



The Scottish Parliament
Pàrlamaid na h-Alba

CITIZEN PARTICIPATION AND PUBLIC PETITIONS COMMITTEE

John Swinney MSP
Deputy First Minister
Scottish Government

By e mail only—
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Citizen Participation and Public
Petitions Committee
Room T3.40
The Scottish Parliament
Edinburgh
EH99 1SP
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10 January 2023

Dear John,

[PE1933: Allow the Fornethy Survivors to access Scotland's redress scheme](#)

Calling on the Scottish Parliament to urge the Scottish Government to widen access to Scotland's Redress Scheme to allow Fornethy Survivors to seek redress.

The Citizen Participation and Public Petitions Committee considered the above petition at its meeting on [23 November 2022](#). At that meeting, the Committee agreed to the Scottish Government to highlight the evidence we have gathered.

In considering this petition, the Committee examined written evidence from the Petitioner, organisations representing victims and survivors of abuse, Glasgow City Council, as well as the information you have provided to us. We also received statements in support of the petition from our parliamentary colleagues Brian Whittle MSP and Martin Whitefield MSP.

The written evidence the Committee has received is compelling and indicates support for widening the eligibility criteria for the Redress Scheme to include victims and survivors who experienced abuse during short-term respite or holiday care.

The Committee understands the Scheme is designed to compensate those in situations where there was an exercise of public function. The Committee heard that parental responsibilities were transferred to local authorities, such as the then Glasgow Corporation, temporarily and in these cases the local authority could be considered to be acting "*in loco parentis*" when providing short-term respite and holiday care. This would suggest parental responsibilities were impacted while the child was care,

regardless of the circumstances which led to their stay in care and regardless of the time the child spent in care.

The Committee also heard that records and information relating to Fornethy are limited, which also suggests it may be difficult for both applicants and Redress Scotland to establish the circumstances under which their stay at Fornethy House was arranged.

The Committee considers that there was an exercise of public function by Glasgow Corporation in the case of Fornethy and Glasgow Corporation had responsibility for the welfare and protection of children while in its care.

The Committee considers that victims of non-recent abuse in the case of public bodies should receive equal and fair treatment, regardless of the length of time and regardless of the place they were being looked after.

The Committee considers that the definition of eligibility to the Redress Scheme, established by the Redress for Survivors (Historical Child Abuse in Care (Scotland) Act 2021, limiting redress to those in establishments providing long term care, is too narrow. The Committee considers that victims of the same type of crime, committed over shorter periods of time, and in different care settings, should be eligible for redress under the Scheme.

Based on the evidence received and the Committee's consideration of that evidence the Committee recommends that the Scottish Government take action to widen the current eligibility criteria of Scotland's Redress Scheme to ensure that victims of the same type of crime, committed over shorter periods of time, and in different care settings, are eligible for redress under the Scheme. That would include those individuals who are unable to definitively establish the reason they came to be in the care of establishments such as Fornethy House.

The Committee would be grateful to receive your response electronically, in Word format, by no later than **Tuesday 7 February**. Your response will be processed in accordance with the Parliament's [policy on the treatment of written evidence](#).

On behalf of the Committee, thank you for your assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Carlaw', written in a cursive style.

Jackson Carlaw MSP
Convener