

PE1933/EE: Allow the Fornethy Survivors to access Scotland's redress scheme

Petitioner written submission, 12 January 2025

We would like to thank the Petitions Committee for their due diligence in hearing and acting on our petition.

We acknowledge and thank the Deputy First Minister (DFM) for her written submission dated 05/12/24, and also for meeting the Survivors in September and agreeing to take forward a number of actions. We would like to comment as follows.

Action 1: Emotional Support

Whilst there is some good support available, unfortunately it is very patchy. Some are fortunate to access suitable support, many others struggle to find the right support, others receive no support at all and slip through the net. Resources are scarce, lengthy waiting lists; charity funding cuts; complex needs which require a lengthy trauma focussed counselling and EMDR therapy is not readily available. Many survivors tell stories of frustration in getting their needs met therapeutically. Indeed, [the British Association of Counsellors, in their campaigning role, have written a letter to the Home Secretary](#) calling for therapy support for child sexual abuse survivors. Failure to implement three of the recommendations from the 2022 independent public inquiry showed there were "significant concerns". A survivor writes:

"I'm just not sure we are actually any further. I feel like survivors, are once again, being spoken about and on behalf of without anyone listening to what is needed."

The third sector charities and NHS providers are facing huge funding cuts and the infrastructure around accessing support is a postcode lottery. Some services are closing. The third sector is under-resourced and over-subscribed for all types of emotional support, not just for sexual abuse or trauma-focussed therapy.

The need is great.

Action 2: Meeting with the group alongside the leader of the GCC

Only one meeting out of promised monthly meetings has happened leading to disappointment alongside the rejection to meet from GCC. We accept the reasoning and welcome more engagement. However, this still doesn't go towards extending the criteria for Redress being asked for.

Action 3: An apology

Minutes of the GCC council meeting on the 12th September were requested by the Survivors to see the evidence of the apology but we have struggled to access these. GCC are closing doors to the Survivors on many fronts, and we ask why?

As part of the Government's Redress Scheme, a full apology has yet to be made.

Action 4: Scottish Childhood Abuse Inquiry

We are pleased to hear that Fornethy is once again to be a case study in the latter half of 2025, after many requests by ourselves as to why it was taken down from their remit in the first place. This is all more and more time, more delays. We need action.

Despite these actions, nothing takes away from the fact that the decision was made by the DFM to not extend the eligibility criteria and we would request that this now goes to a parliamentary debate.

What we were looking to receive was an answer to our [questions asked in our submission last August](#). Namely, that the Terms and Conditions be looked at and that if survivors placed applications for redress now based on new evidence produced and whether applicants do indeed stand a better chance of success? The “assumption of truth” was allayed to by the Redress Panel. This, along with other questions asked, such as a request for full debate, appear to have gone unanswered and are going into the long grass along once again.

We also asked the DFM if Fornethy House could be treated as a crime scene due to paperwork evidence being seen in the building.

The Petitions Committee has looked at all the evidence and agreed **unanimously** that individuals who experienced abuse in a relevant care setting should be able to access the Redress Scheme regardless of length of stay and whether there was parental consent or not for the placement.

What **more** needs to happen?

New and Additional Information

Our change.org petition has gathered over 1,100 signatures.

Further invitation to work with Scottish Television.

Fornethy Survivors were put forward as a top three finalist by The Herald, for a “Campaigner of the Year” Award in Edinburgh.

A summary report has been sent to members of the Petitions Committee outlining an academic and legal case for Fornethy Survivors to receive redress. Unfortunately, due to the lengthy word count we were unable to submit that report here.

It focusses on the claim that Fornethy historical abuse cases does not meet the criteria and which was subsequently unanimously rebutted by the Petitions Committee and Thompsons solicitors. They highlighted that we, as children, had no contact with our parents during our stay and, that Glasgow Corporation had full responsibility for the day-to-day welfare and protection of children during placements.

This worthy report considers in detail:

- Legal definitions and time frames for Child Sexual Abuse
- Scope and Limitations of the Scotland Redress Scheme

- Legal and ethical criticisms of the decision to exclude
- Domestic and historical legal, obligations, frameworks, and precedents
- Legal precedents set by support for international cases
- Implications for the Fornethy exclusion
- Case Law and Statutory developments
- Ethical and legal responsibilities
- Comparisons with other similar cases
- Inconsistencies in the Scottish Governments approach to historical child abuse
- Contradictions in the stance of the Scottish Governments own redress scheme and towards the Fornethy Survivors
- Duty of care framework in residential settings and violations

We would comment on the legal and human rights issues within Strathclyde council-run Fornethy House residential school in Scotland before 1989 which focuses on two significant concerns:

- 1. The sale of Fornethy House and associated properties**
- 2. Safeguarding**

There is evidence which highlights potential judicial failings and concerns about the council's compliance with legal obligations in its property management. The sale of Fornethy House and the improper use of children and unvetted staff in residential schools before 1989 demonstrate serious failures in both legal compliance and the protection of human rights. Strathclyde Regional Council's (SRC) actions, particularly concerning the property sale and the lack of safeguarding measures, likely violated established laws governing estate management and child welfare. The absence of robust judicial oversight during this period further contributed to the systemic neglect and mistreatment of children in council-run residential school establishments. Both aspects are examined in terms of judicial relevance and the potential human rights violations. By assigning children such responsibilities as caring for other children during work placements, SRC may have breached these protections.

We are in regular contact with human rights lawyers concerning, among others, the Children and Young Persons Act 1933, which provided specific protections for children, prohibiting the abuse, exploitation, or neglect of minors. It laid the groundwork for child protection regulations that applied to institutions like residential schools, emphasising the necessity for proper care, oversight, and safeguarding practices. As you know, our rights were violated on many fronts.

Trust is scared ... Because

“If we, the storytellers, don't do this, then the bad people will win.” (Christiane Amanpour).

We fight on.

- [Strathclyde Regional Council Report on the Future of Residential Centres and Outdoor Education Centres](#)
- [Historical Abuse Systematic Review](#)
- [Article | Encounters with Care in a Scottish Residential School in the 1980s](#)

- [Reflecting on the past: children's services experiences of residential care in Scotland from 1960-1975](#)