

Petitioner submission of 2 November 2022

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

Firstly, we would like to acknowledge and offer thanks to the Petitions Committee for taking our Redress petition seriously, and seeking further information from stakeholders. We also acknowledge and thank all those agencies who responded and made a significant and important contribution in favour of our cause. We appreciate the Deputy First Minister (DFM) engaging with a small number of Survivors - demonstrating a clear improvement to the previous lack of engagement.

These efforts were truly valued, but need to be further addressed, as we had expected our case to have resulted in redress, given the substantial evidence presented, lifelong emotional trauma facing Survivors, and support gained from several agencies.

We were disappointed with the DFM's response and how policy is failing us. We have articulated below why redress is required.

The DFM does "*not consider it appropriate to adjust the eligibility criteria at this time.*"

Following review of the [Redress For Survivors \(Historical Child Abuse In Care\) \(Scotland\) Act 2021](#), we are dismayed at the discrepancy of how our case is classified as ineligible, due to being considered as "short term care" "holiday home" "survivors", while it is eligible for long term "Residential Institutions". Why does the length of stay determine the severity of a child's abuse and worth, and not the abuse itself, when detailed definitions that constitute abuse, including emotional, physical and sexual abuse, and corporal punishment, describe some of the traumas the Fornethy Survivors experienced?

Examples of the range and types of abuse we experienced at Fornethy were detailed in our [previous submission](#) to the Committee.

Imagine if you or your own small child were at Fornethy? How would you reconcile your own anger and heal yourself if this happened to you? What would justice look like for you? Please put yourself in our shoes.

Organisations responding to the Committee have shouted loudly to that injustice using phrases such as: *Not be opposed; Equal treatment; Fairness; Unfair; Denying others; Opportunity; Excludes; Definition too narrow for same types of crimes; Discrimination; No choice; Rights; Experience severe abuse; Confused; Insecure; Major impact; Not so lucky; Impact of trauma; Deserving to have needs met; Wellbeing; Safety.*

Survivors have carried their stories for years and have been courageous in sharing the legacy of their trauma. Healing can happen when they are taken seriously and are afforded the respect they deserve. Redress is respect.

The DFM states the Redress Scheme is designed to respond to survivors, placed in care, who *“lost the oversight and protection of their families.”*

We agree! Fornethy children had no access to their families’ oversight and protection and their cries for help were punished.

The DFM goes on to say *“parental rights and responsibilities were not affected for children on short-term respite or holiday basis”*.

They were stripped of it all! Would a parent have allowed such abuse? Fornethy children had no choice or protection, far from home in a setting without due diligence to their safeguarding and wellbeing.

The DFM mentions eligibility being limited to situations *“where institutions and bodies had long-term responsibility for the child in place of the parent”*

We are, however, aware that children in ‘relevant care’ for less than six weeks can access redress. Glasgow Corporation were in the role of *“in locus parentis”* without due diligence to what was happening at Fornethy, leaving vulnerable children in the care of unvetted staff. We deserve access to redress too.

The Children Scotland Act (1995) lays out clearly that there is a duty of care which is about wellbeing; welfare; compliance and good practice. Fornethy staff were not subjected to a national vetting system or care standards. Parents had no way of knowing their children were being abused; they were not allowed to visit their children; children were not allowed to write of their distress.

Parents had no way of knowing. Children had no way of telling.

The DFM says *“it was essential to link eligibility to the purpose of these stays, rather than the nature of the institution ... or the experience of those survivors”*.

Why was it essential?

GCC also indicate the need for more information on why the current eligibility rules were put in place.

New Information

Since the Committee last considered our petition, we have:

- Established a new fundraising arm to support our work;
- Continued to engage with MSPs, including attending the Parliament in person on 27 October, and making a direct request for engagement with the First Minister. More protests are being planned;
- Met with investigative journalist and had discussions with the media about the possibility of filming a documentary to highlight our experiences;
- Supported one another in planning visits to Fornethy, engaging with the police investigation, and researching what has happened to our historical records.

We ask the Committee to support the calls made for equality and fairness in helping to ensure Fornethy Survivors have the choice for redress, and an equitable scheme for victims prior to 1964.

Your advocacy for our justice and access to redress will lead us a step closer to peace.

Thank you.

Iris Tinto & Caroline Harris
On behalf of the Fornethy Survivors