in the Parliament. As I have stated, this is the first time that the committee has taken such action, which emphasises the seriousness of the issues that the chamber is being asked to debate today. The committee also agreed to invite further comments from the Minister for Education and Young People, the Catholic Church, Quarriers Homes, the In Care Abuse Survivors/In Care Abused Support group—INCAS—and the petitioner.

The minister subsequently responded to the committee. In a letter dated 5 November 2004, he stated that he had met the petitioner and INCAS on two occasions since giving evidence to the committee and that they had received a presentation on the actions that are being taken in the area of child protection. The committee has also received responses from INCAS, Quarriers and the petitioner. In its response to the committee, Quarriers states:

"Quarrier's position is that if any individual suffered abuse at Quarrier's then we apologise."

As of the deadline of 26 November, the Catholic Church had yet to respond to our request.

As I have stated, the committee will decide at its meeting of 22 December what further action to

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take on PE535. It will be useful for the committee to hear the views of colleagues today on what I am sure we all agree are hugely important issues, not just for the victims, but for Scotland as a progressive and enlightened society. On behalf of the Public Petitions Committee, I again welcome this afternoon's debate. In calling for the debate, we have done a good thing.

I move,

That the Parliament notes public petition PE535 calling for the Scottish Parliament to urge the Scottish Executive to (a) conduct an inquiry into past institutional child abuse, in particular for those children who were in the care of the state under the supervision of religious orders and (b) make an unreserved apology for the said state bodies and to urge the religious orders to apologise unconditionally.

14:33

The Minister for Education and Young People (Peter Peacock): I welcome the opportunity to contribute to today's debate. Like the First Minister and others, I congratulate the convener, the deputy convener and all other members of the Public Petitions Committee on their sensitive handling of the matter and on their allowing the debate to take place.

When I gave evidence to the Public Petitions Committee in September, I made very clear the feelings of the Executive about the appalling nature of historic abuse. I am delighted that today the First Minister has been able to add to those comments very substantially. I also made it clear that the Executive's policy was not about closing the book on the question of historic abuse in institutional care, but about opening a new chapter.

I want to set out for Parliament today what the Executive has been doing over recent weeks to address the issues that were raised by the petition, in collaboration with the petitioner and INCAS. My officials have met INCAS on a number of occasions and I met representatives of the group last week.

I begin by updating Parliament on the issues on which I touched at the meeting of the Public Petitions Committee of 29 September and which have since moved on. I made it clear to the committee that we were working to open all files that are relevant to people seeking insights into what has happened in residential establishments in which they lived. I confirm today that the detailed work that we have been doing is now well advanced.

Dr Sylvia Jackson (Stirling) (Lab): Did the minister see last week's "Dispatches" programme, which raised grave concerns about private

residential establishments in England, not only in respect of the owners of the establishments, but

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the staff, for whom there was a lack of training and staff checks? Some of the most vulnerable young people live in those establishments. If the minister did not see the programme, will he look at it and make sure that the measures that he outlines will encompass those matters as well?

Peter Peacock: I am aware of the programme and I will happily look into the issues that Sylvia Jackson raises.

To prepare files for publication, we are ensuring that sensitive personal information about individuals is not inadvertently revealed—a process that is called redacting. We have shown representatives of INCAS what redacting involves and they have seen examples of files and the type of information that they contain. I am pleased to be able to say that public inspection of our files will start at the beginning of January.

The Public Petitions Committee raised with me the question of contact with other organisations that also hold relevant information. I confirm to Parliament that I have written to the Catholic Church in Scotland, the Church of Scotland, Quarriers, Barnardos, the Convention of Scottish Local Authorities, the local authorities and the Scottish Commission for the Regulation of Care to invite them to follow our example in opening up their files. I am pleased to inform members that I have had positive responses to that letter. Many of the institutions already make individual case files available to former residents on request. All those to whom I wrote have indicated willingness to engage in further dialogue. I want to ensure that we are doing everything we can to identify and make public relevant files. These are exceptional circumstances and, to provide reassurance and independent scrutiny of our actions, I have asked my officials to involve the keeper of records in the process.

I have also asked the Scottish information commissioner, who was appointed on the recommendation of Parliament and who is completely independent of ministers, to examine what we have been doing to trace and open up our files. I want him to verify that we have been taking all reasonable steps to be open and, if he finds deficiencies in any actions, I want him to highlight those so that I may rectify the situation. I hope that those actions will reassure Parliament and the survivors of abuse that we are being as open as possible.

When I gave evidence to the Public Petitions Committee, I acknowledged that the short-life working group on the impacts of child sex abuse did not cover fully the concerns of the survivors of abuse suffered while in care. Today I confirm that I will establish another short-life working group to examine the issues, which will involve individuals who have experienced abuse. My officials will

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proceed immediately to make the necessary arrangements.

For some people, pursuing a case through the courts is a vital part of bringing closure in respect of what happened to them. I am aware that the law on limitation means that claims for compensation cannot be pursued for injuries sustained before 1964, which I know has caused survivors much difficulty. I said to the Public Petitions Committee that Cathy Jamieson had written to the Scottish Law Commission to invite it to review the laws on limitation. I now inform Parliament that the commission will prepare and publish in the second half of next year a paper for public consultation on limitation, and that it will report to ministers in 2006.

Marilyn Livingstone (Kirkcaldy) (Lab): I welcome the minister's remarks. He knows that I, as its convener, and other members of the cross-party group in the Scottish Parliament on survivors of childhood sexual abuse have been pushing that issue. Is there any way that the timescale can be brought forward?

Peter Peacock: The member will appreciate that we are talking about complex issues that are much broader than the cases that we are speaking about today. That said, I will inquire as to whether the timescales can be truncated, while ensuring that all the issues are adequately covered.

Phil Gallie (South of Scotland) (Con): Will the minister give way on that point?

Peter Peacock: I will—but I have a lot of material to get through.

Phil Gallie: Given the advice that we are hearing, will the minister confirm whether any such change to the law will be retrospective?

Peter Peacock: I am not able to confirm that, but the purpose of examining the law of limitation is to consider the purpose of limitation; any change would depend on the recommendations of the Scottish Law Commission. However, our focus is to challenge whether the current limitations are sustainable in the long term.

The Presiding Officer: You can reasonably look for another six minutes.

Peter Peacock: Thank you, Presiding Officer.

INCAS has submitted an application to the Executive to improve counselling services for survivors of in-care abuse. Its proposals would not only provide an opportunity for survivors to tell their stories in confidence in a sympathetic environment, but would provide counselling support and help in connecting individuals to health and other services that they may need. It would also potentially help with advocacy services for survivors and provide a valuable source of

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information about the full nature and extent of the abuse that took place, while always protecting the confidentiality of individual cases. I have told INCAS that I am prepared to provide the necessary financial support to help to develop such services further. Precisely how that will be achieved will be a matter for further discussion between INCAS and my officials, but Parliament and the survivors can rest assured that services throughout Scotland will be improved to meet the needs that have been expressed to us.

One issue that keeps arising in discussions with survivors is their need to understand more fully why the abuse that they experienced was—as they would put it—allowed to happen. Why could no one stop what was happening to them? That is an entirely reasonable question. Understanding why is not reasonable only for survivors, but for wider society, and will help us to explore any lessons from the past for what we are currently doing. When I met INCAS last week, I offered to take that issue forward. The issue is difficult, and I am conscious that a number of court actions are currently on-going and that we cannot discount the possibility that there will be further criminal proceedings. It is vital that any other process that we undertake in looking into the matter should not interfere with such proceedings.

However, I can say to Parliament that I intend to appoint someone with experience to analyse independently the regulatory requirements of the time, the systems that were in place to monitor operation of those requirements and, in general, to analyse how that monitoring was carried out in practice. I wish to discuss that with other interested parties so that the process can start as soon as possible; I will keep members informed of progress. As I told INCAS, I will of course consider any conclusions that are reached and any policy questions that arise as a result of that further examination. I intend to report to Parliament on the outcome of that process.

What I have suggested is a positive way forward that will address outstanding concerns. In today's debate, I do not have time to cover all that we are doing to ensure that child protection is stronger and that what has happened in the past cannot be allowed to happen in the future. Parliament is aware of our radical child protection reform programme, and that the programme is in many respects helping to lead the world through the challenge that we have set ourselves on what we need to do better in the future in order to give children their rights to speak and to be listened to, and for their concerns to be acted on more effectively. We have debated those issues in Parliament before and will do so again.

In what I have said today, together with what the First Minister said on behalf of the people of

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Scotland, we offer for the first time comprehensive plans to address what survivors have asked of the Executive and Parliament. By following the proposals through, we will be able to shed more light on the national shame

that in-care abuse represents. I believe that the plans will immeasurably improve the services that are available to survivors.

In recent weeks, I have been moved by meeting survivors, by hearing their stories and by studying what has happened to them. Through meeting them, I know the courage and dignity with which they have made their case. They are making a big contribution to making Scotland a better place. Survivors of abuse carry with them burdens that were laid on their shoulders as a result of what was done to them as innocent children. I genuinely hope that today's debate, what the First Minister has said and the new actions that I have outlined will, as time moves on, help to make significant contributions to lightening the burden that those survivors carry.

14:44

Fiona Hyslop (Lothians) (SNP): For many who are involved with redress for victims and survivors of institutional abuse, the journey to this day in Parliament to hear the words that were spoken by the First Minister and the commitments that the minister has just given has been long and often dark. I pay tribute to the petitioners for bringing forward their case not only on their own behalf, but on behalf of the silent souls who will watch and wait to see whether Parliament listens, learns, respects and acts. I mean those silent souls whom none of us yet knows, but who may be given the courage to come forward and tell their stories in the pursuit of peace in their lives. However, there can be no peace until there is justice and I pay tribute to the perseverance and patience of the petitioners in pursuing their case.

The petition had two aims: to achieve an apology and a public inquiry. I, too, welcome the First Minister's apology. It should not have been difficult because it was the right thing to do; however, it has been difficult. That part of justice that the survivors sought has been achieved today and demand for their other aim of establishing a public inquiry has gained cross-party support. As someone who supports such an inquiry, I listened with interest to what the minister said. His proposals need hard examination concerning the status of the reporter, what teeth the reporter will have, what scope the inquiry will have, what redress the survivors will have and—importantly—what recourse to law and justice they will have as a result. In this instance, I welcome the comments that were made about lifting the 1964 time bar, but I echo Marilyn Livingstone's question about the timescale for implementation of the change.

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We need to pursue specific questions. Will successful pursuance of one case—established in the report—enable other cases to be pursued? Will the public interest be taken to mean that one successful pursuit of a case will negate the need for pursuing others? I welcome the information commissioner's role and want to know what powers he will have, particularly in respect of organisations that are outwith the state's statutory responsibility. I also want to know about the ability to pursue subsequent legal cases and

what role the survivors will have in the support and counselling that has been announced.

A reporter, however, is not a public inquiry. Until and unless those questions can be answered to the survivors' satisfaction—we all need to hear their response to the minister's announcement—it may be too early to give up the aim of there being a public inquiry. If we as a Parliament, after listening to the survivors, still want to pursue a public inquiry, it will be possible to bring the issue back to Parliament.

I will explain why a public inquiry is desirable. I will not use my words but those of a survivor who contacted me when he knew that the debate was being held. He wrote:

"I am a 66-year-old man living in Scotland who, as a child, was subjected to ten years of physical abuse from the nuns and priests in catholic care homes in Ireland. I have recently finished a 3-year long claim for compensation from the Residential Institutions Redress Board set up by the Irish Government to make good the suffering that I and other children experienced. The Irish Redress Scheme allowed me to tell a story that I never thought I would be able to tell. More importantly, the scheme allowed for my story to be believed. For 50 years, I have been unable to express, not even to my family, the hurt and pain that I suffered day on day for 10 years but now I can close the chapter on that period of my life. While I will never forget or forgive those who abused me, I am more at peace with myself. I urge all MSPs to listen to the Scottish survivors of institutional child abuse and support the petition being put to you today. By agreeing to an inquiry, do not think you will be re-opening the old wounds of survivors, believe rather that you will be actively helping these old wounds to heal. I call on you all to show the same courage of the Irish Government and put pressure on the Scottish Executive to tackle this issue so that survivors of abuse in Scotland are given an outlet for the years of abuse from those who they thought they could trust."

It has been a long and dark journey for many of the petitioners. This debate is only part of that journey—a staging post. When Parliament was established, it was said that it would shine a light into the parts of Scotland that had been ignored for too long, but the problem with shining lights into awkward places is that we may not like what we find.

We should be under no illusion: the Executive was forced to respond to the issue by dint of the Public Petitions Committee's bringing the debate to the chamber. I, too, pay tribute to the

Col 12406

committee's doggedness in doing that. It has shown that, with the strength of the whole Parliament at its shoulder, it can force changes that could be life-changing for many people.

The minister will be aware that I first pursued the subject of the First Minister's announcement in May 2002, when I asked Mr McConnell for assistance in securing support for compensation for former pupils of one institution. I reminded the minister's office about that in September 2003 and I reminded the minister using parliamentary questions in October and December 2003. I eventually received a response in July 2004. Why is that relevant or important? It is because today we heard announcements and are being asked to trust that they will be delivered on successfully by the same Administration that failed to respond promptly to me over the past 18 months. We are right to be cautious rather than enthusiastic, we are right to scrutinise rather than simply to embrace and we are right to monitor rather than to congratulate.

The minister must know that if he pursues the issues with vigour and intent he will have the firm backing and support of Parliament. He knows that Parliament keeps returning to child protection. I hope that scrutiny of the Education Committee's report on its recent child protection inquiry will shed light on current issues around multi-agency inspection.

Scotland is slowly emerging from a time when the culture was that children should be seen but not heard. We have a long way to go, but this debate is part of the process. The debate is about the story of the stolen childhood of too many of yesterday's children. We do not know the numbers or the sheer scale of what might lie beneath the petition, but Scotland must own up to its past if it is to face the future with confidence. The debate is only a staging post, but it is important not just for survivors but for Parliament as an institution. We would take an important step in our reborn democracy if we as a nation were prepared to open up the past to scrutiny, to face the consequences, to tell the stories and, by telling those stories, to help the survivors to find the peace and justice that they so desperately need.

14:51

Lord James Douglas-Hamilton (Lothians) (Con): I declare an interest as the chair of the Edinburgh support group of the charity Hope and Homes for Children, which acts for orphaned children in 14 nations of Africa and eastern Europe.

The best interests of children are of paramount importance everywhere. For that reason, it is refreshing that today's debate is taking place in a

Col 12407

constructive and positive atmosphere. We all share great concern for children who have been abused and we all wish to deal with the subject in a way that is sensitive and which makes certain that the abuses that have been complained about will not be repeated.

I have in my hands a letter from the chairman of INCAS, who has given me permission to quote him. The letter states:

"We have, for decades, experienced a complete lack of understanding of, or acceptance of responsibility for, the level of neglect, abuse and assault that occurred in institutions provided by the state, religious organisations, and other charitable bodies. It has been a collective failure to intervene, to detect our pain, and to come to our rescue."

We have a moral obligation to respond. I call on the Executive to establish an independent inquiry and I would welcome the payment of compensation, wherever appropriate, by the Scottish Executive Education Department. However, the inquiry should not take place in public for two reasons. First, some criminal cases are outstanding and are subject to sub judice provisions. It would be wrong to prejudice criminal trials that could take place. Secondly, many of the children concerned endured traumatic experiences, so it would be contrary to their best interests and to the public interest to rake over and revisit their experiences in a brutal and public way.

The petition called for an apology and it is appropriate that an apology has been expressed for unacceptable conduct. We are determined to do everything in our power to prevent the recurrence of such conduct.

I support an independent inquiry for three reasons. First, we must ensure that the risks to children who currently live in residential care homes are minimised. We must learn the lessons of how and why abuse occurred and often went unnoticed, and we must use that knowledge to inform current and future practice. Secondly, the survivors of abuse struggle with problems such as depression far into their later lives, so it is essential that we provide high-quality support to adult survivors of abuse. Thirdly, survivors must be assured that they will have full access to their legal rights and remedies. Although it is true that victims of institutional child abuse already have recourse to the law if they want to pursue their rights and seek redress for what happened to them, some victims who suffered abuse many years ago might be time barred from bringing their cases to court, or be denied access to files that are held by private organisations. An inquiry could help to get to the bottom of the matter and identify the best forms of support and counselling for survivors.

I welcome the measures that the minister announced. However, we learn more about the

Col 12408

issue all the time and an inquiry could identify the most effective measures for children who were or are in care. The Children (Scotland) Act 1995, which I helped to pilot through the House of Commons, established more clearly the rights, responsibilities, duties, obligations and procedures that relate to children's issues, including child abuse issues, in Scotland. That act was welcomed as an important step forward, but it has to be supported by timeless concern and care. I submit that the public would be reassured by the establishment of an independent inquiry that sought not only to uncover the problems of the past but to assess whether the measures that have been put

in place over the past 10 years have been effective or whether other measures need to be considered.

Eternal vigilance is not just the price that we pay for freedom; eternal vigilance, accompanied by active and continuing concern and supplemented by measured actions, is the price that we pay for protecting our nation's children and their children, who are our future.

14:55

Robert Brown (Glasgow) (LD): I want first to declare an interest as a legal consultant in the firm of Ross Harper & Murphy in Glasgow and as a member of the Law Society of Scotland. Colleagues in my legal firm act for a fairly large number of claimants in the Nazareth House and Smyllum Park cases and currently have a number of cases in court. Although I have not had any recent personal involvement in any of those cases, I took a number of statements and precognitions at an earlier stage and met a number of claimants prior to my election in 1999. As a result, I have some insight into the varied experiences and thinking of some of the people involved.

Few members can be unmoved by the individual and collective stories of the suffering that children and young people underwent in what must be one of the worst scandals of the later 20th century, which lies behind the petition. It is perhaps even more poignant that the matter should be deliberated by Scotland's Parliament at this time of the year, which is particularly for children. What took place in our society in institutions that were established to care for little children and young people is a blot and a shame on Scotland. It is made no less of a blot and a shame by the fact that such events were paralleled in similar institutions in Ireland and other parts of the world. The words of apology that have been spoken today by the First Minister, the Deputy First Minister and the leaders of the Opposition parties will go some way towards meeting the legitimate demands of the victims of these tragic events.

Some people have buried their experiences; they have chosen to put them to the back of their

Col 12409

minds and to live their lives scarred by their upbringing. Those people do not want a public inquiry, because it would bring back memories of events that they would choose to forget. We must respect their position.

However, others take the opposite view and believe that an inquiry would be a cathartic and necessary experience that would vindicate them and give them a sense of justice in this saga. Either way, many people have had the pattern of their lives changed for the worse by the humiliation, hardship and abuse that they underwent as children and young people, when they should have experienced love, kindness, protection and the joyous freedom of childhood.

The fact that we are having this debate is a notable tribute to the success of Parliament's public petitions system. The petition process that was instigated by Chris Daly has taken his cause and that of other victims to the very centre of the Scottish Parliament and of Scottish political and democratic life. That is exactly what the Public Petitions Committee was set up to do and it is entirely right that there should be such a link between having a serious grievance and the possibility of some redress.

I want to touch on several key issues. First, given that they were spoken in the chamber of the Scottish Parliament, the First Minister's words of apology will be hugely symbolic and I can add nothing to them. Secondly, on the call for a public inquiry, Chris Daly made a powerful case for such an inquiry when I met him. He obviously also made a similar case to the Public Petitions Committee. That said, the actions that Peter Peacock has detailed this afternoon will deal with the key concerns of survivors of abuse. For example, he talked about opening up files and information, establishing a short life working group, reviewing the 1964 time bar and providing funding for the broad range of support and counselling that is to be offered, to say nothing of his commitment to investigating the regulation and monitoring of children's residential homes at the relevant time. I hope, however, that the minister agrees that the precise terms of the investigation's remit should be shared with the Public Petitions Committee, which has done so much to progress this issue, and that the outcome report and other documents will be shared with the Education Committee.

I also think that there is a role for the Scottish Institute of Residential Child Care. That expert group, which is based at the University of Strathclyde and in a number of child care and educational establishments across Scotland, was established in 2000 after the events in question took place.

Thirdly, we now have a Scottish commissioner

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for children and young people. Kathleen Marshall, with her vast experience and unique status in speaking on behalf of young people, should have a role to play. I think that Parliament can refer issues to the commissioner, and it might well do so in this case. The commissioner should be concerned particularly with current-day circumstances. The background to the abuse that was suffered by the petitioners may have changed, but no one can claim with certainty that all is well in all the homes in which young people currently live throughout Scotland.

Whether we like it or not, there will continue to be a need for residential homes for some children—probably those who have been most traumatised by their backgrounds and circumstances. It is vital that the standards of all homes are high; that training, qualifications and professional expertise are high; that children live in security, love and peace; and that, above all, the ethos of child care is positive, expert and child centred. In a way, there could be fewer better outcomes to the petition and to the suffering that it represents

than that no other young child in Scotland ever goes through what Chris Daly and his generation of children in care went through. As Jim Wallace suggested parents would ask:

"What if my children were alone?"

Let us at least learn from what happened to them.

15:01

Janis Hughes (Glasgow Rutherglen) (Lab): I thank my constituent Chris Daly for all his hard work in progressing the petition. Without his dedication and that of his fellow survivors of in-care abuse, from the INCAS group as well as other groups, it is doubtful that we would be where we are today. I congratulate the Public Petitions Committee on its work in securing a full parliamentary debate on this most serious of issues. As Robert Brown said, it is a positive reflection on the parliamentary process that we are having this discussion here and now.

I am sure that I am not alone in being horrified at the allegations of abuse that we have heard in light of the petition. Children who needed the most protection—vulnerable children who were placed in institutional care—were badly let down. It is incumbent upon us all to do what we can to offer appropriate support.

Although the petition is specific in what it calls for, raising awareness of institutional child abuse was perhaps one of its welcome side effects. I came to the issue with no specific knowledge of the matter, but have been horrified by what I have learned since becoming involved. Because of that, I was delighted to hear the First Minister's apology on behalf of the people of Scotland.

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I am aware of the need for caution when discussing cases that may be sub judice, but the nature of the allegations is so distressing that we must not be allowed to forget just how serious they are. Many people have told us about the most horrific emotional, physical and sexual abuse imaginable, which was perpetrated by people who were entrusted with their care. There have, for those who suffered such abuse, been serious long-term effects. Survivors are often unable to establish trust in others and, sadly, the physical and emotional scars are such that mortality rates appear to be significantly greater than within the wider population. That is a stark fact.

The consequence is that the abuse did not end when those children left care, which is why INCAS and others have been so determined to secure an inquiry into why the abuse was allowed to happen. It is not enough to say that it will not happen again, although clearly that is vital. Although I am sure that each and every person who was abused will welcome the steps that the Executive

has taken to improve child protection, they need to know why the abuse was allowed to happen and why it was not stopped. I support them in that.

The Minister for Education and Young People is to be commended for the work that he has done over the past few months on the issue, although I acknowledge, as Michael McMahon suggested, that that was after a long delay in responding to the committee. The issue is sensitive and the minister has handled it sensitively. I know that he met INCAS on more than one occasion and that the discussions were productive.

At the weekend, the minister was quoted in the newspapers as saying:

"I know just how scarred these individuals are."

Anyone who has met survivors of institutional abuse will share the minister's view. INCAS also deserves a great deal of credit for the way it has handled the matter. Through people such as Chris Daly, the group has entered into meaningful dialogue with the minister and his officials and has achieved a great deal.

I welcome the minister's announcement of the appointment of an experienced person to gather evidence on behalf of those who have suffered abuse. I hope that that person will be given sufficient powers to make the appointment meaningful and to deliver the results that the survivors deserve. I look forward to hearing further details on the scope of the inquiry. As we have heard from other members, a full public inquiry has pros and cons, but the petitioners must be assured that the minister's proposals will be firmed up and that they will be given more information that might allay some of their fears.

A recent briefing pointed out that the Scottish Institute for Residential Child Care has called on

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the Executive to issue definitive guidance on how agencies should respond when adults tell of abuse that they experienced as children in residential care. That sensible suggestion would ensure a consistent and, I hope, better-quality response. The institute also suggested that a comprehensive range of services and assistance be made available to survivors of historic abuse, which should at least constitute a telephone helpline and a referral service. Again, that is a sensible suggestion.

The minister mentioned a couple of outstanding issues, the first of which is the time bar. I am aware that the Scottish Law Commission is considering the issue and I hope that the minister will give assurances that he will do everything in his power to expedite the study. Pre-1964 abuse is just as horrendous as post-1964 abuse and deserves the same consideration.

I am pleased that the long period of redaction of files is almost at an end. The minister has worked hard to make the Executive's files available and I

welcome his determination to ensuring that other institutions will follow suit. I urge those institutions to do the decent thing and to help in any way they can those who have suffered abuse to achieve some closure in respect of that part of their lives. It is vital that all relevant and available paperwork is out in the open.

We are debating a matter of the utmost importance. Irrespective of the outcome, it is testament to the dedication of the survivors of in-care abuse that we are debating the subject at all. The bravery of those, such as my constituent, who have waived their right to anonymity and dealt with the consequences of that with dignity, should be applauded. The least that we can do is to start to put right the wrongs of the past.

15:07

Patrick Harvie (Glasgow) (Green): I, too, congratulate the Public Petitions Committee on bringing the debate to the Parliament. As other members have said, the debate reflects well the Parliament's accessibility and the determination, commitment and courage of the survivors who have brought the issue to us.

We all welcome the First Minister's statement and the apology that he made. It is a credit to any politician when they say sorry, whether personally or on behalf of a Government and a society. However, the petition makes it clear that it is not enough to say sorry. In debating the petition, we must consider how the Parliament, which did not even exist when many of the events took place, can learn something meaningful from the matter. How can we give a sense that justice has been done to people who have experienced such injustice?

Col 12413

The petition makes it clear what we are being asked to do. In responding to it, the Minister for Education and Young People mentioned the huge amount of work that is being done to make records available. We should acknowledge the scale of that task and congratulate the Executive on its willingness to undertake it. However, I would be grateful for a comment from the Executive on what will be done about other organisations' files and records. Further dialogue with those organisations is one thing, but it must lead to the same transparency that the minister acknowledged is needed in the public sector.

I also welcome the minister's commitment to fund support services. As I have a background in one-to-one support and counselling work, I know how important it is that such services are available and established on the right footing. I am sure that all members will accept that that job will take some time. A further comment from the Executive on how much time will be required before that can be put in place would be very welcome.

That leaves us with what is perhaps the most troubling and difficult question: why? Why was abuse allowed to take place? Why was so much of it left

hidden for so long? Why, when it was known about, was that often not enough to bring it to an end? As many members have said, the petition calls for a public inquiry. I admit to having some concerns about that. Public inquiries generally seem to promise the undeliverable and I am concerned that a public inquiry would create false hope. I am also concerned about whether public evidence sessions would be the best way of ensuring that all potential witnesses would be willing to give evidence. Such an inquiry would undoubtedly generate a high level of media attention and I worry that that would be a threat to its effectiveness. However, the call is an urgent one and it has been waiting too long to be heard. We should also not forget the importance of the point that Fiona Hyslop made, which was that anything less than a full public inquiry might be less able to result in legal action, where appropriate. If the concerns that I have expressed can be met and, perhaps more important, if the survivors of historical abuse do not share those concerns, I will add my voice to the call for a full public inquiry without further hesitation.

As a society, we have come a long way in the recognition and protection of the rights of children and young people. Just a few generations ago, children would have been seen as property, without the right to respect as human beings. We have come a long way since behaviour that we now regard as utterly unacceptable was perceived as normal, or at least went without challenge. We have come a long way, but we should judge our society's attitude to children and young people not only by our highest principles or our highest

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aspirations but by the very worst experiences that children and young people undergo. If we are honest, we will all acknowledge that, for many young people in care and leaving care today, we still have a long way to go.

Finally, we should also judge our society on how willing we are to hear the voices of, and confront the challenges brought by, the victims of abuse that took place in the past, in a less safe time. I am glad that the Parliament has been open to the challenge presented by the petition, but I am sure that none of us would for a moment think that the process ends with this debate. I look forward to seeing the process continue.

15:12

Nicola Sturgeon (Glasgow) (SNP): I am glad to have the opportunity to speak in the debate on behalf of a number of my constituents who have contacted me in recent years about their experiences in children's homes. I wish to pay tribute to them and to all survivors of abuse.

The accounts that I have heard from my constituents of what happened to them are deeply harrowing—we will all have heard such accounts. The cruelty that they were subjected to by the very people who were supposed to love them and care for them is difficult to comprehend. Although in many cases the

abuse may have happened 30 or 40 years ago, the survivors of that abuse are still suffering the effects of it, through emotional and mental health problems, through difficulties in establishing and maintaining the kind of normal relationships that the rest of us take for granted, and through feelings of despair, depression and isolation. We must also remember that those who have had the courage to speak out about their experiences—we should not underestimate the courage that that has taken—are the ones who are still alive to tell the tale. Many victims of childhood abuse take their own lives rather than live with the pain. It is appropriate to reflect on and remember all those who are no longer here because of the experiences that they suffered as children in care homes.

It is beyond any doubt that we all have a responsibility towards the survivors of abuse and an obligation to acknowledge the abuse that they suffered because, as I said earlier, children in care are the state's responsibility no matter what type of care home they live in. The state assumes the role of parent and, with that role, takes on the obligation and responsibility to protect the children's well-being. The systematic and widespread abuse that was perpetrated in some care homes—we are not talking about isolated incidents—is evidence that the state collectively failed in its duty to protect children in care. That is why the apology that the First Minister made

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earlier today is appropriate and necessary. I state again that I welcome what he said; it is a very public acknowledgement, made in the Scottish Parliament, that what happened was wrong, that it should not have been allowed to happen and that the fact that it did is due at least in part to the failure of state authorities to do what was required to protect innocent and extremely vulnerable children.

I hope that all the survivors of abuse who are listening carefully to what is said in the Scottish Parliament today, many of whom are in the public gallery and many more of whom are listening at home, will take at least some comfort from the sincere and heartfelt apology that was offered earlier today. However, we all know that, in any walk of life, although saying sorry is often important and a prerequisite for moving on, it is equally often not enough, and the survivors of care home abuse have forcibly and powerfully expressed a desire for a public inquiry into the catalogue of abuse that took place. I accept that there is a legitimate debate to be had about the nature and scope of any inquiry that might take place. I accept that many survivors of abuse would not welcome the public examination of many of the issues. I also welcome and acknowledge the many important steps forward that the minister has announced today, particularly on the opening up of files, the appointment of a reporter and the reappointment of a short-life working group. Those are all important steps forward, but it is equally important that we continue the debate and dialogue about how to take the process forward and what form the inquiry that many people want should take.

I hope that today is the start of that dialogue, not the end of it, because it is important to acknowledge why so many people want a public inquiry. The first reason is that it would give the opportunity for survivors to recount what happened to them, for them to be listened to and for any appropriate action to be taken. It would be a cathartic experience for many people and it would also provide an opportunity for the Government to learn lessons from the past. I accept that we have taken great strides forward in child care and protection—for example, the establishment of the Scottish Commission for the Regulation of Care is an important development—but I do not accept that there is no possibility that there are further lessons to be learned, and that is why it is important that, in some form, there be a full examination of what went wrong.

As has been mentioned, many survivors cannot seek redress through the courts, as they would wish to do, because they were abused prior to 1964 and a time bar applies. I have no doubt that it is time to change the law of limitation. I welcome the comments that the Executive has made, but

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repeat forcibly others' comments that we must ensure the minimum of delay, because those who were abused before 1964 and therefore are affected by the time bar are among the oldest survivors of abuse. It is essential that they be allowed redress quickly, because their suffering has gone on long enough.

I hope that today is the start, not the end, of a process that will end with those who have suffered greatly feeling, at long last, that they have been listened to, that their suffering has been acknowledged, that every lesson that those of us who are now in positions of influence can learn from the dreadful tragedy has been learned and that we will do everything in our power to ensure that their experiences are not repeated.

15:19

Rosie Kane (Glasgow) (SSP): I joined the Public Petitions Committee after the summer recess. I am proud to sit on the committee, particularly today, and I feel certain that I have gained more on the committee than I have ever given. I know that I can sometimes wind up the convener, who would nod his head in agreement if he were here at the moment, but he would expect nothing less of me. I commend all members of the committee for being welcoming and supportive to the people who bring petitions before us. That can be an intimidating experience for folk and we all do our best and should be proud of our Parliament when we make people whom we represent feel welcome and free to speak their minds and air their concerns—my colleagues on the committee do just that. I also take the opportunity to thank Jim Johnston, the clerk to the committee, Joanne Clinton, the assistant clerk, and Eileen Martin, the committee's office manager, for the amount of work that they put into what we achieve. I know that committee members and petitioners will agree that they are very approachable and extremely supportive. Their knowledge and commitment is outstanding and has helped to bring us here today.

I thank and pay tribute to Chris Daly, who lodged petition PE535, seeking an apology for and an inquiry into past institutional child abuse. He has shown courage, selflessness, integrity and determination, for which we all thank him. I also thank INCAS and many others for what they have shared with us. I thank David Whelan, who has furnished me with facts and figures and accounts of his life and the lives of the rest of his family to enable me to come to conclusions about the issue.

My information is that more than 1,000 adults have stepped forward and reported past institutional abuse to the police, journalists, lawyers and helplines. That number is possibly the tip of the iceberg and, sadly, as Nicola Sturgeon

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pointed out, many victims and survivors are no longer with us. The abuses took all forms—emotional, psychological, physical and sexual. Many were prolonged and could easily be described as torture. Those are strong words and sentiments, but I have taken evidence and there is no denying that that is the case. There have been convictions. People who are in the chamber today have stood in court, told their story and secured justice, but not without a high personal cost.

Child abuse can be ever present in adult life and we are challenged today to try to help the beginning of the healing process for many—and perhaps do much more. Earlier we heard the First Minister make an apology. I reiterate that churches and agencies must also issue a formal public apology for the hurt, harm and distress caused by abuse to children under their charge.

I support fully the request from Chris Daly and others for a full public inquiry for a number of reasons. It is surely the only way to get to the core of what has taken place over the decades, which it is important and essential that we do. That has been achieved and the process has begun in Ireland, Canada and Australia to the satisfaction of all involved, including the Government and the relevant organisations.

I was going to read out another bit in my speech, but I am concerned about issues of sub judice, so I will leave it aside for now. There will seem to be a gap in my speech, but that is for a good reason.

There are missing records. We heard today from the Minister for Education and Young People about records and files. We need to know why records are missing and whether the matter is significant. Have some simply been lost or damaged or were there attempted cover-ups? What types of network were in place during this terrible period, who was involved and at what level? Were there opportunities for interventions when complaints were made? Were such opportunities missed or were they ignored? Are some of the perpetrators still out there and, if so, where are they, what are they doing and who are they with? How many more adults out there are buckled with pain and how do we reach them?

We might well open a can of worms, but I want to see those worms and I want to ask them questions. We might well open wounds, but the fact that there are wounds means that we need to visit them and I agree with Fiona Hyslop that we need to start healing them. I do not know what today's debate will ultimately offer, but we must ensure that we get answers to all the aforementioned questions.

Will the minister ensure that, as of today, all non-government agencies and organisations implement programmes to locate and preserve all

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records, files, memorabilia and other details in relation to children who have been in their care in the past? No destruction or loss should now be allowed to take place.

Whatever we decide today should also include measures to ensure that extra dedicated support workers are put in place to enable folk to access records and work their way through what will be a painful but essential process. The right support must be put in place. The minister could ensure that there is a register of those records as that would assist the process.

Due to the sheer numbers involved, we will need a comprehensive range of skilled support workers to assist survivors, their families and their supporters. That must be addressed and resourced. Existing and overstretched services cannot be expected to deal with the number of people who are involved in this matter. The events of today will open wounds and cans of worms and we need to be ready to deal with that almost instantly. Special phone numbers are often broadcast at the end of television programmes—soap operas, documentaries and so on—to allow people to speak about issues that have been raised. I think that the same precaution should immediately be put in place in relation to events in the chamber today and to what will appear in the media as a result. Special training might be required for support workers to enable them to deal with the particular nature of problems caused by past institutional abuse.

Dealing with the effects and prevention requires a thorough study of the various and far-reaching parts of this horrid jigsaw that is part of our recent history. I heard what the First Minister said today, but I believe that only a public inquiry—even though it might be lengthy and painful—will begin the process that needs to take place. However, we must ensure that the appropriate safety nets are in place to prevent the media from having full access to the proceedings and so on. We need to ensure that people feel able to come forward and that all areas of the issue can be accessed by a body with teeth.

More than that, we must consider what the experts want and demand. By "experts", I mean Chris, David, Helen, [REDACTED], Frank and many others whose names we do not yet know.

15:27

Marilyn Livingstone (Kirkcaldy) (Lab): I am pleased to have the opportunity to contribute to this afternoon's significant and much-needed debate. As the convener of the cross-party group in the Scottish Parliament on survivors of childhood sexual abuse, I welcome the package of measures that the minister has announced not

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only to address the petition, which relates to abuse that happened in the past, but to help to safeguard our children now and in the future.

I first became involved in this issue because of a case that arose in my constituency, which involved me working with key public agencies in Fife, including the kingdom abuse survivors project. I cannot begin to tell you the impact that that had on me. Very soon after I dealt with that case, I decided not only that the situation in Fife needed to be examined but that a national approach to dealing with the issue was needed. Soon after that, we registered the cross-party group in the Scottish Parliament on survivors of childhood sexual abuse. I would like to take this opportunity to thank all those who attend and support the cross-party group. Many of them are survivors and each has their own story to tell. I also thank those who have corresponded with us because we need their sustained commitment to help us to effect real change in relation to preventing the abuse of our children.

The First Minister talked about some truly remarkable people, some of whom we have heard of today, such as the members of INCAS and Chris Daly, who had the courage to submit petition PE535. However, I say to the chamber that I have had the privilege of knowing and working with many such remarkable individuals. I cannot put into words how much the Parliament needs to congratulate them on having the courage to come forward and to support them in that.

Our group was set up to establish a forum in which survivors, survivors' organisations, individuals and MSPs could work together to unpack and address through a specific programme of action the issues of childhood sexual abuse. The long-term effects and links with mental health problems, drug and alcohol abuse and homelessness are all too common. The group is also considering core pathways for survivors, legal considerations and greater public awareness and understanding, as well as attacking the myths that surround sexual abuse and its impact on our society as a whole. Research has clearly shown that sexual abuse is a societal issue. Thinking around the edges is not sufficient and we believe that a strategic, planned approach is the way forward.

Before outlining some of the views that have been given to me, I thank Chris Daly once again for bringing the issue to the Parliament and I welcome him and members of the cross-party group and INCAS to the chamber. We heard from Michael McMahon the content of the letter that the cross-party group

sent to the Public Petitions Committee. I am pleased that—as we heard today—there will be public inspection of files and an investigation into the law on limitation. I

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welcome the commitment from Peter Peacock and his department to consider truncating the timescales. I look forward to hearing the detail of the proposal to appoint a reporter and I will return to that matter later.

I am very much aware of the scale of the suffering of children who were abused sexually, physically, emotionally and psychologically. We believe that there needs to be an understanding of the scale of the abuse that took place and recognition of the suffering that was endured by children who had less recourse to disclose what was happening to them than others had. When there is abuse by those who are in power, there are other layers of suffering—if you like, a double whammy—and a feeling of being abandoned by society.

We must ensure that we have as many avenues as are needed to scrutinise the care of looked-after children, and indeed all our children. In working with survivors and their families, I have learned that abusers are always looking for new ways to target children, internet grooming being an obvious example. We need to be always one step ahead. I am proud of the First Minister offering a full and sincere apology on behalf of the people of Scotland, which will go a long way towards helping.

In response to the petition, and indeed the wider issues that are raised by today's debate, I met Peter Peacock and invited him to attend a future meeting of the cross-party group to allow him to update us on the package of measures that he outlined, particularly the appointment of a reporter. I am pleased that he was able to accept. Today's debate is a significant step forward and I welcome it but, as many members mentioned, it is important that we move forward together.

After the cross-party group's one-year-on event, the then Minister for Health and Community Care, Malcolm Chisholm, agreed to establish the short-life working group, which we heard about earlier, to address some of the key issues that we raised on care and support for survivors of childhood sexual abuse. The working group recognised the impact of abuse on adult survivors and the need for improved services that are appropriate to the range and extent of the difficulties that they face. We welcome the report and recognise the effort and progress that has been made by the short-life working group and the Scottish Executive. However, we will continue to stress the other areas that affect survivors of all ages, which require urgent attention. Once again, I put it on the record that unless there is a strategic approach that addresses all aspects of childhood sexual abuse, we will not achieve true and lasting progress in tackling this most invidious and damaging societal problem.

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We intend to continue to work towards the ultimate goal of a national strategy and we thank the petitioners for helping us in that quest. We welcome the opportunity to discuss the working group's findings with Andy Kerr next month and we also thank Cathy Jamieson for agreeing to attend our January meeting to discuss criminal justice issues, including the Protection of Children and Prevention of Sexual Offences (Scotland) Bill. I quote Anne MacDonald, one of the vice-conveners of the cross-party group, who said:

"We must work to help and support yesterday's children"—

Fiona Hyslop used the same phrase—

"But most importantly hear them and learn from their experiences if we are to protect our children today and in the future."

In conclusion, the Scottish Parliament has the opportunity to break new ground and it must take that opportunity. Every generation has an opportunity to tackle inequality and human rights abuses, some of which have stood the test of time—let this be ours.

15:35

Phil Gallie (South of Scotland) (Con): I congratulate Marilyn Livingstone, among others, on her work with the cross-party group and I emphasise the value of cross-party groups. I also congratulate the Public Petitions Committee, of which I was a founder member and on which I served twice in the previous parliamentary session. The committee's value has been shown today by its persistence in pursuing the subject and by Michael McMahon's excellent presentation of his case.

As I congratulate that committee on its persistence, I must also congratulate the petitioners, without whose insistence the issue would have slipped into the background again. I was an arch-critic of the Parliament in the early days, but I must concede that having the Parliament and the Public Petitions Committee in particular has perhaps allowed this matter to be advanced.

I congratulate the First Minister on his statement, which was not just for him or for members, but for wider society and for politicians of all political hues who went before. On that basis, the First Minister's statement was very welcome. In addition to his apology, I particularly welcome the pledge to ensure that the effects on those who were badly damaged in the past will be addressed in future. Having listened to the Minister for Education and Young People's speech, I await with interest the developments that will occur. I also welcome the minister's reference to the time bar. I remind him of my intervention about retrospective elements of any investigation.

Col 12422

I hope that something will come of that to serve the people who have been badly damaged.

It hurts me to a degree to refer to one institution—Quarriers. I was slightly angered by the minister's comment that Quarriers had told him that if people were abused, it would apologise. I do not believe that "if" is the appropriate word, because five court convictions show that abuse was perpetrated at Quarriers homes.

I said that I was hurt to a degree because I have been aware of Quarriers from an early age and, through my church and other means, I have supported the organisation over the years. I recently read with interest in parliamentary magazines an appeal by Quarriers for financial support. I want to continue with my support but, if I am to do that, Quarriers must not say, "If people were abused"; it must recognise that abuse happened. Just as the First Minister made a full and open apology, so should Quarriers.

Peter Peacock: I do not want any misunderstanding. I make it clear that I referred to a response from Quarriers about opening up files. I did not refer to the matters that Phil Gallie raises.

Phil Gallie: Okay. I picked up from the minister's comments that Quarriers had said that if people were abused, it would apologise, but I will read the *Official Report* tomorrow, as I have no doubt the minister will.

I do not think that apologies cover all the issues. Robert Brown suggested that care homes will be needed into the future. Although I support Lord James Douglas-Hamilton's call for an independent inquiry, and although it is important to look back, we should only look back with the future in mind. As well as dealing with the problems that are faced by those to whom the First Minister made his pledge today, we must think of the children of the future. There will be a need for care homes in the future, so an independent inquiry is much needed.

We have had public inquiries in the past on such matters as Dunblane and Piper Alpha, about which much comment was made. Nonetheless, doubts have been left to linger in the mind of the public about the adequacy of those inquiries. The independent inquiry suggested by Lord James Douglas-Hamilton would be the way ahead because it would not be overly intrusive and it would not impose the rigours of court appearances on those who have suffered considerably in the past. An independent inquiry could be headed by a judge and could be supported by someone who had been abused in the past, perhaps with someone who runs a care home. That seems to offer a reasonable way ahead.

Apologies should come not just from the Government or from Quarriers; others are

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involved, too. Perhaps we, as MSPs, should apologise or perhaps the parliamentarians in another place should be apologising for another matter. I note that one of the accused from Quarriers who originally received an eight-

year sentence had that sentence reduced because of a loophole in laws that either the Scottish Parliament or Westminster had recently passed. If that is the case, it is a warning to us all that, when we make legislation on serious matters, it must be scrutinised to the nth degree so that we do not create loopholes that work against solving the very issues that we are trying to make better.

There are also other ways in which some of the legislation that we have introduced with the best of intentions is not working. I refer to disclosure orders, which could disadvantage children into the future because they could frighten off caring parents and other adults from giving support. I am waving around a document that contains the child protection policy and procedures for Scottish Football Association referees. That issue might not equate to the subject of today's debate, but—[*Interruption.*] Bill Aitken is telling me that he cannot hear me, which is unusual; usually no one wants to hear me.

When we read that document and see the constraints that are placed on referees who are offering encouragement to children on the football pitch, we have to recognise that, in legislating, we should not go over the top. Legislation has to be well thought out and we must ensure that it meets our needs. I welcome today's debate.

15:44

John Farquhar Munro (Ross, Skye and Inverness West) (LD): I congratulate the convener of the Public Petitions Committee on encouraging and getting the support of his committee to bring the issue to the Parliament. The debate is very necessary and, as other members have said, long overdue.

Abuse in all its forms is a tragedy for those who suffer it. It leaves long-term or permanent scars on those who have been victims. We all accept and agree that that is the case. Very sadly, abuse has been rife in many state and religious institutions over the past century. Although the problem is now widely recognised and has therefore been tackled directly, abuse is still happening—albeit to a much lesser extent than before. That is the unfortunate situation in which we find ourselves. We have only to hear about yesterday's news from the Deepcut barracks in Surrey to realise that abuse at state institutions is still going on.

The statement by the First Minister is welcome, as are the words of the spokespeople for the other parties. However, apologies are definitely also due

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to the children who were under the care and supervision of religious orders or charities. I encourage the Scottish Executive to try to elicit such apologies from those bodies, as they are long overdue. When our First Minister makes a statement in which he apologises on behalf of the Scottish nation and the

Scottish people, it is not unreasonable to expect the organisations and religious groups concerned to make similar apologies.

Rosie Kane: Is the member concerned that some of the organisations and orders that may want to make an apology are deterred from doing so by insurance companies, which say that, if they were to apologise, that could affect their insurance policies? That holds back the healing process.

John Farquhar Munro: That is a much wider issue. Although the Parliament might debate it in the future, I do not think that it is appropriate to raise it in the present debate.

Unlike several members who have spoken, I do not believe that an inquiry on institutional child abuse would be useful or appropriate. It is too late—the stable door has been left off the latch for far too long and the proverbial horse has bolted. I cannot bring myself to support the calls for an inquiry. Although an inquiry could be useful for some victims, many victims who have been abused might not wish to relive their dreadful experiences by giving evidence. It must be remembered that many victims of state, religious or charitable establishments might no longer live in this country.

However, there is no doubt that victims have a right to answers. They have a right to know why they were taken away from their parents in the first place, why—in some circumstances—they had their names changed and why the state failed to protect them from abuse. They most certainly have a right to justice.

The Executive now needs to ensure that the police and the Crown Office are sympathetic to possible victims of abuse and are properly funded to investigate such cases. When there is evidence that abuse has taken place or is taking place, they should take action without delay. That is a reasonable suggestion.

Phil Gallie: Although the member is opposed to the holding of an inquiry, does he accept that, if we had one, many individuals who would not want to go through full legal proceedings would be prepared to come forward to share their experiences? The Government could learn much from the issues that would arise.

John Farquhar Munro: I would be more inclined to agree to an inquiry if the circumstances had arisen in the recent past. The Piper Alpha and Dunblane inquiries took place shortly after the

Col 12425

incidents in question happened. We are talking about incidents that happened away in the dim and distant past and it might be difficult, if not impossible, to hold an inquiry to investigate those events.

As the petitioner argues, the state should provide counselling and pastoral services for all the victims. However, I do not believe that compensation should be considered, as it would be difficult to administer and impossible to control. There are many reasons why I came to that conclusion, but the main one is that I imagine that many would-be victims would appear if they saw the opportunity of a financial windfall. That would have the effect of making it a great deal more difficult for those who have genuinely suffered to gain justice.

Abuse happened across the United Kingdom. Although it was good to see the First Minister make a very sincere apology today on behalf of the Scottish nation and people, it would be nice to see the Prime Minister do the same at Westminster on behalf of the United Kingdom Government. In the meantime, let us have an apology from the religious orders and charitable groups that were entrusted with the care of our young and very vulnerable people.

15:51

Campbell Martin (West of Scotland) (Ind): In 1999, the Irish Taoiseach Bertie Ahern told the Dáil:

"the test of a true democracy is to be found in how it treats its weakest and its most vulnerable members."

On that criterion and on the testimony of far too many Scots who spent time in the care of the state, Scotland has historically failed Bertie Ahern's democracy test. For generations, Scotland has failed that test because we as a people have failed to listen to the hundreds of people across Scotland who as young children were placed in the care of the state and were abused in our care. Back then, while they were being abused, the state failed to protect them—the state let them down. Since then, by failing to listen to them and to offer the solutions that they need, successive Governments have compounded that original failure. I hope that the First Minister's apology today finally brings to an end those days of failure.

We know that some of the children who were abused while in the care of the state are in the public gallery today. Of course, we will not recognise them as children, because they are now adults. However, in quiet moments and at times of sadness or stress, those adults are again young children. The memories, the nightmares and the faces have lived with them. While they were young, vulnerable children, we as the state failed to protect them. Because of that, we as the state

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have saddled them with burdens that most of us, thankfully, cannot even begin to imagine. They do not need to imagine those burdens, because for them abuse was a reality. They lived it and continue to relive it.

Those children, now adults, need to be able to talk about their experiences. They need to be able to know that the people to whom they talk will

understand what they are talking about and will believe them. They need to know that the people to whom they talk will help to bring closure to what has been a lifelong nightmare. I believe that a public inquiry would do that. That is why Chris Daly and the people behind petition PE535 have asked for a public inquiry.

There is too much denial on this issue. At the meeting of the Public Petitions Committee of 29 September, the minister accepted that institutional child abuse had happened. We all know that it has happened; we have living proof that that is the case. Surely if those responsible are to be held to account and those who are abused are finally to have closure, we need a public inquiry with the full powers that are necessary to investigate every case and organisation.

Of course, some people who were abused do not want that aspect of their past to be raised in public and we must respect their position. A public inquiry would not compel people who had been in the care of the state to come forward to speak about their experiences—it would be for them to make that decision. However, for those who need finally to put the nightmare behind them, having the option of speaking about their experiences and knowing that the forum to which they speak has the power to act are absolutely essential.

In Ireland, the most significant action that enabled historic institutional child abuse to begin to be addressed was an apology by the Taoiseach. He said:

"On behalf of the State and of all the citizens of the State, the Government wishes to make a sincere and long overdue apology to the victims of childhood abuse for our collective failure to intervene, to detect their pain, to come to their rescue."

An apology from the state is for that collective failure; the First Minister made such an apology for Scotland today. However, another apology is necessary—one from the organisations that ran the institutions where the state placed children. Those organisations need to accept their historic responsibility and they need to apologise for their failure to intervene and to protect the children. Until that happens, we cannot move on and we cannot offer closure to the children who were abused.

Incidentally, the response by the Catholic Church in Scotland to an inquiry last week from

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The Herald newspaper about whether it would be prepared to release files that it holds on the subject was particularly unhelpful. *The Herald* reported that a spokesman for the church said that

"it had never run children's homes in Scotland."

Apparently, its children's homes

"tended to be operated by autonomous orders of nuns or brothers."

I suggest that, when a young child is being abused by a nun or a priest, the corporatespeak distinction between an autonomous body and the headquarters organisation is not the first or most important thing that goes through that child's mind. Like every other organisation that had care of some of Scotland's most vulnerable children, the Catholic Church must face up to its responsibilities and co-operate fully in all attempts to bring to justice those who abused children in care.

The cloak of secrecy has to be lifted and we need to get to the truth. We need to know which organisations were responsible and we need to know that the individuals responsible for abusing children in care will be brought to justice, even if they are now old—we need to know that they will pay for their crimes against Scotland's children. Equally, the people who committed the crimes need to know that, although the abuse might have happened years ago, it has not been forgotten and they have not got away with it. One day—I hope very soon—the children's time will come and the abusers will pay for their crimes.

15:58

Scott Barrie (Dunfermline West) (Lab): I state first and foremost that for a child or young person to suffer any kind of abuse—physical, sexual or emotional—is totally unacceptable. Moreover, for a child or young person to suffer such abuse while in public care, having been removed from their family for whatever reason, is not only utterly unacceptable, but a national disgrace. It is therefore entirely appropriate that we are having this debate, even if the subject matter can be difficult or upsetting.

I thank the Public Petitions Committee for requesting a committee debating slot to allow the issues raised in petition PE535 to be aired in the Parliament. I also thank the First Minister for his apology on behalf of the people of Scotland to the victims of past institutional child abuse.

I come to this afternoon's debate not as a parliamentarian with a direct constituency interest, as no constituent of mine has come to me with any allegations of past abuse. However, through my previous work, and knowing what we now know occurred in care placements in the past, particularly in residential care, I am under no

Col 12428

illusion about the fact that there will be people in Dunfermline West and throughout Scotland who have yet to come forward to disclose a catalogue of abuse that they endured as children. Such abuse was often reported, yet often ignored. It was often reported and investigated, but then not upheld—even when the child was believed, the case did not result in a criminal conviction.

This afternoon, I want not only to share with members my experiences of investigating allegations of child abuse, but to speak as someone who has had to live with the consequences of professional decisions that led to the admission of young people into the public care system, where they were not looked after and cared for as intended, but abused by people who seriously betrayed the trust that was placed in them.

Approximately eight months after being elected to the Parliament, I received a letter from the then head of social work in Fife, which informed me as an elected member that there was an on-going criminal investigation into a former council employee who had worked in a residential school. I was particularly shocked not because someone may have abused children in their care, but because someone had abused children in their care and I had placed those children in that home. Having to live with those consequences brings home the difficulty of the decisions that we are asked to make and that we face when society places its trust in others who proceed to let us all down.

What was even worse about the case in Fife was that, although the person was still a care officer in the late 1980s, allegations of abuse had been made against him as far back as 1972. The county council at the time had moved him from his residential child care post but, following local government reorganisation in 1975, he managed to obtain a post in a residential school.

That is the historical legacy with which we are dealing. I am pleased to inform the Parliament that the guilty man has—rightly—been imprisoned. I have spoken to adult survivors of his abuse; their resilience is incredible, but what helped most of them was that, however belatedly, they had been vindicated. They had been believed and their experiences had closure. As a result, their lives could move on.

Fife's experience of dealing with the David Murphy affair was that considerable extra funding of arm's-length abuse survivors projects was necessary to make available comprehensive counselling to all the adults who came forward as a result of the publicity that surrounded the trial. One man's actions resulted in countless lives being affected.

Col 12429

Investigating allegations of child abuse, particularly sexual abuse, is harrowing and difficult. Such investigations are always more difficult when they involve people who are in a position of trust, because the power relationship is uneven between the person who makes the allegation and the person against whom the allegation has been made.

That takes us to the nub of the discussion. The petition calls for an inquiry into past institutional child abuse. Many members have asked for a full public inquiry; I fully understand that desire and I do not necessarily rule out such an inquiry. However, most survivors of abuse—particularly abuse that has occurred in the public care system—want to know why that abuse was

allowed to occur and why nothing was done to stop it. We must ask ourselves whether a public inquiry would achieve that objective.

Other inquiries have partly been held in public and have resulted in answers to such questions. Perhaps the most salient example is the Edinburgh inquiry into residential care, which not only investigated past abuses but came up with a raft of proposals—many of which the Executive has implemented—to ensure that our residential child care is much more robust and much more thoroughly inspected than it was. What I want from today's debate, if nothing else, is for people to consider what we are asking a public inquiry to achieve. Like other members, I want to ensure that all the facts come to light, but the issue is how we should get those facts into the public domain.

Members have asked why records are incomplete and, because files or records are missing, there have been suggestions of a conspiracy. In the Fife case that I mentioned, what came as a shock—although it should not have done to someone with my background—is how incomplete our records are on youngsters who have been in the public care system. That is not because of anyone's maladministration or badness or because of a cover-up; it is because the way in which records were collated all those years ago does not make it easy to find out exactly who was in a particular institution at a particular time.

The individual record of a young person will indicate where they were, but there will not necessarily be a collective record for an institution of who was there at a particular time. Ironically, one of the ways in which many of the adults were traced during the Fife experience was through a pocket-money book that turned up, which contained the children's names; it was only through that document that people were able to go back and look for individual child care records. One lesson for the future is that we must ensure that there is better record keeping. Separate

Col 12430

records must be kept for child and family social work files and there must be better collation of records on institutions.

When talking about residential social work, we must remember—this touches on the point that Robert Brown made towards the end of his speech—that the status of residential social work needs to be enhanced. For far too long, residential social work has been regarded as the poor relation. Someone such as me, who is a qualified social worker, would not have dreamed of going into residential social work, because it had little status, long hours and poor pay. We went into fieldwork, which left unqualified people to do residential social work. As Marilyn Livingstone pointed out, we now know that some of the people who sought posts in that area did not do so for altruistic reasons; they deliberately sought out such posts because they knew that they would have access to some of the most vulnerable young people in society.

Phil Gallie touched on the issue of child protection procedures. He seemed to suggest that we should be careful not to go over the top. As someone who played a part in redrafting Fife Council's child protection procedures before leaving the council's employment, I say to members that, if it comes to going over the top or not offering sufficient protection, we should err on the side of protection. If we do not, our successors in 20 or 30 years' time may, unfortunately, have the same sort of debate as we are having today.

16:07

Linda Fabiani (Central Scotland) (SNP): I speak in the debate as a former member of the Public Petitions Committee who was there for part of the time that the long, sorry saga of the petitioners who seek to have their case recognised by Parliament was unrolling. Michael McMahon outlined perfectly the story of the time that it has taken. Other members have referred to the lack of response from the Executive to letters that they wrote—I had the same experience.

The extent of the abuse that we are debating first came to my notice when people in my area contacted me after reading a *Sunday Mail* article in June 2003 in which the First Minister said that he had ordered a study of the Irish model of addressing institutional child abuse to find out how such issues could be addressed in Scotland. That was followed up by nothing. It was well over a year before the issue got going. With respect, I suggest to the Executive that raising people's hopes that something will be done, then dashing them by not responding to letters and not even responding to a parliamentary committee is no way to conduct business.

Col 12431

Some of what the Minister for Education and Young People said was good news. I am glad that there will be meetings with INCAS; the dialogue must be kept up. However, I am concerned about a comment that was made about files. I am not a legal body, so I would appreciate clarification when the minister winds up. He said that some institutions had agreed to open files, some had already done so and others had agreed to engage in further dialogue to progress matters. Does that mean that some are saying that they will not open their files? Do we have a way of compelling them to open files and of urging apologies similar to the one that the First Minister gave today?

The minister and I attended a Public Petitions Committee meeting in September 2004. Although I was not a member of the committee, the convener allowed me to attend and to speak. The minister gave three reasons why he did not think that a public inquiry was the way forward. First, he asked whether an inquiry would prevent further abuse. We have heard a lot about that in the debate and there is unanimity in the Parliament and throughout society on the need to prevent as far as possible any abuse in future. However, that is not the issue; the issue is the survivors of institutional child abuse and their campaign for a public inquiry. The survivors are saying to us, "You didn't listen to us then; please listen to us now."

Secondly, the minister asked whether a public inquiry would help to meet the needs of survivors. He said that some people might prefer that the issues were not raised in public. There might well be such people, although I have not met or heard from any of them, but there might be many more who would be willing to come forward to tell their story if a public inquiry were held, because the fact that such an inquiry was being held would indicate that their experiences matter to the rest of us and that they are worth listening to. People's shame and guilt might be alleviated if their stories were validated through an open and public inquiry.

Thirdly, the minister said that there is public interest in the matter and that the public

"need to be reassured that such abuse cannot recur; that lessons have been learned".—[*Official Report*, 29 September 2004; c 1049.]

However, the public must also acknowledge that abuse happened on a fairly horrendous scale. That is apparent from the cases of the people who have been brave enough to come forward, whose claims deserve to be validated. The public must know who those people are and what happened to them and the public must understand that they are ordinary people like you and me, who ended up in a situation that any of us could have ended up in. Sadly, there are appalling perceptions about those people. Someone once said that many of the kids in care were misfits and delinquents, and some

Col 12432

people believe that the claims are not true and that those who make them just want to make hay while the sun shines so that they will receive financial compensation.

We must say to the public that there was a collective failure of society to deal with the problem and that it is society's collective responsibility to acknowledge what happened, to recognise society's responsibility and to try to make reparation wherever possible. If the people who suffered think that such reparation could be provided in part by a public inquiry, the onus is on the Parliament and on Scotland to listen to them and to hold such an inquiry. I am not sure why people keep saying that an inquiry would be inappropriate. Public inquiries have been held in Canada, Australia and Ireland, so what is wrong with us? Why cannot we address the matter?

We have not heard the results of the study of the Irish model that the First Minister announced. What were its findings? Did they suggest that a public inquiry was not the right way forward for Scotland? If they did not suggest that, I, for one, believe that more must be done to justify not holding a public inquiry.

16:14

Margaret Mitchell (Central Scotland) (Con): I welcome the First Minister's statement and his apology, which is hugely important in providing the survivors of child abuse with support and is crucial in helping to end the stigma and the reluctance to talk about sexual abuse.

I am the vice-convenor of the cross-party group on survivors of childhood sexual abuse and I will talk about that form of abuse. As Marilyn Livingstone and others have stressed, if we are to make progress on addressing any form of abuse, priority must be given not just to dealing with the harrowing effects of such abuse but to ensuring that all necessary action is taken to prevent vulnerable children from being abused in the first place.

Sadly, as today's debate all too clearly illustrates, the sexual abuse of children is not a new phenomenon. I find it even more worrying that new means of communicating such as texting, e-mail and chat rooms allow abusers to become ever more innovative in finding ways to contact children and gain their confidence and trust. In other words, they are finding new ways of carrying out the grooming process, which is the necessary first stage of conduct that leads to abuse.

As a result, I welcome the Scottish Executive's recognition that, with the advent of new technology, incidents of sexual grooming are becoming more not less frequent and its commitment to introducing legislation to make

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such grooming an offence. Such a move is welcomed by survivors of sexual abuse, who confirm that grooming is an integral part of the abuse process. This courageous group can bring its knowledge to bear on and make an immense input to finding ways of tackling this complex issue.

That contribution is fully recognised in the recommendations of the report by the short-life working group on the care needs of people who are survivors of childhood sexual abuse. As Michael McMahon has explained, the group was set up in 2003 by the then Minister for Health and Community Care, Malcolm Chisholm, in response to concerns raised by the cross-party group on survivors of childhood sexual abuse. Among other things, the report highlights the fact that there is no clear responsibility for identifying and supporting adult survivors of such abuse.

To date, such abuse has not been widely recognised as a major contributing factor to a range of disabling behaviours such as self-harm and drug and alcohol addiction. Therefore, emphasis has been placed on treating symptoms and minimising harm instead of on treating the root cause by supporting service users in exploring aspects of their sexual abuse history that remain problematic for them and in developing strategies that allow them to cope positively with daily life. The success of such an approach will require professionals and others who are likely to deal with survivors of childhood sexual abuse to have training, which must start with the need to be informed and aware of child sexual abuse trauma.

I welcome the minister's comments on that matter. Such training would help to raise awareness to ensure that the subject, which has all too often tended to be swept under the carpet, will now be dealt with openly. There is no doubt that being reluctant to talk about the issue is, perversely, almost akin to colluding with the abusers. Recognising that is a vital step forward in combating the sexual abuse of children.

One of our cross-party members, Anne MacDonald, summed up the matter perfectly when she said:

"Each generation has an opportunity to change historical inequality and human rights abuses—such as Apartheid. This, I believe, is ours. In the 21st century, to have such knowledge, know what the position is and not to do something about it is akin to colluding with ... abusers."

That

"sounds dramatic—but I really mean this in the sense that we cannot continue to be informed bystanders and do nothing."

I heartily congratulate the Public Petitions Committee on bringing this debate to the Parliament.

Col 12434

16:19

Karen Gillon (Clydesdale) (Lab): Like other members, I begin by congratulating the petitioner Chris Daly, INCAS and the Public Petitions Committee on enabling the Parliament to debate this sensitive but important issue.

I welcome the full and frank apology made by the First Minister. He has led the way, and the time has come for agencies and religious orders to make that same full apology for abuse that happened in institutions for which they were responsible. There should be no more passing the buck and no more hiding behind the cloak of secrecy, but a simple apology, an acceptance that what happened was wrong and a commitment to do everything in their power to ensure that it can never happen again.

I first became aware of the extent of abuse that was taking place when a constituent came to see me at a local surgery. He explained the abuse that he had suffered as a child while resident at Smyllum children's home in Lanark. The case was harrowing. Equally harrowing was the way in which he had been affected as an adult. I was shocked—perhaps naively—that any human being could treat another human being in such a way. I pay tribute to him for his courage in coming forward and for enabling me to better understand the horrors that he experienced.

I cannot begin to understand how awful it would have been for me as a child to be removed from my family and placed in an environment that I believed would be loving and caring, only to find that those whom I trusted abused that trust and abused me either physically, sexually, emotionally or psychologically. Abuse destroys people; it affects them not only when they are suffering the abuse but in the years that follow. It affects those whom they grow to love, if they are able to love anyone.

My constituents have told me of an on-going lack of trust and of a feeling of insecurity when they try to form relationships. They say that they lack the skills to form meaningful relationships. Others simply could not cope and took their own lives as an escape from their feelings. Abuse has a complex and varied impact on individuals, which those of us who have not experienced it can never understand. However, as legislators we have a duty to take all the steps that are necessary to ensure that it cannot happen again.

Just as the abuse that was suffered varies from individual to individual, so does the course of action that people now want us to follow. A number of constituents have come to me. For some, all they want is an apology and recognition that they suffered abuse, that it was real and that it was not their fault. That is why I welcome the First

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Minister's statement, and urge others to do likewise. Others feel that only by pursuing their cases through the courts will they find closure. That is their right. Others, like the petitioners, seek a public inquiry, so that the full facts of their case and of others can be put on public record.

There are strong views on all sides among the survivors. Some want a full public inquiry, others do not. On the surface, the measures outlined by the Minister for Education and Young People today strike the right balance between those two views, but I would like more information on what the independent investigation will cover, who will be able to give evidence, and how the information will be used.

On the law of limitation, court action is important to many survivors of abuse, and I welcome the minister's comments. While I fully appreciate the complexity of the issue, I urge the minister to do everything in his power to bring forward the timescales to ensure that we are looking not at 2006, but at a much shorter timescale.

I welcome the minister's commitment to provide finance to INCAS to enable it to provide the counselling, support and advice services that are so needed. It is clear that currently such services do not exist on the ground and that people are not getting the support that they need, whether health services, emotional support or simply being able to talk to somebody about what they experienced. Enabling INCAS, whose members have experience of the situation, to provide those services is a welcome step.

On files, I was slightly confused by what the minister said. The time has come for every agency that acts on behalf of the state, whether a charity or a religious order, to make its records available for inspection. There is no reason why that cannot be done. Those who are innocent surely have nothing to fear from the process. The Parliament must say now that every agency that provided care on behalf of the state must make its records fully accessible.

Like other members, I reserve judgment on whether a public inquiry is needed until I have had time to consider the details of the proposals and to speak to my constituents about the proposals and what they want. Whatever happens as a result of the debate, it is vital that we do everything in our power as legislators to put in place appropriate structures, standards, monitoring and reporting to ensure that we never again have systematic child abuse—that is what it was—in our care system. Scott Barrie made an important point about the standard and recognition of social work care staff. The Parliament must take that point on board and ensure that we take action on the issue.

To those who have brought us this far—the

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survivors of abuse who have not gone away or let us be complacent—I am thankful. I have learned a great deal from them. I hope that the Parliament will make positive progress on the issue.

16:26

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): If anyone asks what the point of the Scottish Parliament is, this afternoon's debate is it, as members have said. None of us should underestimate the importance of the First Minister's apology. I will return to that, but I believe that it was an historic event.

I, too, applaud and praise Michael McMahon for his dignified and thoughtful speech. The Minister for Education and Young People, Peter Peacock, made a speech that was full of moves in the right direction and gave us all food for thought. In a good speech, Fiona Hyslop talked about "silent souls"—there is a thought for us—and rightly pointed out the possible role for the Scottish information commissioner. She talked about shining a light into the darker corners of Scottish society, which is what the Parliament should be about. She mentioned an expression to which I will return—the Victorian expression that children should be seen and not heard. Lord James Douglas-Hamilton, in a characteristically wide, eloquent and almost magisterial speech, nicely summed up his contribution to the debate.

One of the great pleasures of making a winding-up speech is that, for about the first half of the speech, one can talk about other members' comments. If one listens to the debate, one's thoughts can develop and I shall return to my thoughts in due course. It is always a pleasure to play this role in debates.

Robert Brown described the issue that we have been hearing about as

"one of the worst scandals of the later 20th century".

He went on to talk about victims of abuse burying the matter and undergoing a catharsis. That issue underpins the important question that is in all of our minds about whether we should have a public inquiry, a semi-public inquiry, a private inquiry or no inquiry at all.

Janis Hughes and Nicola Sturgeon talked about the increased mortality rates among the victims of abuse. It is a tragedy that people who have suffered are no longer here because they were abused—at least, we are fairly justified in making that assumption. Janis Hughes used an expression that I liked, when she said that the victims of abuse who

"waived their right to anonymity"

have dealt with the consequences with dignity. Every member should applaud those people. Their

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decisions were not taken lightly and it needed courage to say, "It was me. This is what happened to me." There is a lesson in that for us all.

Nicola Sturgeon and others talked about the law of limitation and the issue of redress. By redress, do we mean simply pounds? Perhaps, but there is also a debt of love. Perhaps part of the redress should be to offer the hand of friendship; it is about inclusion and love for our fellow citizens. Rosie Kane and others spoke about the missing files. Most magnanimously, Phil Gallie described himself as a past arch-critic of the Parliament, but he took the same tone as I have adopted in saying that the debate is one of the better things that the Parliament has done.

John Farquhar Munro said a clear no to a public inquiry. He argued that the events happened too long ago; that the stable door was left open long ago and the horse has gone. Scott Barrie spoke about the power relationship between the victims and those who were given the duty of care for them. What he said encapsulated absolutely the heart of the problem: the black terror that those young people must have felt at the hands of people who had such a grip over them that they could not say or do anything. Scott Barrie also said, rightly, that part of the solution lies in better record keeping in future. I am sure that that is absolutely correct.

In the time remaining to me, I will return to sharing my own thoughts with the chamber. The debate is completely foreign country to me. I am fortunate enough to have had an idyllically happy childhood and I am now a father myself.

We have talked about apology: the apology that the First Minister made is remarkable and it is right that all the other organisations that were involved should apologise. However, an apology should always be followed by genuine contrition. Saying sorry repeatedly does not get to the heart of the problem. Although what the First Minister did is right, there has to be a follow-on from it. Equally, we should get into forgiveness. No matter how sincere the apology or how proper the remedial action, forgiveness can be hard. All of us, whatever walk of life we come from, know how hard it can be. I will park the issue there, with a plea for a follow-on from the apology.

Part of the solution will involve taking children seriously. I said that I would return to the phrase "seen but not heard". Every member of the Scottish Parliament and every parliamentary committee should take children seriously. If we did so, we could instil the idea that listening to children, feeling what they feel and talking to them as equals—on the level and not talking down to them—are of real importance.

If we were to take children seriously, we could

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organise a sea change in our society. We could etch deep into the soul of every Scottish citizen the idea that children are precious. All of us were children and will have the children that will make the generations to come. To scar children at such an early age is to scar them for life. It must not happen again. As Karen Gillon said, it is our duty as legislators to do everything in our power to ensure that this abuse does not happen again.

The debate is about understanding children, speaking to them and etching into every aspect of public life the fact that children's thoughts, feelings, emotions and future are important. We must do that in our work today and for every day to come. The apology that was made today must be made not just for today but must lead to action for ever. Although it is not possible to change the past, we can change the future. We have a duty to do that.

16:32

Bill Aitken (Glasgow) (Con): This afternoon's debate comes under the category of debates that we wish we were not having. All of us wish that it was not necessary to have it.

Michael McMahon opened the debate and it was with justifiable pride that he pointed out that the Public Petitions Committee had gone into the matter thoroughly, finally bringing it before the Parliament when the process had been exhausted.

Before I go any further, it is important to acknowledge the people who were prepared to petition the Parliament in the first instance—the people who had the courage to come forward and talk about the traumatic experiences that they had undergone at a vulnerable stage in their life. Had they not done so,

today's debate would not be taking place and we would not have the proposed action to take the matter forward that was set out by the First Minister and the Minister for Education and Young People.

The Public Petitions Committee must have found some of the evidence that it heard deeply disturbing. The meagre encouragement for them in listening to that evidence must have been the fact that much of it was historical. Of course, that is as fine as it goes but, as Nicola Sturgeon, Karen Gillon and other members have pointed out, in many cases, the effect on those who were so badly treated as children has been to leave a trauma that has lived with them for the rest of their lives. Indeed, many were unable to cope with the situation with which they had been confronted and decided to end their lives prematurely.

We have to look to the future. Irrespective of the remarks that I made a couple of weeks ago in the constructive debate on looked-after children, and

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accepting nonetheless that fostering and adoption are the way forward, we have to come to an uncomfortable acknowledgement of the fact that, no matter what we do, there will still be a need for children's homes. On that basis, we must consider carefully whatever comes out of the inquiry.

There were a number of excellent speeches, and although I do not agree with the conclusions that some members drew, I must say that all the speeches had a degree of merit.

There is an arguable case for holding a full public inquiry, but on balance, that is not the best way forward. The potential for a public inquiry to cause trauma to the individuals involved and the real danger that evidence given at a public inquiry might contaminate the evidence in future civil or criminal actions are risks that we would be most unwise to take. We all seek justice for the victims, and some of the victims would achieve a degree of satisfaction from seeing their abusers dealt with by the courts. It took a long time for the courts and the law of Scotland to catch up with abusers, but when they did, it was with high-tariff sentencing and the realisation that such behaviour was utterly abhorrent. Therefore, we cannot take the chance of a public inquiry leading to a situation whereby anyone can escape justice.

The minister presented a number of constructive ideas on how we can emerge from this extremely difficult debate, but perhaps he could clarify a number of points in his closing speech. The Conservatives fully agree that the inquiry that he suggests is the way forward and we are encouraged by the fact that he has stated clearly that he will be inclusive in the matter and will take the Parliament with him. That is good, but we require to know the terms under which the short-term working group will operate and the basis on which he will make representations to the Scottish Law Commission. Although I realise that there might be a legal impediment to the minister informing us whether any

recommendations that the commission might make would be retrospective, it is important that he do so at the earliest possible date.

It is a sound idea and intelligent thinking to bring the information commissioner into play, and I appreciate that, as the minister has explained to me privately, there are real problems with access to records. That is the case for the reasons that Scott Barrie articulated: not, in many cases, because of anything sinister, but because record keeping in the era in which the abuse was apparently quite common was not of the standard that we expect today.

The debate has been constructive, although we wish profoundly that there was no requirement for it. However, we have a way forward, and if the minister lives up to what he said today—I have no

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reason to doubt that he will do anything but that—we will be able to ensure that, in 30 years' time, our successors will not have to carry out a similar, depressing and fairly traumatic inquiry.

16:38

Mr Kenny MacAskill (Lothians) (SNP): The debate has been sombre, perhaps the most sombre debate that we have had since the Parliament's restoration, but it has been carried out in a dignified manner. It is a testament to the courage and tenacity of the individuals concerned and to the existence and willingness of the Public Petitions Committee that the matter, which has been a source of stigma and shame in Scotland, has finally been debated. We are not alone and Scotland is not unique, because other nations, such as Ireland or Australia, have suffered likewise and gone through similar traumas. Ours might not be as bad as theirs to some extent, but that does not mitigate the individual wrongs that were perpetrated and the individual calamities that have been experienced.

It was important that the debate started with the First Minister's statement, because it is clear that the Parliament not only needs to have the opportunity to announce the bounty and benefits that come from Government, but must account for our society's ills. It was therefore appropriate that the First Minister led by making that apology on behalf of society. The wrongs were perpetrated by individuals on individuals, but it was society that failed. Therefore it falls on us as the national Parliament to address the matter, because although the errors might have been individual, the consequences and the fault were collective.

There are none so blind as those who will not see and none so deaf as those who will not hear. Sadly, over many years and decades our society was both deaf and blind. Our children were failed systematically and by institutions, as the First Minister was correct to point out in his statement. They were abused where they expected to find love, care and attention, and in that we let them down. We failed to listen and we failed to learn. We set up the institutions, we

funded them and we were ultimately responsible for them. Accordingly, it is appropriate that the First Minister should give a collective apology on behalf of Scottish society, because that is where the failures have come about. The errors were not made by us individually, but the consequences are collective.

We doubted not just the victims' stories but their honesty and integrity. In many instances we compounded the tragedy that had befallen them by refusing to believe them. We failed not just in the commission of the offence but in the omission of immediate action. Accordingly, it is appropriate that we deal with the matter in this way.

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The statement and debate thereafter ran together. As Nicola Sturgeon made clear, we support fully the First Minister's public apology, which was accepted, and supported, uniformly, as it was correct and appropriate. There are two aspects about which there has been doubt and about which we still need to have a debate in relation to where we are going. We have listened with interest to the minister's statement about appointing a reporter, which is to be welcomed. However, the point was made that some of us support having a public inquiry, for which the petition calls. The petition has two objectives: it seeks both an apology and a public inquiry.

Scott Barrie made the valid point that unless we have a clear focus and remit, holding an inquiry will be pointless. If there is to be an inquiry, we have to be clear about what we hope to achieve. The fact that inquiries normally relate to incidents that have just happened is not a reason to repudiate holding them in these circumstances. There are precedents elsewhere, such as in Australia, Canada and Ireland, where similar inquiries have been carried out. It is important that such inquiries are carried out. The points made and position adopted by the reporter might satisfy SNP members and it might be possible to deal with the matter in that way. We will have to see the fine print. We will require to be satisfied that the inquiry will have powers, that it will be a full inquiry and that there will be outcomes and effects. The matter is difficult, because of the problems of how an inquiry would interact with on-going civil and perhaps criminal proceedings, which we have to address.

It is fair to say that justice must be not only done but seen to be done. The reporter and any investigatory body must be accountable. Legal issues have to be addressed. I welcome the minister's intimation of the Law Commission's review. As Fiona Hyslop and Karen Gillon have said, we do not want matters to be accelerated, but it is important that the legal issues are addressed and we are supportive of the Executive's action in that regard.

The debate has been sombre, but it was important to have it. This is not the end; to some extent, it is only the beginning of the end. I hope that what has been said today has offered closure politically and will offer closure for those who have suffered. We had to have the debate, and the First Minister's full public apology on behalf of society was appropriate and we support it fully.

16:44

Peter Peacock: I echo what Kenny MacAskill said about the constructive and sombre tone of the debate. It is welcome as a human occasion. The First Minister made an apology on behalf of the

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people of Scotland and members reflected the views that have been expressed to them by constituents who have been subjected to abuse of all kinds in the past. It is important that we have allowed those matters to be aired in the constructive manner in which they have been aired today.

I do not have time to cover the huge number of points that have been raised today. If I fail to cover a substantive point, I will genuinely try to pick that up with individual members in correspondence.

I want to thank members for the support, albeit qualified, that they have given to the general initiatives that I have indicated. I respect the way in which they have qualified their support and am glad to note that there is support for the fact that we are embarking on a journey of actions that will bring genuine support to people and shed light on what happened.

In his opening speech, Michael McMahon referred to the danger of people perceiving a conspiracy of silence in relation to these matters. I want to make it clear that the Executive is absolutely determined to bring to the surface all the information and knowledge about what has happened that are in our possession and we encourage others to do exactly the same. I do not want anyone to believe that there is a conspiracy of silence that they might regard us as being part of.

Linda Fabiani: The minister says that he will encourage others to do the same as the Executive is doing. Does that mean that, under the remit that he will have, he will have no power to compel them to do so?

Peter Peacock: The question of my having the power to compel any organisation that is not part of the state to open up certain areas would present legal difficulties. That said, I will repeat the point that was made by Linda Fabiani, Rosie Kane and others about the nature of the information in those files. The point that I was trying to make is that all the organisations to which we have written to implore them to do what we are doing have come back with a positive response. We hope to have further dialogue with them about the nature of the process that we have gone through to redact our files in order to enable us to make them public without compromising the rights of particular individuals who might be named in them. That is the spirit in which I want things to move forward. I believe that people should make relevant information public in the spirit in which the Executive is doing so.

I make no defence of the failure of the Executive to reply timeously to the Public Petitions Committee's deliberations and its requests of us. That should never have happened. I do not defend

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that now and I did not do so when I appeared before the committee. I regret that that failure might have given rise to a belief that we were trying to be part of the conspiracy of silence that I mentioned earlier. I want to assure members that that was not the case.

Janis Hughes, who is Chris Daly's MSP and has made many representations to me, articulated well—as did Nicola Sturgeon, Campbell Martin, John Farquhar Munro, Rosie Kane and Marilyn Livingstone—the feelings of people who have been abused. Janis Hughes also drew to our attention the high mortality rates among that group, the lack of self-esteem that they experience and the shame and the guilt that they feel, even though they were guilty of nothing. Further, she talked about the fact that some of the people who were abused become homeless as a consequence of what happened to them, that some turn to drug and alcohol abuse and that some experience feelings of isolation and despair, have difficulties in relationships and find that they have a lack of trust in people. All of those factors are extraordinarily real. I want to ensure that we address them all in the actions that I have tried to set out.

Trish Godman (West Renfrewshire) (Lab): I have to confess that I was a house mother in a residential care home before I went on to qualify as a social worker and that I did some of the work that my colleague Scott Barrie has talked about. Will the working group examine the training that people who go into that work receive? People need help and training in relation to what they do in such situations.

Peter Peacock: I am more than happy to consider that; indeed, we are already examining that issue. Scott Barrie made a valid point about raising the status of carers in residential children's homes. We will examine that issue as well, if not as part of this work, certainly as part of our wider work.

Fiona Hyslop, Kenny MacAskill, Marilyn Livingstone, Janis Hughes and others raised points about the remit of the report that we want to be produced, independently of the Executive, to shed more light on the question of how the abuse was allowed to happen.

I pick up the point that Robert Brown made: I am more than happy to come back to the Parliament to share our thinking. It was my intention to do so, probably through the Public Petitions Committee. Also, as I told Chris Daly and representatives of INCAS just before today's debate, I intend to involve them in helping to decide which issues we need to address to move forward.

I stress that we are picking our way through a legal minefield—Kenny MacAskill and others

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alluded to that. However, I am determined to get to the other side of that minefield, to do so in such a way that I come through unscathed—I mean that in the best sense—and to address the problems without compromising the legal entitlements that people have in the system. I am more than happy to share my thinking on that as we proceed. Fiona Hyslop's point was that if we pursue what we are trying to do in a spirit of vigour and intent, we will have her support. I hope that we will get her support, because I intend to move matters forward in that way.

Lord James raised the question of an independent inquiry. I respect the fact that the contributions from Rosie Kane, Campbell Martin, Linda Fabiani, Kenny MacAskill and others indicated that some people are certain that a public inquiry would be the right way forward, but I have to say that the debate demonstrated the degree of uncertainty about that. Nicola Sturgeon, Patrick Harvie, Fiona Hyslop, Robert Brown, Janis Hughes, Scott Barrie, Bill Aitken, Kenny MacAskill and Karen Gillon pointed to reservations about the outcome of an inquiry.

I will run through the points that Lord James made about what an independent inquiry would do. He said that it might allow the proper recognition of what had happened; let lessons from the past be understood, to inform today's practice; ensure high-quality support for survivors; ensure access to rights and remedies; and address the question of a time bar. Others said that an inquiry might give rise to an apology, and Scott Barrie said that it would allow us to address why abuse was allowed to happen. However, I addressed each of those matters today in a way that genuinely takes them forward. If we can do that work without the complexity of a public inquiry, given the legalisation of the process that might arise and the long time that that would take, it seems to me that that is the right course of action. I welcome the Parliament's qualified support on that. I fully expect members to continue to scrutinise the process, me and what I do, and I finish in that spirit.

I told the Public Petitions Committee, and I repeated today, that a new chapter has opened. Today, we set out a comprehensive approach to try to deal with the issues constructively, but I make it clear that that is not the end of the process. I believe that the new chapter will be interesting, intensive and revealing. As the picture reveals itself, we must continue to reflect on what else we might have to do in the future.

16:53

John Scott (Ayr) (Con): I begin by declaring an interest as an active fundraiser for Hope and Homes for Children, which is a charity that raises

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funds for orphaned children in Bosnia and Africa and which seeks to keep children out of orphanages and residential homes.

I begin my closing remarks by thanking members for their contributions to what has been a worthwhile and constructive debate. I thank the First Minister for his detailed statement and his full and sincere apology to the adult survivors of institutional child abuse in Scotland. That apology will mean a great deal to those survivors, as will the apology from Quarriers, which was highlighted by James Douglas-Hamilton. Great wrongs have been perpetrated in Scotland and the apologies are both welcome and, I hope, cathartic for the individuals involved. Robert Brown and Campbell Martin movingly drew attention to that.

On behalf of the Public Petitions Committee, I welcome the many measures that the minister announced today. I also welcome how far his position has moved since the petition was first considered on 8 October 2002. In particular, I believe that the committee will welcome, as did Marilyn Livingstone, the information that all available files will be redacted in the near future and available for public inspection in January 2005. I am glad that INCAS witnessed the redacting process and is comfortable with it.

The committee will also welcome the involvement of the Scottish information commissioner, Kevin Dunion, in the investigations into abuse, which Rosie Kane discussed. Perhaps Robert Brown's suggestion that the commissioner for children and young people should become involved is worthy of further consideration.

Margaret Mitchell was correct to welcome the creation of another short-life working group, and INCAS and Nicola Sturgeon welcomed the establishment of a counselling service for survivors. I appreciate particularly the proposal to include an advocacy element in that service, as it will be extraordinarily difficult for many people to think clearly about and discuss freely the issues, which have remained hidden in survivors' minds for so long. I welcome the minister's commitment to funding that service, as, I am certain, will INCAS.

Unquestionably, the quality and sincerity of the debate show that the Public Petitions Committee was correct to bring petition PE535 to the full Parliament for consideration. Many useful speeches were made. I noted and welcomed the minister's comments about lifting the time bar on prosecutions and I am glad that the Scottish Law Commission will look into that early in the new year and report on the subject in 2006.

I return to the process that we have followed this afternoon. It is important to note that this is the first time that the Public Petitions Committee has

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secured a debate on a petition. The committee has not yet taken a view on the petition's aim, but it recognised the need for a full parliamentary debate on an issue that for too long has been allowed to remain unaddressed.

On 12 October 2004, the petitioner said in response to the minister's evidence that

"The recommendation for a debate in the Scottish Parliament main chamber is a huge leap forward".

Today's debate has firmly placed the issue at the top of the political agenda. The minister's agreement to appoint a reporter with experience in the field to investigate institutional child abuse issues will ensure that the subject remains at the forefront of political consideration. The minister has helpfully undertaken if not to be bound by the inquiry's findings, certainly to note them and report to the Parliament. In the spirit of today's debate, we must regard that as positive, as Fiona Hyslop and Janis Hughes noted.

No longer will it be possible, as it was in the past, to ignore the claims of apparently abused individuals. Today, the Public Petitions Committee fulfils the expectations of the consultative steering group, which recommended in its final report the establishment of a public petitions committee because

"It is important to enable groups and individuals to influence the Parliament's agenda."

Petition PE535 has succeeded not only in influencing the agenda of the Parliament and the Executive, but in producing from the First Minister a statement and an apology on behalf of the people of Scotland for the wrongs of the past. I, too, hope that an apology may be forthcoming from the religious orders.

In petitioning the Parliament, Christopher Daly has shown how an individual can influence directly the political process. The petitioner and the Public Petitions Committee have clearly succeeded in raising awareness of the issue and pressing the Executive to take action.

However, the proposals that the Minister for Education and Young People announced today do not mark the end of the road for the petition. As the committee's convener said, the committee agreed on 29 September to seek further comments from the minister, the petitioner, the Roman Catholic Church, Quarriers and INCAS. The committee has received the minister's response, the First Minister's apology and responses from the petitioner, INCAS and Quarriers. We will consider them at our meeting on 22 December. Unusually, the committee has also invited the petitioner to attend that meeting, to give him an opportunity to respond to today's debate and to the measures that the minister announced.

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After full consideration of the responses, the issues that have been raised today and the petitioner's response on 22 December, the committee will agree on any further appropriate action that should be taken on this groundbreaking petition. That will allow the healing process to begin, as Rosie Kane and Fiona Hyslop noted.

After today's debate and the deliberations on 22 December, perhaps Christmas will be more cheerful and relaxed than it might otherwise have been for the survivors of this dreadful abuse. I thank members again for their speeches and I thank the Presiding Officer for his indulgence.