

Citizen Participation and Public Petitions Committee

16th Meeting, 2022 (Session 6), Wednesday
23 November 2022

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

Note by the Clerk

Lodged on	19 April 2022
Petitioner	Iris Tinto on behalf of Fornethy Survivors Group
Petition summary	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.
Webpage	https://petitions.parliament.scot/petitions/PE1933

Introduction

1. The Committee last considered this petition at its meeting on [15 June 2022](#). At that meeting, the Committee agreed to write to the Deputy First Minister and Glasgow City Council. The Committee also agreed to write to bodies representing victims/survivors of abuse.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new responses from the Deputy First Minister, Glasgow City Council, Victim Support Scotland, the Moira Anderson Foundation, the National Association for People Abused in Childhood (NAPAC), Future Pathways and the Petitioner, which are set out in **Annexe C**.
4. Written submissions received prior to the Committee's last consideration can be found on the [petition's webpage](#).

5. Further background information about this petition can be found in the [SPICe briefing](#) for this petition.
6. The Scottish Government's initial position on this petition can be found on the [petition's webpage](#).
7. Members may wish to note this issue was raised during First Minister's Question Time on 27 October 2022. A copy of the Official Report is available [here](#).

Key issues

8. Written evidence the Committee has received indicates there is support for widening the eligibility criteria to include victims and survivors who experienced abuse during short-term respite or holiday care.

The following points were made in support of the petition's aims:

- All victims of non-recent abuse should receive equal treatment;
 - Focus should be on whether an establishment or institution had responsibility for safeguarding, or welfare of the child, rather than the length of time spent there;
 - Desire for justice and uncovering the truth is more important to many survivors than receiving monetary compensation; and
 - One organisation highlighted that perpetrators of abuse may even have targeted young people on a short stay as they are more confused and insecure than other young people who may have had more time to adapt to their surroundings.
9. Evidence highlighted that the purpose of the Redress Scheme is to respond to survivors who, when placed in care, lost the oversight and protection of their parents and families.
 10. The petitioner states that children were prevented from raising concerns in letters home to their families, which left parents with no way of knowing about the abuse their children were experiencing while resident at Fornethy.
 11. The Committee also heard that records and information relating to Fornethy are limited, which suggests it may be difficult for both applicants and Redress Scotland to establish the circumstances under which their stay at Fornethy House was arranged.
 12. In responding to calls for the eligibility criteria to be widened, the Deputy First Minister has stated that it was always the Scottish Government's intention to exclude arrangements where there was no exercise of public function in either

the provision of accommodation or the reason for the child being resident in the care setting. Their view is that creating provision to consider exceptional cases would leave the eligibility criteria open-ended and non-transparent for applicants, and potentially create uncertainty and inconsistency in the operation of the Redress Scheme.

Action

The Committee is invited to consider what action it wishes to take.

Clerk to the Committee

Annexe A

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

Petitioner

Iris Tinto on behalf of Fornethy Survivors Group

Date lodged

19 April 2022

Petition summary

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.

Previous action

Written to Nicola Sturgeon

The group members have written to their MSPs

Protest in September and new protest due

A great deal of research into the background and looking for records over the last two years including seeking information from Glasgow Council

We did protests in Glasgow and Edinburgh.

Background information

Survivors need acknowledgement, closure and compensation. The young girls were "in care" of Glasgow Corporation who provided the in care setting for these vulnerable, helpless and isolated children. The decision to make us exempt from the redress scheme has magnified that suffering. We want to be treated equally to other abuse survivors. Redress is an important part.

Going down the legal route incurs great costs and mental resilience which abused victims will mostly find untenable due to the effects the abuse has had on them. We know that childhood abuse affects many

socio-economic factors as well as inter-personal and mental health conditions. Why should they have to? If the government recognises the validity of child abuse and its long term effects, why make them exempt?

Fornethy children were in the care of Glasgow Corporation and they are not being held to account but passing survivors onto agencies to deal with them. Many victims have already spent great sums of money and effort in therapeutic interventions, preparing themselves, being interviewed, giving statements to the Police and the Scottish Child Abuse Inquiry. They are now wondering to what purpose given they are not being taken seriously in the Redress scheme. We know there are records in the Mitchell Library but are being met with silence again. We have no access to justice.

Annexe B

Extract from Official Report of last consideration of PE1933 on 15 June 2022

The Convener: PE1933 is entitled “Allow the Fornethy Survivors to access Scotland’s redress scheme”. The petition was lodged by Iris Tinto on behalf of the Fornethy survivors group and calls on the Scottish Parliament to urge the Scottish Government to widen access to the redress scheme in order to allow the survivors to seek redress.

Iris Tinto notes that

“Survivors need acknowledgement, closure and compensation.”

She states that, despite being

“‘in care’ of Glasgow Corporation”

the decision to exempt groups such as the Fornethy survivors group has “magnified that suffering.” The group has provided a powerful and detailed account of the range of abuse that they suffered and the outcomes associated with that in the written submission that members will have seen among their papers. In its submission to the committee, the Scottish Government states that it

“recognises that the abuse of children in all circumstances ... is wrong and harmful.”

Despite that recognition—I am thinking of a petition that we heard not long ago; herein lies a common theme—the Scottish Government states that the exclusion of people who were abused in short-term respite or holiday care is

“in keeping with the core purpose of the redress scheme”.

It states that

“eligibility for the scheme is not based on how long a child was in care ... Instead, it is based on how the child came to be in care and the type of care setting”

that they were in.

Members will recall the petition that we have been considering about the abuse inquiry and the terms of reference in relation to that. Although this is a different petition and a different set of circumstances, I was struck when reading the notes that it seems again to be the case that drafting of regulations is tight and allows groups to fall through the net, which is acknowledged but not followed by any resolution. What views do colleagues have, having read the notes?

David Torrance: We should write to the Deputy First Minister to draw his attention to the issues that are raised in the petition and ask that he consider adjusting the current eligibility criteria to allow Fornethy survivors, and other survivors with similar experiences of short-term respite or holiday care, to access the redress scheme.

Fergus Ewing: I very much endorse the course of action that has been recommended by David Torrance about writing to the Deputy First Minister. In the letter, I wonder whether we might seek clarification of why the criteria seem to be based on how people came to be in care rather than on the experiences that they had in care. If an individual suffered a wrong, surely that individual should be entitled to receive remedy of whatever sort—a monetary compensatory award, an apology or something else. It seems that the criteria that are being used to restrict groups of people are, at least, open to question.

I also want to raise a point that relates to a constituency case that I had about not dissimilar circumstances. Although I will perhaps need to go back and check, my recollection is that part of the Scottish Government's answer as to why a category of potential claimants was excluded from entitlement to claim a remedy was that that was what Parliament had judged during the passage of the relevant legislation. If that is the case, I wonder whether a little bit more work needs to be done to check the evidence and the basis on which Parliament came to its conclusion. That is my recollection; if it is faulty, I must apologise, but I think that that was part of the reasoning that the DFM adduced in reply to me on a very similar issue. If that is the case, it suggests that Parliament has, in fact, considered the principle of the issue before.

Perhaps the clerks could check that in order to see whether I am rambling incoherently and talking complete nonsense or have a nugget of a point.

Alexander Stewart: Mr Ewing makes a very valid point with regard to how we should examine the issue. I also agree with David Torrance's recommendation to write to the Deputy First Minister. The entire saga continues to unlock and show survivors and individuals across the care sector and support sector how they were dealt with in that entire area. We should examine the matter as much as we possibly can so that we can capture it.

As the convener identified, organisations and individuals are falling through the net, which is the last thing we want. We want to encapsulate as much information as we can so that we bring together the broadest range of views and opinions. We will achieve some of that through the suggestions of Fergus Ewing and David Torrance; I am therefore very supportive of those proposals.

Paul Sweeney: I concur with what Mr Ewing said with regard to a need for remedy, which is clear in terms of natural justice.

I think that there is another stakeholder, because Glasgow City Council is the successor body to Glasgow Corporation. Any question of liability would probably need to be discussed, which therefore requires a response from Glasgow City Council as well as from the Scottish Government. We should therefore also make inquiries of Glasgow City Council.

The instincts in bureaucracy are to defend against liability and against extending liability, but that is the wrong approach in this instance. We should therefore try to establish a remedy for a group that has clearly suffered harm.

The Convener: Thank you. I wonder whether we might also write to some of the bodies that represent victims and survivors, just to call in aid to the argument and to get some understanding of their views on widening the eligibility criteria. They must be aware of the particular circumstances of the groups that are falling through the net, and might be able to identify others that they would say are in a similar situation. Do we agree to write to those bodies, together with the suggestions that have already been made?

Members indicated agreement.

The Convener: Thank you. It is an important petition; we will keep it open and see what progress we can make.

Annexe C

Glasgow City Council submission of 15 July 2022

PE1933/C: Allow Fornethy Survivors to Access Scotland's Redress Scheme

I refer to your letter of 6 July 2022 and the above mentioned petition.

Glasgow City Council ("GCC") has received 163 claims for compensation concerning events said to have occurred at Fornethy House during the Glasgow Corporation and Strathclyde Regional Council eras. There is also a case in court based on events said to have occurred at Fornethy House. It is not possible for GCC to comment in any detail about the facts and circumstances connected to the claims or the case which is being litigated. This will limit the scope of my response.

You ask what GCC has done to assist Fornethy House residents. As I have said above, there are a number of claims now sitting with GCC's claims sections and a case being litigated. In respect of the claims, it is GCC's duty to consider the evidence available and to decide on offering compensation based on that evidence. This may mean making offers of compensation. However, in other cases it may mean having to reject a claim and defend any consequent court action. While there remains a possibility of being on the opposite sides of litigation there is a limit to the assistance GCC can offer.

I note what the petitioner says in the petition document and submissions about seeking information from GCC and feel I must respond to the following statement:

"That the GCC are collusive in keeping us silenced once more in not helping and enabling us access to our records, vital to our case. We appear to have gone un-noticed as the GCC remain indifferent in investigating the matter properly."

Whilst the petitioner is correct to say that there have been requests for records and information by people who attended Fornethy House, GCC has made significant efforts to assist by looking for the records and information requested. This included having archivists at the Mitchell Library search for Fornethy House records. Any records found have been provided to those requesting the information. Unfortunately, very little information and few records have been found and what has been found is not particularly detailed. We have been open and transparent about this.

I accept that the results of the searches will have been disappointing to those requesting the information, but I would reaffirm that GCC did make significant efforts to find the requested information.

It may be helpful to summarise the information found. Fornethy House appears to have been gifted to Glasgow Corporation. It was used by Glasgow Corporation and later by Strathclyde Regional Council. It does not appear to have been registered as a residential school although it is referred to as such in some of the documents. The documents that have been found indicate that it was used for convalescent purposes by the Education Department. Attendance at Fornethy House appears to have been arranged through the children's school and attendance appears to have been agreed with parents. There is no indication that the children who attended were placed at Fornethy House under social work legislation. At some point the purpose of Fornethy House appears to have developed from a place for convalescing children to a place where short holidays were offered. I'm afraid the information available is rather limited.

The purpose of the petition is to extend eligibility for the Redress Scheme to include persons who attended Fornethy House on a short stay basis. Whether or not to extend the Redress Scheme is ultimately a matter for the Scottish Ministers and the Scottish Parliament. However, I can say that GCC would not be opposed in principle to extending the scheme to allow those who attended Fornethy House to make applications to the Redress Scheme. That said, I do note that extending the Scheme may have wider implications for the application of the Redress Scheme across Scotland and would want to have more

information on the reasons why the current eligibility rules were put in place before expressing a final view.

Victim Support Scotland submission of 5 August 2022

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

Victim Support Scotland (VSS) is the largest organisation in Scotland supporting people affected by crime. We provide practical help, emotional support and essential information to victims, witnesses and others affected by crime within each local authority and every Sheriff and High Court in Scotland. The service is free, confidential and is provided by volunteers.

VSS welcomes the invitation by the Petitions Committee to comment on this petition and your specific question on whether the eligibility criteria for Scotland's Redress Scheme should be extended to include those who experienced non-recent abuse while in short-term, holiday or respite care.

VSS believes that all victims of non-recent abuse should receive equal treatment and fairness, regardless of the length of time, or the place that they were being looked after. It is our experience that the pursuance of claims by victims of non-recent abuse often originates from a desire for access to justice rather than monetary compensation. Many victims tell us that no amount of money can repair the damage caused by the actions of their abuser/s, and that raising an action of some kind is the only avenue left for them to achieve some sort of justice or means of obtaining support for the acts committed against them.

It is our view that it is simply unfair to allow some victims of non-recent abuse the opportunity to pursue a claim under the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021 whilst denying others the same opportunity. We recognise that the legislation, as currently drafted,

seeks to only include establishments providing long-term care. We feel that this definition is too narrow and unjustly excludes victims of the same types of crime committed over shorter periods of time and in different settings.

We believe that main question to be considered here is whether the establishment providing this short-term care had responsibility for the safeguarding, or welfare of the child, or the protection, or furthering of the child's interests. As identified in the policy memorandum¹ accompanying the legislation, it was designed to be limited to establishments that were responsible for protecting these interests. We believe that any establishment looking after a child for several weeks undoubtedly had responsibility to look after the child's welfare and ultimately their protection and safety whilst resident there, in whatever capacity and regardless of the length of time spent there.

The Committee also asked that we consider the following questions:

- Whether you are aware of other groups who may be affected by this issue;
and
- In the absence of access to the Redress Scheme, what your views are on other support that could be provided, and who you think should provide this support?

Victim Support Scotland is not currently aware of other specific groups affected by the same issue as the petitioners. We would, however, find it surprising that there are no other potential victims of historical abuse that would be affected in an equivalent way due to the restrictive and exclusionary nature of the legislation, as currently drafted.

In terms of support, many victims of these types of crime require access to support to assist them. The type of support required will be different from person to person so a range of support would be required to meet

¹ [policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf \(parliament.scot\)](#) para 82

individual's needs. We do not believe that we are able to say who should be responsible for proving this support. We are clear however that it should not be the responsibility of individual victims of crime to source support for crimes that were committed against them.

Moira Anderson Foundation submission of 15 August 2022

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

I would like to state that the Moira Anderson Foundation (MAF) firmly believe that the Fornethy Survivors should be allowed access to the redress scheme. When MAF took part in the consultation on the scheme, we felt it was important that no group be discriminated against; by disallowing the group access we believe that is exactly what would be happening. These young girls had no choice when they were placed in the institution, financial compensation should be their right.

I hope this has been helpful.

NAPAC submission of 26 August 2022

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

Thank you for your letter dated 6 July 2022, seeking NAPAC's input on various questions from the Citizen Participation and Public Petitions Committee members.

Specifically, Committee Members wanted NAPAC's views on whether the eligibility criteria for Scotland's Redress Scheme should be extended to those who experienced non-recent² abuse while in short-term, holiday or respite care. Committee Members also asked whether NAPAC was aware of any other groups affected by this issue and – in the absence of

² The Committee's letter originally phrased this as 'historic'. NAPAC strongly advocates instead for the term 'non-recent' as there is nothing historic about the effects of childhood abuse. Survivors deal with the aftermath on a day-to-day basis

access to the Redress Scheme – our views on other support that could be provided and who should provide it.

NAPAC has been working for over twenty years as a UK-wide charity set up to support adults in recovery from any type of abuse, trauma or neglect in childhood. Since the very start we have been aware that some of the most severe and damaging cruelties against children have been perpetrated by agents of the state.

Our clear view is that **yes, the eligibility criteria for Scotland's Redress Scheme should absolutely be extended to those who experienced non-recent abuse while in short-term, holiday or respite care.** In our experience of hearing the accounts of many hundreds of survivors of abuse in care it does not require a young person to be in any care setting for an extended period of time to experience extremely severe abuse of a physical and/or sexual nature.

Indeed, we have heard that perpetrators often target young people on a short stay because they already confused and even more insecure than most young people who may have had more time to adapt to their surroundings.

Just one incident of such abuse can have a major impact on the emotional and cognitive development of a child. This is even more damaging when it occurs at an early age, as was experienced by these primary school age children. The impact of such abuse on children who are lucky enough to have safe and nurturing caregivers can be mitigated by ensuring safety in the future. These young people in question were not so lucky as to have such people around them to buffer the impact of such trauma.

Perhaps one of the most difficult things NAPAC's support team hear about from callers to our telephone support line is survivors expressing the clear wish and intention to end their own lives. We also know of many cases where they have actually killed themselves. Recently we have been hearing about suicidal ideation and intention more frequently than in the past. Many challenges are now coming together all at once in society to make life more difficult for the less well-off, such as rapid inflation and the cost of living. Very often one of the clearest impacts of abuse on children is a compromised ability to get, or hold down, a good job in adulthood.

In response to the Committee Members' first subsidiary question, NAPAC is not aware of specific other groups affected by this issue. We know that Police Scotland are investigating former staff at Fornethy School, formerly run by Glasgow Council. However, that may not necessarily result in convictions since non-recent cases such as these are always hard to prove.

I also understand that Police Scotland are not contesting the accuracy of the accounts of the women represented by the Fornethy Survivors Group. Many individual survivors have also given testimony to the Scottish Child Abuse Enquiry.

Finally, Committee Members asked for NAPAC's views on other support that could be provided and who should provide it, in the absence of access to the Redress Scheme.

Obviously our strong preference is for the Fornethy survivors to be allowed access to the Redress Scheme, for the reasons outlined above. More generally, we are aware that the Scottish Parliament has initiated some very welcome responses to people who suffered in childhood at the hands of the Scottish state or its institutions in the past.

Future Pathways and NHS Scotland Education have both set a good example of high standards for the rest of the UK to follow. Future Pathways is a service open to any survivors of abuse in local authority care in Scotland, so some measures are already in place.

While emotional and psychological support is very helpful and welcome there will always be a need for justice to be delivered concurrently. The many survivors of abuse in care we have heard from over the years want the truth to be heard as much as they want to receive compensation. For many, the truth is more important.

Thank you for the opportunity to provide input to the Committee's considerations.

Deputy First Minister submission of 8 September 2022

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

Thank you for the opportunity to respond to the above petition following the Committee's consideration at its meeting on 15 June 2022, and my apologies for the delay in providing you with a response.

Rationale for the eligibility criteria for Scotland's Redress Scheme

The Committee have asked for a further explanation regarding why the eligibility criteria for the scheme is based on how an individual came to be in care, as opposed to their experiences when in care.

I welcome the opportunity to clarify this position with the Committee. The focus of Redress Scotland decision-making panels when making a determination about the relevant payment level to award is on the nature, severity, frequency and duration of the abuse.³ However, in line with Part 3 of the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021 ("the 2021 Act"), alongside the individual's experience in care, consideration must be given as to whether eligible abuse occurred within a 'relevant care setting' in Scotland.

As I highlighted in the evidence I gave during the Education, Children and Young People Committee's consideration of the secondary legislation in relation to exceptions to eligibility⁴, the purpose of the scheme from the outset has always been to respond to survivors who, when they were placed in care, lost the oversight and protection of their parents and families.

This has been reflected on by some survivors whose parents had their rights removed, referring to themselves as being 'children of the state' – the state being charged with their care and protection when they were often isolated and stripped of access to their families.

³ [Redress For Survivors \(Historical Child Abuse In Care\) \(Scotland\) Act 2021: statutory guidance - assessment framework - gov.scot \(www.gov.scot\)](#)

⁴ [Meeting of the Parliament: ECYP/27/10/2021 | Scottish Parliament Website](#)

function in the provision of the accommodation or the reason for the child being there.

Adjusting the eligibility criteria for Scotland's Redress Scheme

The Committee also asked that further consideration be given to adjusting the eligibility criteria for Scotland's Redress Scheme to allow Fornethy survivors, and others who had similar experiences of short-term respite or holiday care to access the scheme.

I would like to emphasise to the Committee that the eligibility requirements for the scheme in no way seek to diminish the experience of those survivors who came to be in care outwith the scope of the scheme.

Since the Committee met in June, I have had the opportunity to meet with a number of survivors of Fornethy House Residential School to hear their accounts of the abuse they suffered in childhood and I have heard the concerns they raised regarding the eligibility criteria for the scheme first hand. This abuse should never have happened and I would like to note my deepest gratitude to these women for finding the strength to share their experiences.

I would highlight to the Committee that in line with the approach outlined above, the exceptions to the eligibility do not represent a blanket exclusion against those who were abused in short-term holiday or respite care settings, such as Fornethy House, from making an application to Scotland's Redress Scheme.

It was clear from my discussions with survivors of Fornethy House that the circumstances in which individuals came to be in short term respite or holiday care vary with each case, therefore it is not possible to determine the eligibility for the group as a whole. The independent decision makers Redress Scotland will take into account all of the facts and circumstances of each applicant to determine if they are eligible.

As the Committee may be aware, I had previously given consideration to the scope of the eligibility criteria for the scheme during Parliament's scrutiny of the primary legislation, in which the rationale behind the definition of 'relevant care setting' included in the bill, and in particular

the focus in the eligibility criteria on the circumstances in which a child came to be in care, was scrutinised.

In their Stage 1 report⁷, the Education and Skills Committee had recognised the need to clearly define the limits of the redress scheme. However, the Committee also called for Redress Scotland to be able to consider some cases on an exceptional basis where, save for the requirement to have been placed in a setting by the state, victims/survivors would otherwise have been eligible for redress.

I concluded in the Scottish Government's response to the Committee's Stage 1 report that if provision was created for exceptional cases then it would leave the eligibility criteria open-ended and non-transparent for applicants, and may create further uncertainty or inconsistency in the treatment of potential cases arising, thereby potentially undermining the scheme and being inconsistent with its purpose.⁸

I also considered that it was necessary that powers under section 23 of the 2021 Act to exclude care arrangements which were temporary in nature should remain so the scheme can meet its core purpose, given the broad and inclusive terms in which the eligibility requirements for the scheme are framed. This provision was to be used before the scheme was live to avoid an inconsistent approach for applicants.

I remain of the view that, in line with the Education and Skills Committee's recommendations, it is crucial in order to provide clarity to applicants to Scotland's Redress Scheme that the scope of the eligibility criteria is clearly defined. I believe that an appropriate limit has been set which is in line with the core purpose of the scheme, therefore I do not consider it appropriate to adjust the eligibility criteria at this time.

I hope that the Committee and the petitioner find the information above helpful.

⁷ [Education and Skills Committee, Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Bill – Stage 1 Report, 9 December 2020](#)

⁸ [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Bill, Scottish Government response to the Education and Skills Committee's Stage 1 Report, 16 December 2020](#)

Future Pathways submission of 30 September 2022

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

Thank you very much for your letter dated 6th of July 2022 and for the subsequent extension for Future Pathways to provide a response. This was much appreciated.

Future Pathways was set up by the Scottish Government in 2016 to address the inequalities arising from the experience of childhood abuse or neglect in care, in Scotland. Our aim is to enable people to lead full, healthy and more independent lives by coordinating resources, integrated care and support so that individuals can achieve their own goals.

The Citizens Participation and Public Petitions Committee is asked to note that Future Pathways operates in direct partnership with the Scottish Government.

Future Pathways was developed according to the wishes of survivors and is governed through an Alliance Leadership Team, which includes the Scottish Government, Alliance Partners (Glasgow Psychological Trauma Service, Health in Mind, Penumbra) and survivor representatives. The Alliance Leadership Team is responsible for the direction and delivery of Future Pathways with funding from the Scottish Government.

Future Pathways was asked to comment on whether or not the eligibility criteria for Scotland's Redress Scheme should be extended to include those who experienced non-recent abuse while in short term, holiday or respite care.

Future Pathways cannot comment on whether or not the eligibility criteria should be changed. This is because the Alliance does not independently represent survivors.

It may be helpful for the Committee to know that the Alliance Leadership Team endorsed the decision for Future Pathways to provide support to people who experienced abuse at Fornethy House, where they met the service criteria.

Please note that the criteria for accessing Future Pathways is considered on an individual basis and is not aligned with the Redress Scheme.

The Committee asked if Future Pathways was aware of any survivors that have been excluded from the legislation who might need to be included.

We are aware of the following groups of people who experienced abuse in care settings who cannot access redress:

- People who experienced abuse in residential boarding schools;
- People who experience abuse in NHS settings, where the stay was not considered to be long term.

We would however observe that abuse in any setting should be condemned, and note the particular impact of abuse in settings where a child was placed in trust for their own wellbeing and safety. We observe that children who experienced abuse in any care setting deserve to have their needs met.

So, far 2,161 people have registered with Future Pathways (31/8/22). People registered with Future Pathways have sought help to progress a wide range of goals. To ensure choice and access to the widest possible range of resources has contracted with over 70 delivery partners and commissioned many more for one-off support with individuals registered with us.

It may be observed that needs are individual and related to the impact of abuse, not the length of time in a care setting. Future Pathways observes the importance of being able to offer individuals support that is tailored to their needs: survivors value choice and control over their support. We observe that a wide range of resources are relevant, as the impact of abuse is individual and may affect a person's wellbeing in a wide range of ways.

Thank you for seeking to include the views of Future Pathways.

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