

Petitioner submission of 1 November 2023

PE1933/O: Allow the Fornethy Survivors to access Scotland's Redress Scheme

We thank the Deputy First Minister (DFM) for her response to our recent submissions of 7th March 2023 and 14th August 2023, providing the Fornethy Survivors with an update following the letter sent to the former DFM. The update does not cover all of our questions contained in these submissions. We wish to respond as follows:

The DFM's submission states: *"I can advise that the Scottish Government has not informed any applicant that Fornethy House will be disregarded by the Panel"*.

The previous DFM stated in his [submission dated 6 February 2023](#):

*"I do not believe that Fornethy survivors are precluded from applying for redress under the current eligibility criteria" **but** "the decision as to whether a redress payment is made is quite rightly a matter for Redress Scotland as the independent decision makers"*.

We feel there is incongruence here, since Redress Scotland have provided responses that state firmly that Fornethy (and another placement) are to be disregarded by the decision-making panel (as noted in our [submission of 14 August 2023](#)). Redress Scotland is a government-led initiative upon which the panel make their decisions according to the criteria set and which does not extend far enough. We feel that we are hardly moving forward.

It seems from the above that the Scottish Government has relinquished its powers to intervene with the panel's independent decision-making process, and so handing it back to Redress Scotland whilst at the same time **it is** within the Scottish Government's power to widen the eligibility criteria. We have been asking and asking since April 2022 for this to happen and neither of these submissions are addressing the real issue which is a fair and equal opportunity for redress.

As said before, the intention of the Redress Scheme was to put survivors **at the heart of the scheme**, but the panel and the Scottish Government are not doing this. We are in the shadows yet again – ignored and silenced by ineffective processes and accountability, keeping us isolated – what a parallel to our time in Fornethy!

The redress criteria excludes Fornethy as a suitable placement for making an application. Our whole petition to allow us access has been about challenging the too limited criteria and calling on the Scottish Government to change this, yet it would appear the decision-making power is with the panel at Redress Scotland?

How do we go about challenging the panel when they will say the criteria is set by the Government under the powers of the Redress for Survivors Act 2021?

Are there any new proposals being put forward for the Redress Scheme?

If it is the case that Fornethy Survivors can apply for Redress as both DFMs indicate, then we go into that with one chance which, up until now, has failed us. There are many individuals now who wish to apply for redress but, again, the barriers within the application requirements are now proven to act against us having any success.

We have no confidence whatsoever that any of us will be successful without the Government making the changes to the parameters.

We also requested in our previous submissions updates on the following:

1. That it was agreed that the redress criteria would be tested and reported back to the Committee and then to us. The former DFM indicated that work was underway to test the existing eligibility, criteria and guidance related to Fornethy, has this happened?

This has been on-going since 2022. Our fear is that if this does eventually get sorted will we be out of a timeframe of which we are unaware of. Again, the lack of transparency around so many issues makes us even more insecure when our questions are not addressed. Many of our number are ageing and sick and some have died already without that justice or peace. Please don't deny those still living.

2. We did ask on the [7th June 2022](#):

We would like to know what the timescale actually is for someone in care to access the Redress Scheme? What is the cut-off date? Does eligibility within other organisations that are permitted redress allow for shorter periods that six to eight weeks?

And again, on the [7th March 2023](#) we asked once more:

what the timescale actually is for someone in care to access the Redress Scheme? What is the cut-off date please? This was raised in our June letter (PE1933/B) but remains unanswered.

Eight months difference?

As per the submission, a small group of the Survivors would like to take the opportunity to meet with the independent researcher to find out what, if any, progress has been made to date and we look forward to the evidence session with the Deputy First Minister taking place and await confirmation of the date of this.

Our petition was lodged on 19th April 2022 – it is now eighteen months on, and it seems we have only made very limited progress despite many communications and persistent efforts from us.

We continue relentlessly however. We protested again in George Square, Glasgow, on 1st November 2023, petitioning for our records; we are in communications now with a human rights organisation and exploring whether to engage a lawyer to take our case forward. Press organisations are also covering our story and radio raising the profile of our plight.

We do not want to be here in another year's time fighting the same battle. Please urge the Scottish Government to do the right thing and widen the criteria so that all can apply and be treated equally and fairly.

Trust is sacred but our trust in this process is being eroded now over time, but we will not give up. We stand together. We are hurt and we are angry.