

Note of meeting with Survivor Group Former Boys And Girls Abused (FBGA) and the Deputy First Minister, John Swinney on 7 October 2016

From: [REDACTED]

Sent: 07 October 2016 17:44

To: Henderson D (Donald)

Subject: Notes from Survivor Engagement meetings and Phone Call 7 October 2016

Meeting 12 noon – _____

1. Remit of the SCIA

- [REDACTED] expressed the view that the current remit meets their needs and fits the criteria reached through the InterAction process
- They expressed concern that extending the remit might lead to a longer timescale and cited that issue in the Inquiry for England & Wales. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED] said that survivors presenting to the Inquiry who do not fall within the remit could and should be referred to the police and to signposted to suitable support.
[REDACTED]
- [REDACTED]
[REDACTED]
- DFM said he was still considering the issue of the remit and welcomed their input. He could not speak for the Inquiry but would need to consult Lady Smith if he proposed to change the remit. One aspect being considered was the ‘duty of care’ of the state. It could be argued that if somebody was in care but attending activities organised by voluntary sector or the church for example, it could be argued that the duty of care was with the residential care setting as the ‘corporate parent’.

Correspondence with Survivor Group In Care Abuse Survivors (INCAS)

-----Original Message-----

From: [REDACTED]
Sent: 18 October 2016 08:11
To: Deputy First Minister and Cabinet Secretary for Education and Skills
Cc: [REDACTED]
[REDACTED]
Subject: Meeting with John Swinney

Dear [REDACTED]

I would be very pleased if you would let Mr Swinney have a copy of this email.

I have seen Lady Smith's comments on the Child Abuse including inviting survivors to come forward but also commenting on the remit of the Inquiry .

We are surprised that there is no indication about the request of survivors to extend the remit of the inquiry and recommendations about redress. There is also no comments about additional panel members. There is however a comment about increasing the number of staff , and we wonder what is the justification for this request ?

We are saddened that Mr Swinney did not feel it was appropriate to inform survivors prior to the statements by Lady Smith, especially when we listened to an emotional speech from the First minister about children in care. It would appear that the many children who suffered abuse in the past are not seen as worthy of the same courtesy

We would be pleased if an urgent meeting could be arranged with Mr. Swinney to discuss these issues.

[REDACTED]
[REDACTED]
INCAS

Letter of reply from the Deputy First Minister to INCAS (reply to the above correspondence)

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

F/T: 0300 244 4000
E: dfmcse@gov.scot

INCAS

By email

15 October 2016

Thank you for your email of 18 October regarding the recent statement by Lady Smith, Chair of the Scottish Child Abuse Inquiry, and requesting a meeting with me to discuss why survivors were not informed in advance by the Scottish Government about this statement.

The Inquiry is independent of Government and decisions on its procedure and conduct are, under the legislation governing public inquiries, a matter for the Chair. It is therefore a matter for Lady Smith to determine the timing and content of any statements she may wish to make about the Inquiry's work, and the Inquiry does not require to give prior notification to or seek agreement from the Scottish Government for such statements.

You may have seen that a further statement has been published on the Inquiry's website confirming that any changes to its remit are entirely a matter for the Scottish Government. This can be found at <https://www.childabuseinquiry.scot/news-and-updates/terms-of-reference-remit/>

When we met previously, I agreed to consider the scope of the Inquiry remit and redress, taking account of the feedback from a number of survivor representatives with differing views. These matters remain under my consideration and I hope to update you when we meet as part of the wider survivor engagement meeting on 9 November. I regret that I am unable to meet with individual survivor representatives again prior to this date due to other commitments.

I look forward to meeting you again on 9 November.

JOHN SWINNEY

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



Letter to Survivor Groups INCAS and FBGA regarding a statement to Parliament by the Deputy First Minister on 17 November 2016

Deputy First Minister and Cabinet Secretary for
Education and Skills
John Swinney MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

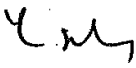
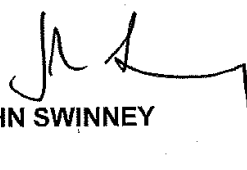
F/T: 0300 244 4000
E: dfmcse@gov.scot

By email

17 November 2016

I committed to informing you of the decisions I have reached on appointment of a third panel member, changes to the Terms of Reference of the Inquiry and redress for survivors. I will make a Statement in Parliament at 2.30pm today, when I will announce my intentions with regard to these points. I wanted to share with you a copy of my statement which you will find attached to this letter.

Meantime I want to thank you again for all you have contributed to our discussions to get us to this point and I hope we can continue our engagement going forward.



JOHN SWINNEY

Update on Issues Relating to the Scottish Child Abuse Inquiry

I would like to provide Parliament with an update on a number of points within my responsibilities in connection with the Scottish Child Abuse Inquiry and other questions in relation to addressing the consequences of historical abuse.

First, I would like to set these decisions in context.

In 2004, the then First Minister Jack McConnell officially apologised to victims of child abuse in residential care homes. What Mr McConnell said then was a first and very important step on behalf of us all; but survivors made it clear it was, in and of itself, insufficient to address the scale and nature of the issue.

In 2010 the Scottish Government invited the Scottish Human Rights Commission to work with Survivors on a Framework for Justice and Remedies for Historic Abuse of Children in Care. Based on this work, and at the further request of Scottish Government, Scottish Human Rights Commission and Centre for excellence for looked after children in Scotland established an InterAction Group to work with in-care survivors to make recommendations on how they could best be supported.

In the two years since the InterAction reported in 2014, this Government has taken unprecedented steps to begin to address the

wrongs perpetrated by individuals and institutions who should have cared the most for some of our most vulnerable children.

Those steps include establishing one of Scotland's most wide-ranging public inquiries into the abuse of children in care, establishing a national In-Care Survivor Support Fund, supporting an Apology Law, and legislating to create a National Confidential Forum for in-care survivors.

As Parliament knows, the previous chair of the Inquiry and one of her panel members resigned from their posts in the summer, citing accusations of government interference in the Inquiry's work.

I did not then, and do not now, accept the complaint made. The Government established an independent Inquiry and I am determined that should be what is delivered.

In my discussions with survivors since these events, they have raised with me issues in connection with the replacement of a panel member, the remit of the Inquiry and on redress for survivors. I want to update Parliament about all of these issues today.

Panel membership

On panel membership, I listened to a range of views from survivors when I met them in July, and appointed Lady Smith, an experienced judge in the Inner House of the Court of Session, to lead the Inquiry. Lady Smith joins Mr Glen Houston who continues in membership of the

panel. There may be the need in time of further specialist knowledge to add to that of Lady Smith and Mr Houston and the Inquiries Act 2005 permits Lady Smith to appoint Assessors if need be.

On that basis I do not intend to appoint a replacement panel member. I am not required to consult Lady Smith on that issue, but I considered it appropriate to do so, and she is content with my decision.

Remit

The current remit of the Scottish Child Abuse Inquiry was arrived at following extensive consultation and engagement with survivors and other interested parties.

As a result of this, we broadened the definition of in-care settings within the remit to include, for example, foster care, and we also ensured that the Inquiry was able to consider not only sexual abuse but also physical abuse, emotional abuse and neglect. A timescale for concluding the Inquiry was set, reflecting the views expressed by some survivors, particularly older survivors, about it being sufficiently focused to produce meaningful recommendations within a reasonable timescale.

Since the summer, some survivors have told me they wanted to see the current remit extended to include abuse which took place in non-residential settings such as local parishes, day schools and youth organisations.

Other survivors pointed out that, if read narrowly, the current remit might not allow the Inquiry to pursue evidence of abuse when children were outside the care home, for example when they attended recreational activities or summer camps.

And then some other survivor groups told me they were content with the remit of the Inquiry, and did not wish to see an extension that could prolong the timescale.

It is clear that there is not unanimity on this issue across survivors – some are strongly in favour of no change, and others are strongly in favour of extensive change.

It has always been the Government's intention that the abuse of children and young people in care is to be taken into account, wherever it occurred, and I want to put that matter beyond any doubt. As the Inquiries Act requires of me, I have consulted Lady Smith and I have amended the Terms of Reference to clarify this point.

That is the only change I intend to make to the remit of the Inquiry.

I have to ensure a remit that is deliverable within a reasonable timescale. I have concluded there is a clear distinction between 'in-care' settings and 'non in-care' settings. 'In-care' settings are those where institutions and bodies had legal responsibility for the long-term care of children in the place of the parent, with all of the legal and moral obligations that status carries. That is different to the position in 'non

in-care settings', such as day schools and youth groups, where others had a duty of care on a short term basis but crucially were not in any way replacing the role of parents.

In too many cases, terrible crimes were committed in those settings too. Criminal behaviour should be referred to the police and I hope, where the evidence exists, this will be energetically pursued through the criminal courts.

If we set a remit which would in practice take many more years to conclude, we are failing to respond to those survivors of in-care abuse who have taken us at our word – in Government and in Parliament – that we will learn from their experience and, by addressing the systematic failures which existed, ensure it can never happen again.

Limitation Bill

Yesterday we introduced the Limitation (Childhood Abuse) (Scotland) Bill in Parliament – the first bill of this Parliamentary term. The Bill will fulfill another recommendation from the Scottish Human Rights Commission's report and we are grateful to survivors who have long campaigned for this change. The Bill removes the three year limitation period for cases of child abuse and will remove a barrier which has prevented survivors from accessing justice.

This Bill goes further than other jurisdictions by including sexual, physical and emotional abuse where other similar legislation has been

limited to only sexual abuse or has only included emotional abuse which is connected to other forms of abuse.

This Bill also goes further by allowing cases that have been raised previously but were unsuccessful because of the limitation period to be re-litigated, regardless of whether they were determined by the court or settled between the parties without damages being paid, subject to appropriate safeguards where this would be incompatible with the Convention rights of the defender.

However, the removal of the limitation period will not assist survivors whose right to claim compensation has been extinguished through the law of prescription, which is relevant to abuse that took place before September 1964. This is because the significant legal issues and the Human Rights legislation made it impossible to establish a sustainable way forward. I regret there is no legislative solution that can be found for pre-1964 survivors.

Redress

Turning next to redress, I have been giving this complex issue serious consideration.

By redress in this context I mean monetary payment to provide tangible recognition of the harm done, as part of a wider package of reparations which this Government is already delivering.

As part of that package or reparations, survivors of in care abuse already have access to the new £13.5 million In Care Survivor Support Fund. This innovative fund is highly tailored and personalised and focuses on helping individuals achieve their own personal outcomes, whatever those may be. I am confident it is already making a difference to the lives of many survivors.

I have examined very carefully the issues around the provision of redress. I am grateful to INCAS and FBGA for making proposals as to how this might be pursued. I have looked into how some other countries have approached this in relation to past abuse in residential institutions. I am conscious of the connection with the Limitation Bill and the position of pre-1964 survivors. There is also the question of how it would be funded and the role of other organisations alongside government.

I am therefore committing to a formal process of consultation and engagement on this specific issue with survivors and other relevant parties, to fully explore the issues and gather a wider range of views. Discussions have already begun about that engagement process and its timing. I will be in a position to provide details in the coming weeks and can assure Parliament that I will take this issue forward with the urgency it deserves.

Summary

I would like to close by thanking survivors for their continued input and engagement. I recognise the importance of building their trust and confidence, while being honest with them about what I am able to deliver.

This government remains committed to addressing the issues identified in the SHRC Action Plan on Justice for Victims of Historic Abuse of Children in Care. We have made real progress in delivering its recommendations. The decisions I have outlined today are another important step towards realising our collective goal of addressing the systemic failings that existed. They are part of our collective determination that children in care must be better supported and protected than ever before.

Word count: 1,492

Email correspondence between Scottish Government and Care Inspectorate

[REDACTED]

From: [REDACTED]
Sent: 12 July 2017 16:17
Subject: FW: Contacts

Categories: FOI

From: [REDACTED]@careinspectorate.com [mailto:[REDACTED]@careinspectorate.com]
Sent: 21 June 2017 15:38
To: [REDACTED]
Subject: RE: Contacts

Hi [REDACTED]

Likewise and thanks again to you both for your time yesterday.

Our head of Legal Services is [REDACTED], whose contact details are as follows.

Tel: 01382 207 100

Mob: [REDACTED]

[REDACTED]@careinspectorate.com

Only if possible, when you issue your response to the FOI you mentioned could I receive a copy? I would be keen to see your response in terms of what information you disclose and I also anticipate that we may receive a similar request, so it would be good to have your response as a reference tool.

Also, I was at a GDPR talk recently and another NDPB (the Scottish Legal Complaints Commission) advised that they used the Civil Service Learning website for some training. I am keen to access the resources on this website, especially if it could be used for our staff to provide Data Protection training. I wondered if your team was linked to this website and therefore if you knew who I could speak to discuss getting access.

<https://civilservicelearning.civilservice.gov.uk/>

Many Thanks

[REDACTED]

[REDACTED]

Information Governance Team
Care Inspectorate
Tel: 01382 346 087

From: [REDACTED]@gov.scot [mailto:[REDACTED]@gov.scot]
Sent: 21 June 2017 10:03
To: [REDACTED]
Subject: Contacts

Hi [REDACTED]

Email correspondence between Scottish Government and Care Inspectorate

It was great to meet with you yesterday.

Following our discussion, I thought it might be helpful if our 'in-house' lawyers made contact for a similar reason to ours – grateful if you could forward on contact details so I can pass to [REDACTED]

Kind regards
[REDACTED]

[REDACTED]
SG Response Unit | Scottish Child Abuse Inquiry
Area GB-North | Victoria Quay | Edinburgh | EH6 6QQ

☎ (ext): 0131 244 2149

☎ (int): 42149

✉ [REDACTED]@gov.scot

 Please do not print this e-mail unless you really need to.

Email correspondence between Scottish Government and legal representative of core participant survivor group

[REDACTED]

From: [REDACTED]@westwateradvocates.com
Sent: 14 June 2017 20:28
To: [REDACTED]
Cc: [REDACTED]@brodies.com
Subject: Re: Scottish Child Abuse Inquiry - OFFICIAL SENSITIVE - list of circulars for [REDACTED] - 14 June 2017

P.s. i worked for the government/executive as it was in a couple of temp jobs in 2006/7 for about 8 months in all. I did a stint in housing and regeneration in Victoria Quay. Nothing glamorous but makes the CV a little more interesting!

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: [REDACTED]@gov.scot
Date: 14/06/2017 18:33 (GMT+00:00)
To: [REDACTED]@westwateradvocates.com
Cc: [REDACTED]@brodies.com
Subject: Scottish Child Abuse Inquiry - OFFICIAL SENSITIVE - list of circulars for [REDACTED] - 14 June 2017

[REDACTED]

We spoke earlier today about the documentation your clients are interested in. [REDACTED] showing the names of the individual circulars we have identified so far. I'd be grateful if you could hold this in confidence (although you can of course share it with your clients and their agents).

Most, if not all, of these circulars will be publically available in NRS and I would make that the first port of call. We are waiting for the Inquiry to say what they want to do with our collection.

You also mentioned annual returns for approved schools. I'm not sure if you are interested in all approved schools or only those that your clients might have been associated with, but NRS appear to hold a fair number of files on approved schools which you might want to look at (if you haven't already). I did a search in their catalogue against "approved school" and came up with the following:-

<http://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/overview.aspx?st=1&tc=y&tl=n&tn=n&tp=n&k=approved+school&ko=a&r=&ro=s&df=&dt=&di=y>.

I hope this is helpful. By the way, when I was looking for your e-mail address on the Faculty's website I saw you used to work for the Scottish Government at one point. Where was that?

Best wishes

[REDACTED] Solicitor

Scottish Government Legal Directorate | Scottish Government Response Unit to the Scottish Child Abuse Inquiry | Area GB North, Victoria Quay, Edinburgh, EH6 6QQ | Ext. 47180 (Tel: 0131 244 7180) [REDACTED]@gov.scot

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Email correspondence between Scottish Government and legal representative of core participant survivor group

[REDACTED]

From: [REDACTED]@westwateradvocates.com>
Sent: 14 June 2017 18:40
To: [REDACTED]
Subject: Re: Scottish Child Abuse Inquiry - OFFICIAL SENSITIVE - list of circulars for [REDACTED] - 14 June 2017

[REDACTED]

Thanks for this, very kind

I will have a look properly and get back to you if necessary

[REDACTED]

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: [REDACTED]@gov.scot
Date: 14/06/2017 18:33 (GMT+00:00)
To: [REDACTED]@westwateradvocates.com>
Cc: [REDACTED]@brodies.com
Subject: Scottish Child Abuse Inquiry - OFFICIAL SENSITIVE - list of circulars for [REDACTED] - 14 June 2017

[REDACTED]

We spoke earlier today about the documentation your clients are interested in. [REDACTED] showing the names of the individual circulars we have identified so far. I'd be grateful if you could hold this in confidence (although you can of course share it with your clients and their agents).

Most, if not all, of these circulars will be publically available in NRS and I would make that the first port of call. We are waiting for the Inquiry to say what they want to do with our collection.

You also mentioned annual returns for approved schools. I'm not sure if you are interested in all approved schools or only those that your clients might have been associated with, but NRS appear to hold a fair number of files on approved schools which you might want to look at (if you haven't already). I did a search in their catalogue against 'approved school' and came up with the following:-

<http://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/overview.aspx?st=1&tc=y&tl=n&tn=n&tp=n&k=approved+school&ko=a&r=&ro=s&df=&dt=&di=y>.

I hope this is helpful. By the way, when I was looking for your e-mail address on the Faculty's website I saw you used to work for the Scottish Government at one point. Where was that?

Email correspondence between Scottish Government and legal representative of core participant survivor group

Best wishes

██████████ Solicitor

Scottish Government Legal Directorate | Scottish Government Response Unit to the Scottish Child Abuse Inquiry |
Area GB North, Victoria Quay, Edinburgh, EH6 6QQ | Ext. 47180 (Tel: 0131 244 7180) ██████████@gov.scot

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Email correspondence between Scottish Government and Care Inspectorate

[REDACTED]

From: [REDACTED]
Sent: 30 May 2017 12:05
To: [REDACTED]@careinspectorate.com'
Cc: [REDACTED]
Subject: RE: Follow on

Tracking:	Recipient	Delivery
	[REDACTED]@careinspectorate.com'	
	[REDACTED]	Delivered: 30/05/2017 12:05

Hi [REDACTED]

I note that you are in a similar role at Care Inspectorate to my colleague [REDACTED] and I, who are leading on s.21 notices. It would be useful for the three of us to catch up and share experiences of our respective approaches to responding to the notices and any learning points that have been identified.


Our diaries are presently up to date the week commencing 12 June, if you could identify a suitable time for you, in order for us to meet up in VQ.

I look forward to hearing from you.

Kind regards

[REDACTED]

[REDACTED] | Response Project Officer
SG Response Unit | Scottish Child Abuse Inquiry
Area GB-North | Victoria Quay | Edinburgh | EH6 6QQ
☎(ext): 0131 244 2149
☎(int): 42149
✉ [REDACTED]@gov.scot

 Please do not print this e-mail unless you really need to.

From: [REDACTED]@careinspectorate.com [mailto:[REDACTED]@careinspectorate.com]
Sent: 30 May 2017 09:28
To: [REDACTED]
Subject: FW: Follow on

Good Morning [REDACTED]

I am going to be out of the office until 12 May. Therefore, any availability that you have after then would be much appreciated.

Many Thanks

[REDACTED]

[REDACTED]

Email correspondence between Scottish Government and Care Inspectorate

Information Governance Team
Care Inspectorate
Tel: 01382 346 087

From: [REDACTED]
Sent: 25 May 2017 15:52
To: [REDACTED]@gov.scot'; [REDACTED]
Subject: Follow on

[REDACTED]

I am really grateful for your time last week catching up. I've copied in [REDACTED], who is our information governance analyst and will be leading on production of S21 information for the inquiry.

You very kindly offered to link him up to your colleagues doing a similar job for the Scottish Government so he can see some of the considerations and approaches you are taking.

[REDACTED] is based in VQ also.

Best wishes and thanks again

[REDACTED]

Executive Director of Strategy and Improvement, Care Inspectorate
Tel: 01382 207108

PA: [REDACTED]. Tel: 01382 346 437.
Email: [REDACTED]@careinspectorate.com

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Email correspondence between Scottish Government and Police Scotland

[REDACTED]

From: [REDACTED] <[REDACTED]@scotland.pnn.police.uk>
Sent: 24 May 2017 07:29
To: [REDACTED]
Subject: RE: SURVIVORS [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Thanks [REDACTED]. 6 weeks and counting!!!

From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 23 May 2017 16:28
To: [REDACTED]
Subject: RE: SURVIVORS [NOT PROTECTIVELY MARKED]

Hi [REDACTED]

Nice to hear from you. Is that six weeks to go for you now? You'll be looking forward to it I bet.

I haven't heard any feedback from the meeting last week I'm afraid, sorry.

Kind regards



[REDACTED]
Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
☎ 0131 244 8075

From: [REDACTED] [mailto:[REDACTED]@scotland.pnn.police.uk]
Sent: 23 May 2017 12:14
To: [REDACTED]
Subject: SURVIVORS [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Hello [REDACTED]

I hope you are well. I wondered if you heard how John Swinneys meeting with 'Wellbeing' went? Do you know if it went ahead and what the issues were?

Thanks

[REDACTED]

[REDACTED]

T/Detective Chief Inspector

Email correspondence between Scottish Government and Police Scotland

**Specialist Crime Division
OP Forseti (Scottish Child Abuse Inquiry)
Police Scotland
Livingston Police Office
Howden Sth Rd
Livingston
EH54 6FF**

Tel: 01506 445678 M: [REDACTED]

**Email: [REDACTED]@scotland.pnn.police.uk
Website: www.scotland.police.uk
Twitter: @policescotland
Facebook: www.facebook.com/policescotland**

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POLICE SCOTLAND on (+44)1786 289070 and delete the e-mail.

Tha am fiosrachadh sa phost-d seo, agus ann an ceangal(an) sam bith na chois, prìobhaideach agus dh'fhaodte FO SHOCHAIR LAGHAIL.

❖S ann a-mh❖in airson an neach-uidhe a tha e.

Mura tusa an neach-uidhe no mura h-eil dleasan ort a chur air adhart chun an neach-uidhe, thathar le seo a❖ leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dh❖igh sam bith, no fhoillseachadh, no sgr❖dadh, no sgaoileadh, no riarachadh, no lethbhreac a dh❖anamh dheth.

Ma th❖inig am post-d seo thugad le mearachd, leig fios sa bhad chun an neach a sgaoil e, a❖ cleachdadh a❖ ghòireis fhreagairt ann am bathar-bog a❖ phuist-d agad no le fios a chur gu POILEAS ALBA air (+44) 1786 289070 agus cuir ❖s dhan phost-d.

This email has been received from an external party and

has been swept for the presence of computer viruses.

Email correspondence between Scottish Government and Police Scotland

[REDACTED]

From: [REDACTED]
Sent: 11 May 2017 12:33
To: [REDACTED]@scotland.pnn.police.uk'
Cc: [REDACTED]@strathclyde.pnn.police.uk; [REDACTED]
Subject: Follow up from discussion - 11 May 2017

Hi [REDACTED]

Good to see you and [REDACTED] earlier today. Really useful to chat through some of the issues we're facing and to share intelligence as well. We should try and catch up again soon.

As promised, I'm using this e-mail to share [REDACTED] details with you. [REDACTED] is the dedicated solicitor in the SG Response Unit for the Inquiry. I've copied [REDACTED] in to this note so you have her e-mail address to pass on to your legal colleagues, and her direct dial number is: 0131 244 7180.

Thanks again for coming through to Leith and hope to see you soon.

Kind regards



[REDACTED]

Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
☎ 0131 244 8075

Email correspondence between Scottish Government and Police Scotland

[REDACTED]

From: [REDACTED]@scotland.pnn.police.uk
Sent: 21 February 2017 10:05
To: [REDACTED]
Subject: RE: KHub group - responding to SCAI

[REDACTED]

Ideal, thanks, see you then.

[REDACTED]

P.S. No talking about NZ mind!

[REDACTED]

T/Detective Inspector
Operation Forseti, Specialist Crime Division
Police Scotland
Livingston Police Station,
West Lothian Civic Centre,
Howden South Road,
Livingston,
EH54 6FF

Office: 01506 833887
Mobile: [REDACTED]
Email: [REDACTED]@scotland.pnn.police.uk
Operation Forseti email: operation.forseti@scotland.pnn.police.uk
Website: <http://www.scotland.police.uk/>
Twitter: @policescotland
Facebook: www.facebook.com/policescotland

-----Original Message-----

From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]
Sent: 21 February 2017 09:51
To: [REDACTED]
Subject: RE: KHub group - responding to SCAI

Hi [REDACTED]

Yes, 1pm on 27th would be great. There's a staff canteen in VQ as well if you needed to grab lunch.

[REDACTED]

Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
0131 244 8075

Email correspondence between Scottish Government and Police Scotland

-----Original Message-----

From: [REDACTED]@scotland.pnn.police.uk [mailto:[REDACTED]@scotland.pnn.police.uk]

Sent: 20 February 2017 18:47

To: [REDACTED]

Subject: Re: KHub group - responding to SCAI

[REDACTED]

Would you be free about 1pm on Monday 27th? Even if [REDACTED] can't attend, I will come myself.

Thanks

[REDACTED]

[REDACTED]

T/Detective Inspector
Operation Forseti,
Specialist Crime Division,
Police Scotland
Livingston Police Station,
West Lothian Civic Centre,
Howden South Road,
Livingston,
EH54 6FF

Office: 01506 833817

Mobile: [REDACTED]

Email: [REDACTED]@scotland.pnn.police.uk

Operation Forseti email: operation.forseti@scotland.pnn.police.uk

website: <http://www.scotland.police.uk/>

Twitter: @policescotland

Facebook: www.facebook.com/policescotland

----- Original Message -----

From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]

Sent: Monday, February 20, 2017 04:19 PM GMT Standard Time

To: [REDACTED]

Subject: RE: KHub group - responding to SCAI

Of course. Could only do the Monday of that week I think? Then I'm off to New Zealand for 6 weeks!! Would be good to try and catch up beforehand though, and I can introduce you to [REDACTED] my new team leader.

Thanks

[REDACTED]

Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ

Email correspondence between Scottish Government and Police Scotland

0131 244 8075

-----Original Message-----

From: [REDACTED]@scotland.pnn.police.uk [mailto:[REDACTED]@scotland.pnn.police.uk]

Sent: 20 February 2017 15:39

To: [REDACTED]

Subject: Re: KHub group - responding to SCAI

[REDACTED]

With hindsight, that's [REDACTED] first day back, how are you fixed w/c 6/3/17?

Thanks

[REDACTED]

[REDACTED]

T/Detective Inspector
Operation Forseti,
Specialist Crime Division,
Police Scotland
Livingston Police Station,
West Lothian Civic Centre,
Howden South Road,
Livingston,
EH54 6FF

Office: 01506 833817

Mobile: [REDACTED]

Email [REDACTED]@scotland.pnn.police.uk

Operation Forseti email: operation.forseti@scotland.pnn.police.uk

website: <http://www.scotland.police.uk/>

Twitter: @policescotland

Facebook: www.facebook.com/policescotland

----- Original Message -----

From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk]

Sent: Monday, February 20, 2017 11:06 AM GMT Standard Time

To: [REDACTED]

Subject: RE: KHub group - responding to SCAI

Hi [REDACTED]

No worries at all! But yes, pretty busy here too...

We could do Monday if that suits you?

[REDACTED]

Response Unit - Scottish Child Abuse Inquiry

Scottish Government

Email correspondence between Scottish Government and Police Scotland

Area GB North
Victoria Quay
EH6 6QQ
0131 244 8075

-----Original Message-----

From: [REDACTED]@scotland.pnn.police.uk [mailto:[REDACTED]@scotland.pnn.police.uk]

Sent: 20 February 2017 06:09

To: [REDACTED]

Subject: Re: KHub group - responding to SCAI

[REDACTED]

Really sorry for not getting back to you, things getting kind of busy- no doubt you'll be the same!

Margaret-Ann is off this week but would you be free Mon/Tues or Wed next week?

Thanks

[REDACTED]

-----Original Message-----

From: [REDACTED]@scotland.gsi.gov.uk

To: [REDACTED]

Subject: RE: KHub group - responding to SCAI

Sent: 19 Jan 2017 15:40

Hi [REDACTED]

No problem, totally understand. We're in the same boat at the minute too.

Of course, after 31st would suit us as well. We could do 6, 8 or am on 9 February. Or in the week after, 15, 16 or 17.

We will be going on 31st too, so will perhaps see you there?

[REDACTED]

Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
(0131 244 8075

From: [REDACTED]@scotland.pnn.police.uk [mailto:[REDACTED]@scotland.pnn.police.uk] Sent: 19 January 2017 09:02 To: [REDACTED] Subject: Re: KHub group - responding to SCAI

[REDACTED] Apologies for not getting back to you sooner, been bit busy. We are unlikely to be able to meet before 31/1/17, can you suggest some dates that suit after then? Thanks [REDACTED] P.S. Are you going to Hearing? [REDACTED]
T/Detective Inspector Operation Forseti, Specialist Crime Division, Police Scotland Livingston Police Station, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF Office: 01506 833817 Mobile: [REDACTED]

Email correspondence between Scottish Government and Police Scotland

Email: [REDACTED]@scotland.pnn.police.uk Operation Forseti email: operation.forseti@scotland.pnn.police.uk
website: <http://www.scotland.police.uk/> Twitter: @policescotland Facebook: www.facebook.com/policescotland
From: [REDACTED]@scotland.gsi.gov.uk [mailto:[REDACTED]@scotland.gsi.gov.uk] Sent: Wednesday, January 11, 2017 03:44 PM GMT Standard Time To: [REDACTED] Subject: RE: KHub group - responding to SCAI
Definitely. Let me know what [REDACTED] thinks.

Thanks

[REDACTED]
Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
(0131 244 8075

From: [REDACTED]@scotland.pnn.police.uk [mailto:[REDACTED]@scotland.pnn.police.uk] Sent: 11 January 2017 14:34 To: [REDACTED] Subject: RE: KHub group - responding to SCAI

[REDACTED]
Early would be good, you'll be aware of the Preliminary Hearing on 31/1/17, so before then might be good?

I will liaise with [REDACTED] and see how's placed on the dates stated.

Thanks

[REDACTED]
[REDACTED] T/Detective Inspector Operation Forseti, Specialist Crime [REDACTED] T/Detective Inspector Operation Forseti, Specialist Crime Division, Police Scotland Livingston Police Station, West Lothian Civic Centre, Howden South Road, Livingston, EH54 6FF

Office: 01506 833817
Mobile: [REDACTED]
Email: [REDACTED]@scotland.pnn.police.uk
Operation Forseti email: operation.forseti@scotland.pnn.police.uk

website: <http://www.scotland.police.uk/>

Twitter: @policescotland

Facebook: www.facebook.com/policescotland

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[REDACTED]

From: [REDACTED]
Sent: 12 August 2016 11:08
To: [REDACTED]@careinspectorate.com
Subject: OFFICIAL: SENSITIVE SCAI - SG response and supporting material

Hi [REDACTED]

Really nice to speak to you earlier today, appreciate your call.

We spoke about our plans with regards to core participant status and that we now have approval from Ministers to make a formal application. You asked about whether any SG application would cover an NDPB like the Care Inspectorate and I remembered seeing a legal definition which I said I would share with you. The relevant extract is copied below:

Executive Agencies

Essentially, executive agencies (such as Education Scotland and the Scottish Prison Service) have the same legal personality as that of 'the Scottish Ministers'. They are treated as an extension of the Scottish Government department that creates them and, as such, the relevant minister remains accountable to the Scottish Parliament and in law for the acts or omissions of the agency.

Non-Departmental Public Bodies

While these bodies (such as the Care Inspectorate – legally known as Social Care and Social Work Improvement Scotland, Scottish Social Services Council and SCRA) are not part of the Scottish Government, they operate within a framework of governance and accountability set by the Scottish Ministers. These bodies are often established by statute, or set up as limited companies, and as a result have their own legal identity. The Scottish Ministers may be ultimately accountable to Parliament for non-departmental public bodies in terms of their overall effectiveness and efficiency, but it is unlikely that they would be held accountable for their day-to-day activities.

I would probably advise seeking your own legal advice on whether the CI should be considering applying for core participant status as its own entity. But certainly the basis by which Ministers have approved any SG application would cover agencies only (Education Scotland, Disclosure Scotland etc) and not NDPBs. If I can help any further on this though please let me know.

We also spoke a little about records and I mentioned colleagues in Corporate Records Branch here have prepared and cascaded a strategy document to the organisation. I've attached a copy to this note which you might find useful.



Scottish Child
Abuse Inquiry -...

Beyond that we await instruction from the Inquiry on everything else, but definitely useful for us to keep in touch. I will endeavour to call/e-mail you with any updates I become aware of, and equally if there is anything from your side we would be keen to hear about.

In the meantime, if there's anything else we can help with, don't hesitate to give me a call.

Thanks again and have a great weekend.



Response Unit - Scottish Child Abuse Inquiry

Scottish Government

Area GB North

Victoria Quay

EH6 6QQ

☎ 0131 244 8075

Scottish Child Abuse Inquiry: A Strategy for the Scottish Government Responding to Requests for Evidence.

Introduction

This document sets out the strategy that the Scottish Government will follow when dealing with and responding to requests for information held which relates to the terms of reference of the Scottish Child Abuse Inquiry.

Background

The Cabinet Secretary for Education and Lifelong Learning, Angela Constance, on behalf of the Scottish Government, made a [Parliamentary statement](#) on 17 December 2014 announcing this Government's intention to hold a National Inquiry into Historical Child Abuse. This also set out this Government's strong commitment to engage with Survivors and relevant organisations to seek views on the Terms of Reference of the Inquiry, as well as the attributes of the Chair and Panel. This engagement continued through the summer months as full details of the range of support services were developed.
[Find out more on the SurvivorScotland website](#)

A series of events were held where survivors, their families and representative organisations could give their views on a range of issues. We also accepted comments via a dedicated phone line and website and in writing. This built on commitments made through the [InterAction process](#), led by the Scottish Human Rights Commission and the Centre of Excellence for Looked after Children in Scotland (CELCIS), to improve the support for survivors and their families.

The Scottish Child Abuse Inquiry was officially established on the 1st October 2015. The Inquiry are following the attached terms of reference: [Terms of Reference](#)

The Inquiry will cover events remembered by any living person who suffered abuse (as defined), however long ago that may be. The cut-off date for investigation into abuse is 17 December 2014.

Scope

This strategy relates to all information held within the Scottish Government and can be in any format or medium.

So all the following formats are covered by this strategy:

- All information held within eRDM
- All information held within G Drives and other shared areas e.g. SharePoint, Public Folders
- All information held on legacy and current paper files

Aims

This strategy sets out how we aim to ensure:

- all requests for records are dealt with timeously and consistently;
- any records which might be of interest to the Inquiry are identified;

- records which might be of interest to the Inquiry are protected to ensure they are not destroyed before the inquiry has had the opportunity to consider;
- a systematic and planned approach is used when searching the records;
- an audit trail is created showing steps taken to identify and protect relevant records; relevant records are indexed and catalogued, to ensure greater accessibility for the inquiry

Approach

So that there is a consistent approach the Information Management and Assurance (IM&A) branch staff will deal with all requests from the Inquiry. We will conduct the necessary searches required on all information formats. Once these searches have been completed and the information has been identified we will contact the lead area within the Scottish Government to make them aware that the information has been given to the Inquiry for evidence purposes.

Detailed below is how we will deal with searching these different formats and how the information will be passed to the Inquiry:

eRDM

- Scottish Government will search using Terms of Reference of the Inquiry
- IM&A team will carry out searches at file, document and text level
- Detailed lists of results will be maintained
- All searches will be documented as evidence of search terms used
- Results will then be passed to Inquiry
- The Inquiry will identify the information they think is relevant and that they require as evidence
- IM&A will pass this information to the Inquiry in the format they specify
- IM&A will notify lead Divisions when information relevant to their business area is passed to the Inquiry
- IM&A will keep a complete audit of what has been passed to the Inquiry.

Paper Files

- Scottish Government will search using Terms of Reference of the Inquiry
- IM&A team will search Legacy Paper File System using file titles
- To counter the risk of records being missed due to poor file titles in the Legacy Paper File System, IM&A will also identify files by business area (Directorate) that may hold information relating to the terms of reference
- These files will then be reviewed by IM&A to see if they contain anything relevant to the Inquiry.
- Detailed lists of these too will be maintained
- All searches will be documented as evidence of search terms used
- Results will then be passed to Inquiry
- The Inquiry will then identify the information they think is relevant and that they require as evidence
- IM&A will pass this information to the Inquiry in the format they specify
- IM&A will notify lead Divisions when information relevant to their business area is passed to the Inquiry
- IM&A will keep a complete audit of what has been passed to the Inquiry.

G Drives and Shared Areas

- Scottish Government will search using Terms of Reference of the Inquiry
- IM&A team will carry out searches over all shared areas
- Detailed lists of results will be maintained
- All searches will be documented as evidence of search terms used
- Results will then be passed to Inquiry
- The Inquiry will identify the information they think is relevant and that they require as evidence
- IM&A will pass this information to the Inquiry in the format they specify
- IM&A will notify lead Divisions when information relevant to their business area is passed to the Inquiry
- IM&A will keep a complete audit of what has been passed to the Inquiry.

Resources

This exercise is going to be very resource intensive for the Information Management and Assurance branch, especially the paper file part of the exercise. Staff carrying out the searches will require some experience/knowledge of file review work. Poor file naming may mean that in some cases it will not be obvious if they contain information relating to the inquiry without a detailed examination of papers. In these cases, using current experience of reviewing legacy files, it could take between a day and half to a full day to review a substantial file.

We will also consider what steps need to be taken to ensure the well-being of staff involved in this exercise as some of the documents they are reviewing may contain detailed and graphic information which could cause distress. We will seek advice on how to provide them with the relevant support.

Communications

- IM&A will have regular meetings with the Scottish Government SCAI Core Participant Unit so both areas are kept up to date with developments and progress
- Any communications required to be given to SG staff will come from the SCAI core Participant unit
- Communications/requests from the Inquiry will come to us through the Scottish Government Core Participant Unit

Issues

As yet the Inquiry has not specified the format they wish the information to be passed in, this may impact resources;

We may need to draw on resources from other areas such as from the Scanning Unit; Some records will need to be redacted, but at this stage we are not able to quantify the effort which might be needed for this.

We will revisit this strategy as these issues become clearer.

March 2016

BRIEF NOTES OF MEETINGS/DISCUSSIONS WITH PARTNERS/STAKEHOLDERS

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED] and [REDACTED] on 1 September, Livingston Police Station

- Provided an update on SG core participant application – approved by Ministers
- Mentioned meeting with Inquiry Document and Evidence Manager week before regarding data handling and information sharing issues
- Said we hoped the Inquiry would provide search terms to focus trawls of records and get consistent results
- Mentioned meeting coming up with NRS – agreed to feedback any relevant info in due course
- Spoke about potential risk of Chair of English/Welsh Inquiry being asked to give evidence to Scottish Inquiry given her 30 plus year career in social work in Scotland
- PS mentioned challenges faced with their records as case files are stored on a nominal basis which makes searching by institution difficult
- Team of 10 in place reviewing records from one Division in Springburn, details being input into a new cataloguing system which can identify new points of corroboration and therefore instigate further investigation
- 8 cases out of around 200 have resulted in new connections being made (for example, same offender, but incident took place in a different city therefore investigated by a different legacy force), 3 of which have been direct referrals from the Inquiry where they have identified risk
- PS will continue to undertake this exercise across all areas
- PS due to provide package of documents the Inquiry have requested by 9 September
- [REDACTED] and [REDACTED] approaching PS lawyers to pick up point about core participant status
- Agreed to meet again in 6 weeks or so

Care Inspectorate – phone call with [REDACTED] on 12 August

- Outlined roles SG perform associated with Inquiry and what the Response Team do, including support for SG witnesses
- Discussed records management and I mentioned the moratorium on destruction in place in SG and agencies, plus the records strategy – later shared with [REDACTED]
- Explained the intention to apply for core participant status, but sought Ministerial approval first
- [REDACTED] asked about core participant status and whether CI would be covered by any SG application as an NDPB, I mentioned that any application SG make would be on the basis of core SG and agencies (Education Scotland, Scottish Prison Service, Disclosure Scotland) – agreed to share extract of legal advice

Brief notes of meetings/discussions with partners/stakeholders

- Encouraged [REDACTED] to seek legal advice on whether CI should apply for core participant status in their own right
- Agreed useful to keep in touch, and offered to help with any further queries CI may have

- 

- [illegible]

- [illegible]

Email correspondence between Scottish Government and Care Inspectorate

[REDACTED]

From: [REDACTED]@careinspectorate.com
Sent: 11 August 2016 11:50
To: [REDACTED]
Subject: RE: Scottish Child Abuse Inquiry

Hello [REDACTED]

I will be in the office tomorrow so how about 10 am and we can have a chat then? If that suits send me an invite with the best number to contact you on and I will call you.

Best wishes

[REDACTED]

[REDACTED]

Head of Risk, Intelligence and Professional Standards

The Care Inspectorate,
Johnstone House
Rose Street,
Aberdeen
AB10 1UD

Email - [REDACTED]@careinspectorate.com
Direct Dial: 01382 207187

From: [REDACTED]@gov.scot>
To: [REDACTED]@careinspectorate.com>,
Cc: [REDACTED]@careinspectorate.com>
Date: 11/08/2016 11:45
Subject: RE: Scottish Child Abuse Inquiry

Dear [REDACTED]

Thank you for your note. To reiterate our message, we are the team who will respond to the Inquiry, as any other organisation with an interest, on behalf of Scottish Ministers.

It might be helpful to have an initial chat on the phone in the first instance? Let me know when you might be free and I can send across a diary invite.

Kind regards

[REDACTED]

Email correspondence between Scottish Government and Care Inspectorate

Response Unit - Scottish Child Abuse Inquiry

Scottish Government
Area GB North
Victoria Quay
EH6 6QQ
0131 244 8075

-----Original Message-----

From: [REDACTED]@careinspectorate.com [
mailto:[REDACTED]@careinspectorate.com]
Sent: 11 August 2016 09:57
To: [REDACTED]
Cc: [REDACTED]@careinspectorate.com
Subject: Scottish Child Abuse Inquiry

Hello [REDACTED]

My email is in response to your email of the 10 August to [REDACTED], Chief Executive, Care Inspectorate.

The Care Inspectorate's points of contact for the inquiry are [REDACTED]
[REDACTED] Executive Director Scrutiny and Assurance and myself.

If it will be helpful to meet with your team to get a better understanding of any future information requests and how we might be of assistance then we will be more than happy to facilitate such a meeting.

Best wishes

[REDACTED]

[REDACTED]

Head of Risk, Intelligence and Professional Standards

The Care Inspectorate,
Johnstone House
Rose Street,
Aberdeen
AB10 1UD

Email: [REDACTED]@careinspectorate.com
Direct Dial: 01382 207187
Mobile: [REDACTED]

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

This email has been received from an external party and
has been swept for the presence of computer viruses.

From: [REDACTED] on behalf of SCAI Response
Sent: 10 August 2016 15:42
Subject: Scottish Child Abuse Inquiry - Scottish Government response

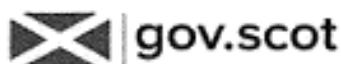
Dear Colleague

You will I am sure be aware of the establishment of the Scottish Child Abuse Inquiry and be familiar with its broad scope and reach. The Scottish Government performs two very separate functions, one which supports the Inquiry in an operational sense, the other which will manage and respond to the Inquiry as a 'core participant' (should the Chair designate SG as such).

I write in relation to the latter of these two functions, as a team has been established to consider and plan for the impact of the Inquiry in a 'core participant' sense, i.e. directing searches of records; liaising with agencies, public bodies, third sector organisations and others on the proposed approach of SG; consideration of policy implications; and so on.

As an organisation with a key interest in the Inquiry, I would like to take the opportunity to make you aware of this team and its responsibilities, but to also offer any advice and/or assistance in relation to your own planning and preparation. We would be very happy to answer any questions you may have at this stage and can advise on our approach so far, should this be helpful.

Kind regards



[REDACTED]
Response Unit - Scottish Child Abuse Inquiry

Scottish Government
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Victoria Quay
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