

PE1351/T

12th March 2012

**Anne Peat
Clerk to the Petitions Committee
Room T3.40
The Scottish Parliament
EDINBURGH
EH99 1SP**

Dear Anne Peat and Committee Members

Consideration of Petition PE1351 Petitioners Response to Various Submissions

From: Tom Shaw
Scottish Government
SHRC (Scottish Human Rights Commission)
FBGH of Quarriers Homes

Petitioners Response To Above Submissions

We thank the Petitions Committee members and officials for their continued work on the issues of Institutional Child Abuse in Scotland.

Our comments will address each submission and make reference to statements made previously by Scottish Ministers and the Scottish Government. In particular we will refer to the oral session to the Committee by Scottish Ministers and Government officials on Tuesday 21st December 2010.

Firstly regarding the letter dated 10th January 2012 from Jean Maclellan Deputy Director Health and Social Care Integration Directorate. We note that the government “will work to establish the *National Confidential Forum* as soon as possible”. We have said and still maintain this remedy should not stand alone. Therefore we are very optimistic regarding the proposal by the SHRC to engage in exploring all the different remedies presented in the SHRC framework. We look forward to the start of this interaction and applaud the SHRC for its initiative in proposing this engagement with the Scottish Government. It is understood this will take place in 2012. The petitioners would like this to be timely given the delay in other matters relating to the petition. An example is the consultation paper promised relating to “time bar in personal injury cases”. This consultation is 1 year and 3 months overdue. Chris Daly received a letter of apology from Paul Allen of the Justice Directorate regarding the delay with a promise to have it published soon. In fact in a telephone call which prompted Mr Allen’s letter he did say Easter 2012 for publication.

We bring your attention Tom Shaw’s submission. He is the author of “Time To Be Heard” reporting on the pilot forum. Mr Shaw points out within his letter an issue which is of great importance to the petitioners and fellow survivors. He shares concerns with the committee that “provisions are made as soon as possible for older and ill survivors as time is not in abundance, they need to be heard as soon as possible”. The petitioners hear every other month of the death of another survivor.

Action has to be taken now on this matter.

Furthermore a letter lodged by the SHRC points to the continuing delay and inaction on some aspects of the issue. Mr Duncan Wilson clearly points out the responsibility of the Scottish Government to provide effective remedies. He states, “the commission reiterates that it is the state which has ultimate responsibility to remedy abuse under international law.” He goes further in challenging the Scottish Government, “to take leadership and urgently examine what steps can be taken now towards remedies. What can be done today should be done today”.

On a separate matter Ireland has taken affirmative action speedily. Provision has been made to provide finance for 80 sessions of counselling. The project name is “Towards Healing”. We survivors in Scotland would welcome this with immediate effect.

There is great concern that there has been little movement since the oral evidence session by ministers on the 21st December 2010. Former Ministers attending that day were, Minister for Public Health and Sport Shona Robinson, The Minister for Children and Early Years Adam Ingram and Minister for Community Safety Fergus Ewing. They were joined by Jean Maclellan and Paul Allen Government officials.

On that day in December 2010 Bill Butler former MSP for Labour summed up the wishes of survivors that this should be dealt with timely. Bill said “Action is the watchword for Government “. “Yes indeed” was Adam Ingram’s reply. We now ask a year and a quarter later were is that action?

Given also that Fergus Ewing stated that day “we also want to consider a more radical approach than that which has caused considerable frustration”. At this stage we petitioners and fellow survivors feel badly let down thus far.

To conclude a promise was made to survivors, the petitioners and the petitions committee that this very important consultation paper would be published within weeks. That was in December 2010 given this lengthy delay we feel publication should be timely. Will the Petitions Committee Members demand the same?

I remind the Committee of the “watchword action “and the petitioners say this sums up what we want to see at this stage.

Please consider this as our response to the submissions and include this letter in the bundle for the next hearing of PE1351.

Yours sincerely

CHRIS DALY
HELEN HOLLAND Petitioners PE1351