

Child abuse inquiry may have ‘stalled for financial and legal reasons’

[by Press Association](#)

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Judge Lady Smith is chairing the inquiry (Nick Mailer/PA)

An inquiry into historic child abuse may have stalled due to the Scottish Government’s financial and legal concerns, representatives of survivors have claimed.

The latest phase of the Scottish Child Abuse Inquiry will explore reasons why calls between August 2002 to December 2014 for a public inquiry to be held were resisted by ministers.

Speaking on behalf of In Care Abuse Survivors (INCAS), James Scott QC told the inquiry he believes concerns over financial and legal liability may have delayed any inquiry.

Mr Scott said: “More effort seems to have gone into justifying not having a public inquiry than looking at the possibility with an open mind.

“In Scotland, some of the evidence of the meaningful apologies report may be relevant – perhaps legal and financial liability.

“Before the apology, the then-first minister Jack McConnell made reference to litigation in the courts and how it was not its purpose.”



Lord McConnell during his time as first minister of Scotland (Danny Lawson/PA)

Stuart Gale QC, acting on behalf of Former Boys And Girls Abused of Quarriers Homes (FGBA), echoed this, saying: “The then-minister for education, Peter Peacock, has made it clear in a memo that ‘a public inquiry would not add to our current actions and considerations’.

“That is a conclusion with which FGBA disagreed with then and continues to disagree with now.

“We also wonder to what extent a) the financial implications of a public inquiry and b) the possibility of legal action being taken against the executive – a matter on which legal advice was in fact taken – acted as disincentives.”

Former Labour MSP Michael McMahon was convener of the Public Petitions Committee when the initial petition calling for a public inquiry and an apology to victims of historic institutional child abuse was received.

He confirmed issues around legal and financial responsibility were raised in casual discussions with Mr Peacock.

Mr McMahon said: “I recall a general response around language is important.

“The ways of doing things were not as straightforward – without mentioning particular concerns. But he was taking advice from lawyers and civil servants.

“I recall Mr Peacock saying that lawyers had said certain words have greater standing in legal environments and that the approval of words was vitally important.”