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## Scottish Government apologises ‘unreservedly’ over child abuse inquiry delay



John Swinney

The Scottish Government has apologised unreservedly after a judge found its delay in setting up an inquiry into child abuse was “woeful and wholly avoidable”.

Lady Smith on Wednesday published her findings into why calls for a public inquiry to be held were resisted by ministers between August 2002 and December 2014.

She looked at the response to a petition submitted by an abuse survivor in August 2002 calling for an inquiry and an apology on behalf of the state, and at key issues raised by other adult survivors.

It was not until December 2014 that the Scottish Government announced a national public inquiry into historical abuse of children in residential care, which covers the period up to December that year.



Lady Smith published her findings on Wednesday 29<sup>th</sup> September (Nick Mailer/PA)

Deputy First Minister John Swinney apologised that the Scottish Government did not respond “more appropriately and sooner” to the concerns of survivors who called for an inquiry.

Lady Smith, chairwoman of the Scottish Child Abuse Inquiry, said that between 2002 and 2014, there was “no appetite” within the Scottish Government, at official or ministerial level, for setting up a public inquiry.

She said: “For far too long survivors’ voices were not listened to, nor heard; they were treated as if their views did not matter and as if they were not worth listening to, just as when they were abused in care.

“The Scottish Government failed to grasp the fundamental importance that survivors appropriately and justifiably attached to their need for justice, accountability and redress.

“Justice is not a service, and those who call for it where it has been denied are not customers of a service that may or may not be available depending on the choice of the administration of the day.

“That key point was missed.”

She said that officials and legal advisers wielded “significant power and influence” and that ministers relied heavily on their advice and generally followed their recommendations.

Lady Smith said that by following advice and by not questioning it when they should have done, key aims of the petition were resisted for “far too long”.

Former first minister, Lord Jack McConnell, Mr Swinney, and former education minister, Peter Peacock, were among those who gave evidence to the inquiry between November 17 2020 and December 4 2020.



Lord Jack McConnell said his ministers made decisions in good faith (Danny Lawson/PA)

The judge said that there was a “marked lack of urgency” in the Scottish Government’s approach to addressing justice, accountability and redress between 2002 and 2014, although during that period a significant number of survivors of childhood abuse in care in Scotland died.

Lady Smith said that “for them, justice delayed was justice denied”.

She also said that over that period of time the Scottish Government regarded survivors’ needs as primarily health needs, which she described as “inappropriately paternalistic”.

The then first minister, Jack McConnell made an apology in the Scottish Parliament for past institutional child abuse on December 1 2004.

The Scottish Child Abuse Inquiry has today published its findings exploring the reasons why calls for a public inquiry throughout the period between August 2002 and December 2014 were turned down by the Scottish Government.

However Lady Smith said its wording was “extremely cautious, drafted in a hurry”, and “was not an apology on behalf of the state”.

Mr Swinney said: “The Scottish Government apologises unreservedly that it did not respond more appropriately and sooner to the concerns of survivors of abuse in care who called for a public inquiry.

“Responding to survivors of abuse in care spanned different administrations between 2002 and 2014.

“Steps were taken by government to respond in that period but this happened too slowly and did not go far enough, however, an inquiry was announced within weeks of the current First Minister taking office as head of the Government.

“The Scottish Government has sought to deliver positive outcomes for survivors of abuse and established the Inquiry when it became clear that previous initiatives were not enough to provide this acknowledgement and accountability that survivors needed.”

Lord McConnell, who was first minister between 2001 and 2007, said: “Lady Smith has drawn important conclusions based on the evidence she has heard and I thank her for that.

“The judgments made by my ministers were made in good faith within a complex legal environment.

“The delays in communication and the way decision-making was managed were not acceptable then or now.”