



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Petitions Committee

Thursday 25 April 2019

Session 5



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PUBLIC PETITIONS COMMITTEE

8th Meeting 2019, Session 5

CONVENER

*Johann Lamont (Glasgow) (Lab)

DEPUTY CONVENER

*Angus MacDonald (Falkirk East) (SNP)

COMMITTEE MEMBERS

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)

*David Torrance (Kirkcaldy) (SNP)

*Brian Whittle (South Scotland) (Con)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Maryanne Pugsley

CLERK TO THE COMMITTEE

Sarah Robertson

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Public Petitions Committee

Thursday 25 April 2019

[The Convener opened the meeting at 10:02]

New Petition

Abuse of Children (Scottish State Schools) (PE1717)

The Convener (Johann Lamont): I welcome everyone to the eighth meeting in 2019 of the Public Petitions Committee. We have apologies from Rachael Hamilton MSP.

We have two items on the agenda this morning: consideration of one new petition, and consideration of one continued petition.

Petition PE1717, which was lodged by Maryanne Pugsley, calls for a public inquiry into the abuse of children in Scottish state schools and a review of the law of corroboration. Members have a copy of the petition along with a note prepared by the Scottish Parliament information centre and the clerks. The petitioner has also provided a significant volume of additional material, and members have hard copies of that.

We will take evidence from the petitioner this morning. Maryanne, I thank you for attending. You now have an opportunity to make an opening statement of up to five minutes, after which we will move to questions from committee members.

Maryanne Pugsley: Thank you for inviting me here today to present evidence to support my petition. I hope that, by giving you a brief account of my personal experiences, you will understand the driving force behind the petition and my inability and refusal to remain silent. Silence would make me as complicit as those whose inaction and wrongdoings have brought me to this point in my life.

Between the ages of 12 and 15 years old, I was sexually and emotionally abused by a teacher in a state school in Scotland, in the late 70s. It was not until the 90s, when I was in my mid-20s, that I realised that that was child abuse. I then reported the abuse to the local authority and an in-house investigation was launched, but it was not reported to the police. The accused was suspended for a few months and then moved to another local authority, where he continued to teach until approximately six to seven years ago.

When I tried to establish what the outcome of that investigation was and whether there would be

a prosecution, I was told there was not enough evidence for the procurator fiscal. For years that plagued me; I could not understand why the accused had been allowed to continue teaching. Eventually, in 2016, I again summoned up the courage to revisit the abuse in an effort to make sense of what had happened to me.

My first step was to phone the in-care inquiry but I was told that I did not meet the necessary criteria. I then phoned a charity and explained my doubts about the initial investigation. It signposted me to the police, which led to an investigation being launched. At each and every point of that investigation, I repeatedly relived the sexual and emotional abuse that I had suffered so that CID could have, as far as possible, an accurate account of past events. One finding confirmed that the police had no previous record of the abuse being reported in the 90s. No written records were held by the local council, nor was there a reason why the accused had been relocated.

During the early stages of the 2016 investigation, I was offered a temporary post as a classroom assistant in the school where I was abused. I received an anonymous, handwritten, intimidating card, which was posted to me at the school's address. Part of it said:

"Stop this now please and don't live in the past. God is the final judge in all this and he will deal out vengeance and justice to all for any wrong doings done."

It was signed by "a concerned friend".

The investigation concluded after some months and the accused was interviewed by CID. The result was a "no comment" interview, with no further action being taken. The term used to cover my child abuse was "an inappropriate relationship", but because there was insufficient corroboration, my case would not be heard in a criminal court.

As a result, I then wrote to the local council asking for an explanation of why there were no records held relating to my case. The reply from the then director of education said:

"I am very sorry that we were unable to find any historical records relating to the allegations and how the alleged perpetrator came to be moved from the school to another part of Strathclyde Region. I would be happy to meet with you and explain what steps we took to try and identify information that would help support making a case in the present for the abuse you experienced while a pupil at the school."

That reply gave me the confidence to approach a law firm, naively believing that I was on the road to justice. After I had prepared meticulous notes to hand to the lawyer and relived, again, the trauma of my child sexual abuse, the firm took on the case.

Within a very short space of time, I was made an award by the Criminal Injuries Compensation Authority, but I did not accept it. The award was based on the information provided by the police, which confirmed that I was subjected to sexual abuse over a period of time. I was placed in category B11—sexual offence where the victim is a child suffering “repetitive incidents” for “up to 3 years” of “non-consensual penile penetration”—yet the Scottish law of corroboration prohibits my case from being heard in a criminal court in a fair trial.

Please bear in mind that the very nature of being the victim of child abuse involves isolation and the fear of telling others anything, invariably ruling out a witness. My position is also further diminished by exclusion from the current in-care inquiry into historical child abuse. In addition, given that an acknowledgement of abuse generally does not occur until many years later, the likelihood of forensic evidence is greatly diminished. There are also many other factors.

“Inappropriate relationships” might be recognised by the police, and awards might be made by the Criminal Injuries Compensation Authority, but who is collating all that evidence and trying to make sense of it? Evidence that is not being recorded, let alone collated, is prohibiting justice and redress for victims and perpetrators. Nor is that evidence being used to inform the relevant bodies that have responsibility for safeguarding our children in Scottish state schools. In his comment of 20 June 2018, cited in *Holyrood* magazine, John Swinney said:

“We are determined to ensure lessons are learned to protect children in future and provide survivors with the support they deserve”.

He also said:

“By raising awareness of historic abuse they are helping to uncover the nature and extent of the issue and the failings which allowed it to happen.”

Yet again, as a reminder of the exclusion and lack of support, this hurts deeply.

After my feelings of dejection lessened, I questioned my case once more. I looked at the vetting procedures that were in place prior to the enhanced disclosure procedures that we currently work with and the timeframe for when they started, which I believe was in 2002. Before then, the vetting of employees in schools was the local authority’s responsibility. In addition, the reorganisation of regional councils in 1996, their disbanding into local councils and the questions about whether accurate records were being kept—or not, as was apparent in my own case—led to my concerns increasing.

In light of that timeframe and the example of the accused in my case still teaching until recently, it became apparent that there could still be

predators in our state schools who have slipped through the current safeguarding procedures. If, as was the case for me, an “inappropriate relationship” can be swept under the carpet with no records kept and the police not informed, I put it to the committee that responsibility would lie with the offender to disclose any wrongdoings on their disclosure forms.

How can we close the gaps in the system? The law restricts the hearing of cases in a criminal court due to lack of corroboration. The remit of the current inquiry does not allow for victims of historical child abuse in state schools to have their evidence heard and collated, and there appear to be gaps in the vetting procedures for those who currently work in state schools. Those who are retired and out of the state school system could potentially still be tutoring or working with vulnerable children.

As an adult, I have worked in schools, and I considered it my civic duty to lodge the petition. In trying to seek justice and in asking for help with the petition, I have reached out to many people, but I have received very little support. I tried to find a victims commissioner in Scotland, but to no avail, and I ended up writing to the Victims Commissioner for England and Wales, Baroness Newlove.

I cannot turn my back on failings that seem blatantly obvious to me and which have the potential to affect vulnerable children. Not only have there been gaps in our safeguarding procedures but those who have been victims of child abuse need to have their voices heard. To be told that you do not meet the criteria of the current inquiry and are not eligible to apply for the support that is offered alongside it is very damaging. That exclusion will only compound the pain, which will be carried over to the next generation and will manifest itself in many detrimental ways, in the home and across society at large.

It is painful when you are signposted to the remit of the inquiry and read that there is not enough time for you to be heard. The pain ripples down generation after generation when it is not addressed.

I have managed to survive, but I have not lived a life in which I have reached my full potential. The impact has infiltrated every single aspect of my life—my education, relationships, family and health, to name but a few—and it continues to this day.

There have been occasions when I have been in very close proximity to the accused, and other occasions when I have had to walk past him in a supermarket. I cannot put into words how that feels.

I do not want anyone to experience what I have experienced or suffer in the way that I have suffered. That is why I am asking the committee to consider the breadth of the independent inquiry and why the law of corroboration urgently needs to be reviewed. The voices of other victims must be heard in order that we can truthfully say that we are getting it right for every child. The human rights framework for justice and remedies for historical child abuse, which was written by the Scottish Human Rights Commission, focused on children in care, but it is relevant for survivors of historical child abuse in a wider context.

Next month, I will have to travel to England, as I have been invited to give evidence to the truth project, which runs alongside the independent inquiry into child sexual abuse for England and Wales. Part of my abuse occurred in England, so I will make that journey across the border to give evidence. Again, I will repeat and revisit the sexual and emotional abuse that I suffered as a child. Maybe—just maybe—that will be the last time that I will have to tell my story but, for now, I cannot turn a blind eye to the gaps that I believe are not being addressed, the victims whose voices are not being heard and the children's rights that are not being met.

The Convener: Thank you very much. I want to ask a couple of short questions before I ask my colleagues to come in.

You are asking for a public inquiry into the abuse of children in Scottish state schools. Is that all state schools, not necessarily just schools that have boarding facilities?

Maryanne Pugsley: All state schools.

The Convener: Do you want a separate inquiry or the remit of the current inquiry to be extended?

10:15

Maryanne Pugsley: I believe that the timeframe in the remit of the inquiry is limited. When I made my request, I was told that there was not enough time. I do not know whether there should be a separate inquiry or whether the issue should be pulled into the existing inquiry; I just feel strongly that it has to be addressed.

The Convener: There is a significant issue for survivors. The people who were in care and who campaigned for the inquiry were concerned with a specific issue. However, the vast majority of abuse happens not in care settings but in families and out in the community, with friends of the family and so on being involved. Are you arguing for abuse that occurred in a state school to be dealt with as part of an inquiry into abuse that has occurred in the community, or do you think that the issue should be addressed as part of an inquiry into

situations in which adults have responsibility for children in a school setting?

Maryanne Pugsley: I think that, if there were an inquiry specifically into abuse that has occurred in a school setting, it would address a lot of the failures that have occurred. I also believe that the concept of excluding any group of people from an inquiry into historical childhood abuse—saying to them, “Sorry, but it is not your turn just now,” and making them wait in line—sends a damaging signal. There should be no exclusions.

I am arguing, because of my experiences, that the issue of childhood abuse in state schools should be addressed. Overall, as the Scottish Human Rights Commission says, the issue applies across the board.

Angus MacDonald (Falkirk East) (SNP): You mention comments by the Deputy First Minister and Cabinet Secretary for Education and Skills in *Holyrood* magazine. However, you will be aware that, in November 2016, he referred to duty of care but acknowledged that “terrible crimes were committed” in settings other than in-care ones. He suggested that adding those settings to the remit of the current child abuse inquiry would take

“many more years to conclude”.

I would be keen to hear what your thoughts are on that.

Maryanne Pugsley: I agree that it will take time for everything to be collated and pulled together, if, indeed, everyone gets to be included. However, we must give priority to the children in our schools, because we are talking about our next generation. We cannot ignore the issue as a nation. Our children are our future. The people who have been abused—the victims who are sitting there silently and being turned away—are the carers and the parents of our children.

Everyone seems to be becoming aware of adverse childhood experiences, intergenerational trauma and all the other keywords that are coming out. As I pointed out, the effect is rippling out. Our state schools represent the largest institution in our country, and I feel that priority must be given to children in those schools.

It will take time, but many things take time. I have done two years of solid work trying to pull together all the issues. If we are determined enough, I think that we can do it.

Brian Whittle (South Scotland) (Con): I declare that Maryanne Pugsley is my constituent. She brought the case to me some time ago. We decided, after quite a lot of deliberation, that the best way to get the case properly aired would be to bring it to the Public Petitions Committee. I know how much work Maryanne has done over the period. As she said, she has pulled together

an incredible amount of information, and it has not been easy for her to do so. I would just like to say well done for getting to this stage.

Maryanne Pugsley: Thank you.

Brian Whittle: You have stated that not including in the current inquiry children who attended non-boarding state schools is unfair and prolongs victimisation, rather than enabling those who are without a voice to come forward and begin the arduous journey of becoming a survivor. Can you expand on that, in your own words?

Maryanne Pugsley: When I received the letter from the then director of education that talked about the abuse that I had suffered in the past, that was the first time anyone had put it in writing, so I thought, “Yes—I’m getting there.” Getting an authority figure to say that what happened to someone was wrong is crucial for that person’s recovery, because they can say to themselves that they are not exaggerating, and that what happened was wrong.

I did not attend counselling, which I am now undergoing, until last year. Had I started that counselling in my mid-20s, when I first realised that I had been abused, I would be a completely different person now. A person who is not listened to continues to feel like a victim. I believe very strongly that, as a society, we need to enable victims to come forward and make the transition to becoming survivors. The only way of doing that, as I see it, is by giving victims a voice that can be heard. We need to listen to them and make them feel validated and worthy. We should not exclude anyone, from across the board.

Brian Whittle: You are in an unwanted and rather unique situation, in that your alleged abuse happened in both England and Scotland. You have alluded to the fact that England takes a different approach from that which is taken in Scotland. Can you expand on that?

Maryanne Pugsley: I had been reaching out to everyone across the board, including professionals, academics and charities, so I thought that I would let the inquiry on child sexual abuse in England know what I was doing. I said, “I’m Maryanne Pugsley and I’m lodging a petition.” I also explained my abuse, in a limited way, and said that some of it had happened in England. Before I knew it, I was invited to take part in the inquiry. I did not need to say whether the abuse happened in a state school or whatever; there were no exclusions.

That inquiry includes the truth project, which gathers evidence from everyone: no one is made to feel excluded. You have no idea how happy it made me feel when I was invited down to the truth project—someone was going to listen to me, and wanted to hear what had happened to me and to

learn from my experiences. It also made me very sad, however, because I was not getting that in Scotland. I was one person who was being excluded, so I wondered how all the other people who were turned away would feel.

There are charities in the third sector that we can go to for support, and I know that money has gone into the development fund and so on, but there is something powerful about really taking someone seriously. The charities take people seriously and do a tremendous job, but it does not make sense for a Government to say that it does not want to hear from people. That is sad.

I think about the people out there and the dejection that they must feel. I am only one person, and I do not know how many people might have phoned the in-care inquiry in Scotland and been turned away because they are not covered by the inquiry’s remit. I do not know the figures or whether we could access them. However, it is not nice when a door is closed in your face.

David Torrance (Kirkcaldy) (SNP): You have referred to the United Nations Convention on the Rights of the Child and, under point number 5 of your petition, you suggest that a number of the convention’s articles

“may be open for debate”.

Can you expand on that, in your own words?

Maryanne Pugsley: I included that as a discussion point for people who might comment on the petition. I hold my hands up to say that unfortunately I have not brought that information with me, so unless someone could read out point 5 to me, I cannot answer.

David Torrance: We can look into that.

The Convener: We can reflect on that later.

David Torrance: On corroboration, you state in your petition that

“The current law of corroboration appears only to serve as another barrier that victims of historical sexual abuse have to endure.”

Our briefing refers to the independent review that was led by Lord Bonomy in 2014 and 2015 on additional measures that might need to be put in place in the event that the requirement for corroboration were to be abolished. One of the review’s recommendations was that jury research be undertaken. That research is under way and is expected to be completed in the autumn. Do you have any comments on that?

Maryanne Pugsley: I think that that will come out in August 2019. I hope that all the research papers on child abuse take into account the patterns of abusers and the lengths to which they will go to isolate victims and instil fear in them.

I will mention my experience. I had a meeting place with the person who abused me. It was in the middle of woods, way out in the country. I used to cycle there. A tree is still there with a carving of my initials and those of the accused. Short of having closed-circuit television cameras, what witness would have been there? People who are prone to behave in such ways and to commit atrocities will find ways to become more and more secretive. I do not know how you could have someone corroborate that evidence. We know that people do not acknowledge abuse until years later: they do not tell anyone because they are scared or ashamed. There are all those things to consider. There will be no forensic evidence, so where will the witness or person who could corroborate what has happened come from?

In an inquiry, other victims might come forward, because the trend is that an abuser does not abuse just one person, but abuses several people. In that light, we could get others to corroborate, but not without an inquiry. The law does not lean towards understanding of the plight of victims of child abuse.

Angus MacDonald: I will stay on corroboration. What is your view of the Scottish Government's position that

"Any future consideration of corroboration reform needs to await the findings of"

jury research

"and be considered in the wider context of that and the other recommendations of Lord Bonomy's group."—*[Written Answers, 24 August 2018; S5W-18180]*

Basically, it looks as though any change to the Government's position is a wee bit further down the line.

Maryanne Pugsley: From memory, I think that we had the Lord Carloway review in 2013. We are now back to the issue of corroboration again. I just wonder how long we will keep on procrastinating about the matter. As far as I know, matters of children's and human rights must be treated with immediacy. We have put things off again and again, but my view is that the Government has a wealth of researchers and resources, and that if the will to do so exists, the matter can be dealt with timeously.

The Convener: Have you had an opportunity to contribute to any consideration of or consultations on corroboration?

Maryanne Pugsley: No.

The Convener: I hear what you are saying about there being a delay. There have been very strong campaign groups on corroboration for a while. It can be argued that there has been procrastination, but do you acknowledge that there are, for the reasons that you gave—for example,

that it is a hidden crime in which the victim is silenced, and so on—issues and complexity? Have you thought about protections that might need to be put in the system if corroboration were to go?

10:30

Maryanne Pugsley: I say first that child abuse cases should be given the chance to have a fair trial. From my reading, I know that pulling in extra jury members was one of the recommendations, because that would allow cases of false accusation to be dealt with. I appreciate that, with corroboration, people will make false accusations, but evidence should be looked at within a court setting. However, cases cannot get to that court setting—the law does not allow you to get to that stage.

The police are doing a phenomenal amount of work, but it is resulting in no convictions: accused persons are walking free. I will not use the word "waste", but what effect is that use of resources having? After all the work and investigation by the police it might be said that it was an inappropriate relationship, but that does not provide justice for the accused or for the victim. If we could at least get to the stage of a fair trial, jury members and judges could assess the information.

There are complexities. I am not a legal head. I know that I have submitted loads of evidence, but getting my head around it all has been difficult, and a lot of it has been too traumatic for me to read. We really need just to reach out to child sexual abuse victims. I was unaware that there was a consultation paper and that I could have offered input. We really need to hear the voices of people so that we can decide how to take forward child sexual abuse cases.

The Convener: The argument is then about how the prosecution service decides what can go to court and what should be changed. Are you worried—I certainly would be—that people who have survived abuse often talk about being retraumatised by the court system? Is there anxiety that going into an adversarial court system, in a case in which there is not a lot of evidence except testimony, might be a challenge?

Maryanne Pugsley: Each case's merits should be judged individually: everyone is different. The retraumatising is hard going. I have been through it and I am doing it. It is tough.

Measures could be put in place so that the victim, instead of being retraumatised, could have someone speak for them, or they could speak from outside the court, using video links. There are bound to be ways to deal with that. Other countries have such ways: we have to learn from those other countries' judicial systems.

The Convener: Quite a lot of work has been done on vulnerable witnesses and so on. Could there be circumstances in which the case is absolutely clear to the person, but is difficult to prosecute in law, and that by saying that we will take the case to court anyway, the person will be disappointed at the end of the process because there will not be a conviction?

Maryanne Pugsley: I hear what you are saying. That could be an individual choice for the victim. Surely we could develop guidelines for such cases, and for whatever evidence there is, that would guide us along the road. In my case, I thought that there was a lot of evidence. There were witness statements, and there was a tree that had been carved, and the carving could be forensically dated.

The Convener: Although the petition is not about your case, it is informed by your case.

Maryanne Pugsley: It is.

The Convener: The rules of corroboration would not have excluded that from going to court because you could have identified corroboration.

Maryanne Pugsley: My case did not go to court because they said there was not enough evidence for corroboration.

The Convener: That is right—that is your direct experience. I wonder whether some of that might be about how the corroboration test has been applied rather than the corroboration test itself. That might be something that we could explore further.

I am genuinely interested in how we support survivors and I have followed closely the establishment of the inquiry, the campaign around it and the people who feel excluded from it. I was a teacher for 20 years—I do not recall anybody ever doing a background check on me, although it was a long time ago.

I feel a bit reassured that systems are better now. Do you think that what happened to you is less likely to happen now? From what you have seen, would the system deal with your complaint differently now? Would there be greater scrutiny of complaints? From your perspective, would a young person who is in circumstances that are similar to the terrible circumstances that you were in be treated differently now?

Maryanne Pugsley: A young person in similar circumstances to mine could still be vulnerable. In my case, the accused was still in the school because the abuse was never put on the record. As I said in my statement, an abuser is not going to put that on his disclosure form. The reason for my concerns is the lack of records.

The Convener: If you were to make the complaint now, would the investigation be recorded and therefore come up in the system?

Maryanne Pugsley: I am doing a lot of freedom of information requests at the moment. I have made one to every council in Scotland. The figures that I am getting back differ hugely and the records that are being kept are minimal, from what I can see. I do not want to quote the figures because I have not collated them yet; I have been quite busy pulling together all the evidence for the committee.

I do not know whether things are being dealt with properly; I cannot give a strong opinion on that. I will need to look at all the information that has come back to me, put it in some sort of spreadsheet and marry it up with other stuff that I have been looking at, so that can answer the question. The safeguarding elements are there but they are only as good as the records that are kept and the information that is passed on to the police and all the other regulatory bodies.

The Convener: Thank you.

Brian Whittle: I know that the FOI requests that you made to local authorities were about inappropriate relationships, which can—I say to be clear—involve full sex with a minor.

How much data have you collected so far? Are there any trends in local authorities' recording of data?

Maryanne Pugsley: Yes. One authority—I cannot remember which—has records going back only to 2012. Some local authorities will not disclose any records and instead cite data protection legislation, although I have not asked for names or anything like that.

The trend seems to be that the records do not go back very far—only to 2008 or 2012. When it comes to child sexual abuse or inappropriate relationships or allegations, it seems that local authorities do not feel the need to keep records, or have not had guidance from somewhere else saying that they must keep such records. When people have come forward to allege abuse, local authorities can confirm that only by keeping records, but there seems to be a trend of poor record keeping.

Brian Whittle: I presume that you would advocate that those records are incredibly important for us to understand the breadth of the issue.

Maryanne Pugsley: Absolutely. One set of statistics that I looked at was from the National Police Chiefs Council's operation hydrant, which has recorded child sexual abuse cases. I think that I submitted that to the committee as evidence. Inappropriate relationships are not included in that

data. The last quarterly statistics have a figure for schools, which are the top institutions shown, but they are not broken down into boarding schools, state schools or whatever. However, they are definitely schools in which child sexual abuse has occurred, and inappropriate relationships are not pulled into that. As Brian Whittle said, inappropriate relationships can involve non-consensual sex with a minor. All the different areas are not being pulled together. If a child sexual abuse case does not go to court, it is classed as involving an inappropriate relationship, and that is not pulled into the figures.

Brian Whittle: We are trying to encourage victims to come forward in sexual abuse and rape cases in general and, in doing so, we are saying that they will be heard and believed. However, your situation suggests that doing that is extremely difficult—I presume that you agree with that. How can we know how big the issue is if we cannot encourage victims to come forward? We want to understand the breadth of the issue—that is why there is currently an inquiry. In order to get the true picture, we need to encourage victims of child abuse to come forward.

I do not know how many people out there have had the same difficulty that you have had. That is my issue.

Maryanne Pugsley: Neither do I. I know that people do not want to talk about it. Although the subject is out there now, it is still taboo. Little groups of people on social media—on Twitter or whatever—have followers, but putting the issue out there to the big public is still a bit dodgy.

I joined Facebook and Twitter because of what I am doing at the moment. Someone inadvertently said, “Oh, I was abused, too,” then quickly retracted that comment and said that they did not want to talk about it. There is still the stigma of shame attached to the issue for some people, so they want to keep it quiet and not disclose it. However, it is nothing to be ashamed of. The person was a child, and they have to come forward. If we get out the strong message that they should come forward and we will listen to them, people will come forward and we will be able to listen to them and build a much stronger nation. It is the validation of being heard. We should put out the message again, and stop and listen.

I did not know about the beginnings of the in-care inquiry and that people were being consulted. I was not aware of that at all. My head is not completely buried in the sand, but I might have been busy with other things, and if there was a sort of flux of awareness about that, I was not aware of it.

If we really tried hard, we could say, “Right. Come forward if you were abused. We’re not going to put a time limit on it, and we’re not going to say that we’re not ready for you yet.” If we just let people come forward and stop and listen to them, we will see the breadth of the problem.

Brian Whittle: Finally, you said that a victims commissioner is available to you south of the border.

Maryanne Pugsley: It is not available to me.

Brian Whittle: No, but it is available to those south of the border or to those whose abuse happened south of the border. Is that right?

10:45

Maryanne Pugsley: I think that the victims commissioner is there for all victims and to help in whatever way that she can. I approached her for help and the reply was that, sadly, she “cannot intervene” but

“sincerely hopes that MSP Humza Yousaf’s office will be able to offer you some direction.”

I have found that, if I had gone to a victims commissioner, they would be doing this for me. They would say, “We will take this on—you don’t have to be retraumatised by doing everything that you are doing.” I believe that the victims commissioner down in England fought for victims on that because, as the convener said, going into court is retraumatising, as is applying to the CICA.

Brian Whittle: Presumably, one thing that you would like to come out of this process is the consideration of the creation of a similar position in Scotland as an outlet for people such as you.

Maryanne Pugsley: Absolutely. It should be the case that if you feel that something is unfair, you can go to someone. Through frustration, I came to you to ask what I could do. The work that I have had to put in to do this has been huge. On one hand, I am dealing with the situation as a victim, trying to seek justice and to get things right and, on the other, I am having to do all this research and pull it together. It is a heavy workload for someone who is the victim.

The Convener: I want to go back to David Torrance’s question about paragraph 5 of your petition. I would like clarification on what you are looking for on that point. It says:

“Looking therefore at the rights of the child the following articles may be open for debate”.

You then list articles 3, 4, 6, 19, 28, 29, 34, 39 and 42, which I have here. Is it your argument that if we followed those rights of the child, the system would be different, or do you think that those rights do not adequately reflect children’s needs?

Maryanne Pugsley: If we were following the rights of the child, it would be different.

The Convener: So, specifically around the experience of young people in state schools, your argument is that what happened to you and might happen to many other people is in contravention of the United Nations Convention on the Rights of the Child.

Maryanne Pugsley: If we do not have this inquiry, we cannot truthfully say that we have found every predator who is out there. My case proved that there was still someone in the system, and that is my link to the rights of the child.

We must do everything in our power to ensure that there are no predators still in the system. The accused was working and teaching in a state school until about six to seven years ago. The record keeping is not brilliant, so we do not know who is still working in schools. As I said in my statement, predators will not write down on their disclosure form that they have done anything wrong.

The Convener: Is that because there was no inquiry into that individual or an inquiry was not flagged up as having taken place because it was not logged anywhere? The disclosure system is clearly about not just what the person discloses but what is flung up when the system is interrogated.

Maryanne Pugsley: Exactly. If we have a broader inquiry and really push for people who were abused in state schools to come forward, we could pull that information together and find out whether there are other predators who are still in the state school system. The chances of that being the case are quite high.

The Convener: Thank you very much. We have come to the end of our questions. Do members have comments or suggestions for action?

Brian Whittle: The petition throws up a lot of issues, so we must ensure that we are focused in what we do. If possible, I would like us to contact the truth project to find out what parameters it is using, because it seems to be encouraging victims to come forward.

I am very uncomfortable with the idea of inappropriate relationships not being recorded. I am interested in the role of the local authority and how it handled the matter at the time. It instigated an investigation and suspended the accused. We are talking about serious criminality that was alleged, yet neither the police nor the education authority was involved. There is no record of the local authority's investigation or of why the teacher was moved on. I am very uncomfortable with that and would like to find out how we can close that

loop. I would be interested to get a local authority perspective on whether that could still happen.

The Convener: We would want to know whether that could still happen; my view is that the systems are much more rigorous nowadays. There is also the issue of whether it should have happened even then, because there were protocols and rules in place at the time. People say, "It was a different time," but there were protections in place for young people even at that time. I am familiar with the term "inappropriate relationship", but I have never come across a public system saying to someone, "It wasn't really what you're saying that it was; it was an inappropriate relationship." We would not accept that a relationship between a teacher and a pupil was appropriate, even if age was not an issue.

I think that it would be worth while writing to the Scottish Government and to local authorities, through the Convention of Scottish Local Authorities, which I am sure will have done some work in this area. If I am honest, I think that it is unlikely that the capacity exists for the current inquiry into the abuse of children in care to be broadened to cover cases such as the one that we are discussing, because that inquiry has been established and there has already been resistance on the argument that it is narrowly defined. However, it would be useful to raise the issue of whether a pupil who is at a state school is in the care of the state when they are at school. I do not think that that argument has been made. I think that we should write to the Scottish Government and COSLA to ask them to comment on the terms of the petition.

Corroboration is a live issue at the moment, but I think that we must wait to see what the jury research establishes and what the Scottish Government intends to do. We could ask the Scottish Government to keep us informed of progress and to tell us what the timescale is for that work.

Brian Whittle: Corroboration is an issue that has been rehearsed in the Parliament on several occasions. I know that there is a lot of resistance from the legal profession to the abolition of corroboration, but that does not mean to say that we should not challenge the need for corroboration. I am not a legal person, but I wonder whether the broad-brush approach, whereby corroboration is required no matter what the crime is, is appropriate.

Maryanne Pugsley mentioned the need for an outlet—somewhere where people can go to speak out. I am uncomfortable with the idea that time might prevent that from happening. If the process takes time, it takes time.

The Convener: The child abuse inquiry was the result of a campaign by survivors. It was not handed to them; they had to fight hard for it. The decision was made that it should focus specifically on survivors of abuse in care, which, by definition, excluded other people. I do not think that the issue was about time; it was about focus. We can have an argument about whether that was right, but that is the decision that was made.

We can ask the Scottish Government where the responsibility lies for the abuse of authority when it comes to folk who were, in effect, in the care of the state during the working day and in what context it intends to look at that. I think that that is a very significant question.

Brian Whittle: Is there a case for including within that, or flying the kite around, the idea of a victims commissioner?

The Convener: People have campaigned for that at various times throughout the lifetime of the Parliament, but they have never succeeded. I suppose that the question is whether a victims commissioner could take up individual cases or would look at victims' needs and how people are treated in systems—at processes rather than individuals. We want the Scottish Government to respond to the petition and give us its views on how people are now protected and whether the systems have changed, and on where the recourse and redress is for people who have been abused but who are outwith the remit of the current inquiry.

The corroboration questions will continue, and there are a lot of people with strong views on either side of that argument. The silent crime that involves threats and the silencing of victims is particularly challenging, so we would be interested in hearing what the Scottish Government has to say on that. We should certainly ask for a timeline on the work on corroboration.

Is there anything else?

Brian Whittle: It might be a good idea to write to the Victims Commissioner for England and Wales at least so that we can understand their remit and get an idea of what they do. As I said, I am interested in the truth project and its remit, and there is no harm in writing to it, too.

The Convener: We can certainly get the remit of the commissioner, which will be available. At the time when one of my colleagues argued for a victims commissioner in Scotland, the view was taken that, rather than have a commissioner, we should direct resources to organisations that support survivors and victims. I suppose that we want information on what the landscape is like for survivors who are not in care and who may feel unsupported. There are particular pathways that they can take to get support. I am privileged to

know many wonderful people who work in the field and who have established charities and third sector organisations that support survivors. I am interested in the extent to which people are aware of that support, how they access it and how substantial it is. There are organisations that strongly advocate for survivors outside the care system; the issue is whether that is matching up with people who are expressing a need.

One thing that has been flagged up to me by some survivor groups is that the very fact that the inquiry is taking place means that some people will finally address their experiences. Are we clear that, when they decide to do that and disclose, support services will be available to help them through that? I am not sure whether that is the case, but that is something that people have been thinking about.

Angus MacDonald: I agree with the action points that have been suggested so far. To follow up on Brian Whittle's points regarding a victims commissioner and your comments on that, convener, we need to look at that again and find out the Government's position on it. It certainly seems to me to be a bit of a no-brainer that we should have a commissioner in place already, although clearly that has been debated at length in the past.

There are previous comments from the Deputy First Minister that we have not referred to. He mentioned the specific issue of completing the current inquiry "within a reasonable timescale." My concern is that, were the remit to be expanded, we could be talking about a number of years and significant extra work, although I realise the seriousness of the issue.

I agree with the action points that have been suggested so far.

The Convener: There is quite a lot for us to pursue. We acknowledge the evidence from the petitioner. If those issues are not to be dealt with in the inquiry, what then? Where can people who have been abused in the state school system go? What would that support look like? Will the Scottish Government consider an inquiry into that?

There is also the question of whether we are meeting young people's needs and whether lessons have been learned and the system is better now than it was in the past. Are we in breach of the Convention on the Rights of the Child? All those issues have been flagged up and are important.

Our first step is to try to find out the views of the Scottish Government and COSLA on the petition and perhaps to get a picture of what a victims commissioner would do and the landscape of support for those who are outside the care system

in Scotland. There is a great deal for us to reflect on.

I thank Maryanne Pugsley for coming. I realise that this is the culmination of a lot of work for you. When you are so personally engaged with the issue, I am sure that it is very difficult for you. Once we have responses, we will share them with you and you will be able to respond to them. There will then be further consideration by the committee.

I suspend the meeting briefly to allow the witness to leave.

11:01

Meeting suspended.

11:03

On resuming—

Continued Petition

Mental Health Support for Young People (Inquiry)

The Convener: The next agenda item relates to the committee's inquiry into mental health support for young people in Scotland. As members will be aware, the inquiry was launched in connection with petition PE1627, on consent for mental health treatment for people under 18 years of age, which was lodged by Annette McKenzie.

At our meeting on 21 March, the committee heard evidence from the Minister for Mental Health on the progress of the Scottish Government's mental health policies, to assist the committee in determining where it could focus its work in the inquiry. That will aid in avoiding duplication of effort by various agencies and in identifying the themes that we would like to examine more closely.

More in-depth analysis of the inquiry submissions has been conducted, and prominent themes from all the call-for-evidence activities that have been received have been set out in the committee's papers. The intention today is to consider the themes and then decide on three or four themes that will be the on-going focus of the inquiry. As we are all aware, a lot of work is already going on outwith the inquiry, and we do not want to duplicate those efforts. We also want to ensure that the inquiry has sufficient focus, so that we can understand, as much as possible, how young people can get the mental health advice and support that they need.

Do members have any comments on, or suggestions for, the themes on which they would like the inquiry to focus?

Brian Whittle: I am interested in looking at the roles of general practitioners and teachers, in relation to the argument about professional constraints. Annette McKenzie's case, which was very hard to hear, exercised the committee. The profession acknowledges that decisions were made by the GP but there was the constraint of a lack of time to properly deal with mental health conditions. I am interested in looking at the triage system, which could direct people who are suffering with their mental health to the appropriate place. The majority of teachers would welcome some sort of mental health training, because the majority of them do not receive such training. We could make some headway on the issue of professional constraints.

The Convener: You are absolutely right in saying that we should look at that area. We should try to get a sense of whether the GPs' argument is that it is impossible for them, in the time that they have, to make such decisions and that it would be more appropriate for somebody else to do that front-line work. If so, what would that system look like? Having that conversation with GPs would be really interesting.

I was struck by the argument that a young person should not be given antidepressants after the first consultation. However, it turns out that that relates to antidepressants rather than to other medication. In the case that prompted the petition, medication other than antidepressants was given, but, ultimately, that seems not to have been a material consideration. We want to look at the issue and have that conversation with doctors. What is the rationale for saying that someone should not be given antidepressants following their first appointment? Is it that doctors will not know a patient's circumstances well enough? If that is the case, should the restriction not be extended to a broader range of medications? It would be very useful to have that conversation.

On Brian Whittle's second point, about teachers, we should also think about other school staff. Quite often, young people will go not to their own guidance teacher but to someone in whom they feel they can confide. Are those people—whether it is support staff members or whoever—geared up to deal with such conversations? It would be useful for the committee to do a bit of work on that issue.

David Torrance: In everybody's areas, there are high schools in which there is good practice in dealing with pupils' mental health issues, so it might be worth having a look at that good practice.

The Convener: Yes, that is one area that we could look at.

Angus MacDonald: Peer support is an important area to look at. All these issues are important, but peer support came up in an evidence session on another petition—I cannot recall which one. The Scottish Association of Mental Health was very keen to promote peer support, and I am keen to look at where there is good practice. Where that is not happening, we should look at ways in which peer support can be introduced and supported.

It is interesting to note, from our briefing, that the child and adolescent mental health services that are provided by NHS Greater Glasgow and Clyde have an early intervention pilot project under way, which involves working alongside school staff. I am keen to get more information on that work, so a trip to Glasgow might be an option.

The Convener: A visit to Glasgow is always to be welcomed.

Angus MacDonald: You would say that, convener.

I would be keen to learn some more about any early intervention projects that are under way.

Brian Whittle: If we are going to speak to GPs, I would like us to ask them what access they have to alternative treatments, as opposed to just medication.

The Convener: My sense is that they would argue that they are constrained by time and in their options but that the one thing they can do is medicate, although I sense that that is not what GPs would want to do if there were alternatives. We need to get a proper sense of that, too.

It would be useful for us to map out, against the areas that are identified in the clerk's paper, what is already happening. We should certainly try to go out. We may want to talk to those who have direct experience of the consequences of the system. Annette McKenzie has been a powerful witness for us, but it would be useful to get some more understanding from the front line of what it has meant for families.

It is important that a young person knows whom to ask and that the person they ask knows what to say. That is really powerful. Maybe it comes under the heading of advice and awareness raising. People talk about it as being mental health first aid. It is the idea that all of us, as human beings, should have the capacity to respond in a way that will help the person at that point. It is also important to understand that the person might want to get support not from family but from friends or somebody else.

The other thing that I am interested in talking to GPs and other professionals about is the constraint of confidentiality. That is at the heart of what happened in Annette McKenzie's case, and it is at the heart of the petition. It is about the family of somebody who is in such circumstances not aware being aware of it. We have had the debate about confidentiality and protection, but it would be interesting to talk to professionals and find out whether they treat mental health issues differently. With a physical illness, they would give the person advice, direct them to a support group and other things, and tell them that they must talk to their family. Do they feel constrained around mental health in a way that they do not feel constrained around physical health? I would hope that, when somebody was very anxious, a reasonable starting point would be to say to them, "Of course, your family or your friends might be able to help you. Is there somebody that you want to talk to?"

Brian Whittle: Something that has been on my mind since Annette McKenzie brought her case to us is the capacity of a person who presents with mental health issues to self-medicate. I understand all the arguments, but that has stuck with me. I would be really interested in hearing the professionals' views on that.

The Convener: Yes. I think we agree that we want to go out and make inquiries on the matter in Glasgow, as Angus MacDonald said, and perhaps in other parts of the country. That will allow us to look at some of the support organisations to which people can go and to get a sense of the landscape.

Do members want to flag up any other points in the clerk's paper? Under the heading of advice and awareness raising, we might also want to get a sense of how modern people's approaches are. I recall hearing from the Samaritans that they have now acknowledged that some young people prefer to have the conversation by text rather than by phone, so they are developing such a service. I think that a lot of the mental health services are doing that. It would be worth learning more about the technological ways in which people can tap into services and how the system lets young people, in particular, know about those.

All the options that are identified in the paper are really important, but I think that we will want to have a bit of focus. We know that a lot is going on. The danger for us is that so much is going on that we will simply observe it rather than try to intervene and have a wee bit of focus. However, I think that the suggestions that have been made so far will allow us to do that.

11:15

Taking that approach does not preclude our doing other things at a later stage, and we might want to think about other stages of the inquiry. We might want to timetable a bit of work on professional constraints, advice and awareness raising, and peer support. We can reassure the petitioners and others that the inquiry is very much connected to the petition—it comes from it and from the desire in the petition to understand how the system needs to change.

Brian Whittle: Some of the other issues in the paper will be covered automatically. Because we are focusing the investigation on the areas that we have discussed, the issue of having a specialist mental health service for young people will inevitably be part of that without requiring a specific focus.

The Convener: We thank the clerks for the amount of work that they have done so far. I also thank those who have responded to us, because those responses have very much informed what

has been done. People clearly have strong views and direct experience that they want to share, and we appreciate that.

We are looking for a staged approach with timelines, to give us a clear idea of how we are going to progress the issue. It was obvious from our meeting with the Minister for Mental Health that a lot of things are going on. However, the question is whether those things have a direct impact at the local level. As we heard earlier, people who are involved in the GPs at the deep end programme have strong views on the issue, and there is an issue of whether what is said in policy terms is being lived out in practice. It would be useful for us to cover that aspect in our approach.

We appreciate that there is a significant amount of work for us to do on the matter, and I, for one, am looking forward to hearing about the direct experience of people who have a lot of expertise and strong views that can help to shape our recommendations.

I thank everyone for their attendance.

Meeting closed at 11:17.

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