

Citizen Participation and Public Petitions Committee  
Wednesday 22 January 2025  
1st Meeting, 2025 (Session 6)

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

### Introduction

**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>

1. [The Committee last considered this petition at its meeting on 26 June 2024.](#) At that meeting, the Committee agreed to write to the Deputy First Minister, to publish the letter, and delegate arrangements for its publication to the Convener.
2. [The Convener wrote to the Deputy First Minister on 24 July 2024.](#)
3. 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**.
4. The Committee has received new written submissions from Redress Scotland, the Deputy First Minister, and the Petitioner, which are set out in **Annexe C**.
5. [The Committee agreed, during a work programme discussion at its meeting on 11 September 2024, to seek a debate on this petition.](#)
6. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
7. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
8. [The Scottish Government gave its initial position on this petition on 24 May 2022.](#)
9. Every petition collects signatures while it remains under consideration. At the time of writing, 417 signatures have been received on this petition.

### Action

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

**Clerks to the Committee**  
**January 2025**

## **Annexe A: Summary of petition**

### **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

**CPPP/S6/25/1/3**

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 26 June 2024**

**The Convener:** Our second continued petition is PE1933, on allowing the Fornethy survivors to access Scotland's redress scheme, which was lodged by Iris Tinto on behalf of the Fornethy Survivors Group, some of whom are with us in the gallery today. The petition calls on the Scottish Parliament to urge the Scottish Government to widen access to Scotland's redress scheme to allow Fornethy survivors to seek redress.

We last considered the petition at our meeting on 12 June 2024, when we heard evidence from the chair and chief executive of Redress Scotland about the processes for considering redress applications. We subsequently received further submissions from the petitioner, sharing their reflections on the evidence from Redress Scotland and commenting on recent submissions from Thompsons Solicitors, the Law Society of Scotland and the First Minister.

The petitioner's second submission provides further detail to support their view that Fornethy house operated as a residential school, and includes reference material about bursaries for Fornethy house from the Glasgow education department.

We have heard a lot of evidence and the committee is clear about its direction of travel. Do members have any comments or suggestions about how we might proceed?

**David Torrance:** In the light of the evidence that we have heard, I think that the committee should write to the Deputy First Minister and Cabinet Secretary for Economy and Gaelic to set out to her our view that individuals who experienced abuse in a relevant care setting should be able to access the redress scheme, regardless of the length of their stay or of whether there was parental consent for their placement.

The committee might wish to highlight the view of Thompsons Solicitors that the way in which the exclusions have been introduced and applied is inconsistent with the principles of dignity, respect and compassion that are supposed to underpin the redress legislation.

The Scottish Government should also review the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 and should consult on expanding the scheme to include residential institutions that were owned and operated by the state, regardless of the length of residents' stay. The Government should also enable redress to be provided in cases where abuse was carried out in such institutions by staff who were employed by the state, regardless of whether parental consent had been provided for the child to be placed there.

The committee should also recommend that the Scottish Government introduce a feedback mechanism to improve collaboration between the Government's redress unit and Redress Scotland, to enable Redress Scotland to flag any issues or concerns about the process.

**The Convener:** Following the various discussions that we have had, we are persuaded by the important considerations that underlie the petition. Notwithstanding the evidence that we have heard from ministers, the committee will make a unanimous, clear and direct recommendation that the Government act in accordance with our recommendations.

**Fergus Ewing:** I entirely agree with the recommendations that Mr Torrance set out and with your remarks. It seems to me that there is complete unanimity among the five committee members that this is an extremely strong case and that a just grievance must be corrected.

In addition to what Mr Torrance has said, could the letter to the Scottish Government indicate that the committee is unanimous on the issue, that we feel very strongly and that we will press for a debate in the Scottish Parliament if the Government is not willing to do what is necessary?

**The Convener:** I am content to agree to that, too.

Obviously, we are about to go into the summer recess, so we will confirm the wording of the final draft of our letter by correspondence. In view of that, are colleagues content that any correspondence, once agreed, should be published on the petitions web page and to delegate to me, as convener, arrangements for publication to ensure that we not only send a letter to the Government, but that we make a public statement on the conclusions that the committee has reached and the firm recommended direction that the committee is urging the Government to follow?

**Members *indicated agreement.***

**The Convener:** Let us hope that that makes progress. It is quite unusual for the committee to issue very specific recommendations in that way. Given the evidence that we have heard, the Government really ought to pay some attention to our recommendations. I hope that we are accordingly able to make progress on the petition on behalf of the petitioners.

**Foysoil Choudhury:** Can you also include, for the Government, the letters from the Law Society of Scotland and Thompsons Solicitors, as evidence?

**The Convener:** We plan to highlight those in the letter that we draft. Obviously, we will draft a comprehensive letter that will draw from those particular sources. I think that that is important in how we manage matters.

## **Annexe C: Written submissions**

### **Redress Scotland written submission, 3 July 2024**

#### **PE1933/AA: Allow the Fornethy Survivors to access Scotland's redress scheme**

##### **Background**

The Citizen Participation and Public Petitions Committee invited Redress Scotland to give evidence to the committee in relation to Petition PE1933 "Allow the Fornethy Survivors to access Scotland's redress scheme".

Kirsty Darwent (Chair) and Joanna McCreadie (Chief Executive) attended the meeting of the committee on the 12th of June. This submission provides further information on the legislation, regulations and statutory guidance referred to during the meeting with the Committee and information on the reasons that applicants to the scheme receive deny decisions from Redress Scotland.

##### **Eligibility**

Panel members have to make a decision on whether a survivor's application is eligible by determining whether the applicant was abused, as a child, while resident in a relevant care setting prior to December 2004.

The eligibility to apply for a Redress Payment is contained in section 18 of the 2021 Act. This has four parts:

1. the applicant or the applicant's next of kin must have suffered abuse;
2. the abuse must have occurred while the applicant or their next of kin was a child (under 18);
3. the applicant or the applicant's next of kin must have been abused while resident in a relevant care setting; and
4. the abuse must have occurred before 1 December 2004.

Regulation 2 of the 2021 Regulations states that:

"An application may not be made under section 18 of the Act by or in respect of a person to the extent that it relates to abuse that occurred when that person was resident in a relevant care setting:

- (a) for the purpose of being provided with short-term respite or holiday care, and
- (b) under arrangements made between a parent or guardian of that person and another person."

Panel members must also take into consideration the relevant statutory guidance on eligibility. Paragraphs 32 and 39 are particularly relevant to the considerations of the Committee.

“32. Regulations have been made by the Scottish Ministers under section 23 of the Act to exclude certain situations from the scheme, to the extent that they were intended to be temporary in nature. They provide that an application for a redress payment may not be made in respect of abuse that occurred when a person was resident in a relevant care setting for the purpose of being provided with short-term respite or holiday care. This must have been under arrangements made between their parent or guardian and another person. Whilst the abuse of children in all circumstances and settings is wrong and harmful, the exclusion of those abused in short-term respite or holiday care is in-keeping with the core purpose of the redress scheme, which is primarily for those vulnerable children who were in long-term care, often isolated with limited or no contact with their families.”

“39. As a final point it should be noted that a person who experienced abuse in these circumstances is not precluded from applying to the scheme if they also experienced abuse whilst resident in a relevant care setting in circumstances which are eligible for the scheme.”

## **Evidence**

Survivors applying to the scheme are expected to provide evidence that they were resident in a relevant care setting for both fixed and individually assessed payments. For an individually assessed payment, survivors also have to provide supporting information in relation to their experience of abuse. The statutory guidance recognises that survivors may experience challenges in providing this evidence.

“7. Survivors may face challenges in obtaining evidence both of being in care in the settings covered by the redress scheme, and of abuse that happened a long time ago. Many survivors will not have told anyone what happened to them at the time, or if they did, that it may not have been recorded or acted upon.

8. It is also understood that record keeping was often inconsistent or inadequate in the past, and that for a variety of reasons, records which were kept may no longer be available.

9. This understanding and knowledge has been applied in setting, evidential requirements and care has been taken not to create barriers or burdens which are simply too high, or unachievable.”

All applicants are required to provide evidence of being in a relevant care setting as a child.

“41. Applicants are required to provide a supporting document, to show that they were resident in a relevant care setting when they were under 18 years of age and that this was before 1 December 2004.

42. Given the varying nature of the care settings that are eligible under the redress scheme and the arrangements by which children were placed in them, a great deal of flexibility is required as to what might constitute satisfactory documentary evidence or supporting information. It is well documented that in some care settings, record keeping was inconsistent or inadequate and there are a number of relevant care settings which no longer exist. A pragmatic approach must be taken to identifying potential sources of information.”

Panel members can make a decision that an applicant is eligible for redress in the circumstances where the survivor has not been able to find documentary evidence.

“55. In exceptional circumstances, Redress Scotland may use its discretion as to whether the panel can be satisfied that the applicant was resident in a relevant care setting as a child without the production of supporting documents, or where case workers have been unable to verify the documents submitted. Redress Scotland may also use its discretion where, in an application for an Individually Assessed Payment, supporting documents have been produced for some but not all of the relevant care settings to which the application relates.

56. Redress Scotland may exercise its discretion in cases where it is satisfied that all reasonable endeavours have been made to obtain the documentary evidence generally required to support an application, that further inquiries are unlikely to be productive and that this is consistent with any other information or evidence in respect of the particular care setting or arrangements in question.”

Panel members may also invite a survivor applying for redress to give oral testimony. There has been a very small number of applications where this has happened, with 12 in person meetings since the scheme opened to March 2024.

“58. Redress Scotland may also, if it considers it necessary to do so, invite the applicant to provide oral evidence on this aspect of their application in order to be satisfied, in the absence of supporting documentation, that the applicant was resident in a relevant care setting as a child.”

### **Decisions to deny redress**

The Committee asked for more information about applications from survivors where the decision made was to deny redress.

From the opening of Scotland’s Redress Scheme to March 31st 2024, there have been a total of 56 decisions to deny redress to individuals. These 56 decisions to deny redress were made on 46 applications. There are more deny decisions than individual applications because 21 applicants requested a review of their deny decision. Of these 21 requests for review, 10 were upheld and 11 had a decision where redress was awarded. This means there have been a total of 35 applicants that have been denied redress. It should be noted here that requests for review are usually accompanied with more supporting information from the survivor.



When making a decision on an application the panel members do so on the basis of the facts and circumstances of each individual application, following the legislation, regulations, and with due regard to the statutory guidance. This means that there can be a number of different reasons to deny redress, and there may be more than one reason for an individual application.

An analysis of the 56 decisions to deny redress found there was a combined total of 75 reasons for these decisions. Of these 75, 18 deny decisions were on the basis of insufficient supporting information. 57 deny decisions were on the basis of eligibility. Of these 57 reasons, 34 were on the basis the care setting was not relevant as it was short term, was providing respite or was providing a holiday. This aspect of eligibility therefore accounted for just under half of the reasons to deny redress.

## **Deputy First Minister written submission, 16 August 2024**

### **PE1933/BB: Allow the Fornethy Survivors to access Scotland's redress scheme**

I write to you in response to your letter of 24 July which recommended that the Scottish Government review and consult on expanding the eligibility criteria for Scotland's Redress Scheme ("the Scheme").

I welcome the ongoing scrutiny of the Citizens Participation and Public Petitions Committee ("the Committee") and their work in relation to this petition. As the Scheme approaches the third anniversary of its operation it is vital to ensure that the Scheme continues to deliver for survivors in keeping with its core principles of dignity, compassion and respect. I am grateful to the Committee for providing an opportunity to my predecessor, Shona Robison, to give evidence as part of the Committee's consideration of these important matters.

I would like to convey my thanks to the Fornethy survivors for their bravery in sharing their experiences with the Committee and with the former First Minister and Deputy First Minister as these sensitive matters were carefully considered. I also wish to associate myself with the remarks made by the former Deputy First Minister during her session before the Committee on 20 March 2024:

"I will begin by putting on formal record my acknowledgement of the abhorrent abuse that some children suffered while resident in Fornethy house. It should not have happened, and I am sorry to hear about what they had to endure as children and the impact that the abuse has had on their lives"

In drafting this response I have carefully considered the written submissions received by the Committee, including from the Fornethy survivors themselves, the Law Society of Scotland and Thompson Solicitors as well as the evidence provided by Redress Scotland.

I will now consider each of issues raised by the Committee in turn:

## Eligibility

As the former Deputy First Minister set out to the Committee the existing eligibility criteria reflect the core purpose of the Scheme which was designed primarily for those vulnerable children who were in long-term care, often isolated with limited or no contact with their families. Children who were resident on a short-term respite or holiday basis under arrangements involving their parents, such as those who attended Fornethy House, were not in that position. In setting this out, I am in no way seeking to diminish the experience of those survivors, who suffered horrendous abuse.

Prior to the Bill's introduction to Parliament, there was a full public consultation on the establishment of a redress scheme. 79% of respondents, the majority of whom were survivors, agreed with the proposal to limit eligibility for financial redress to situations in which institutions and bodies had "long term responsibility for the child in place of the parent".

The eligibility criteria for the Scheme were extensively debated during the passage of the legislation and the intention to exclude short term respite and holiday placements was considered by the lead Committee at the time. The final legislation was unanimously supported by Parliament.

The later Redress for Survivors (Historical Child Abuse in Care) (Exceptions to Eligibility) (Scotland) Regulations 2021 (the 'exceptions SSI'), provide that an application for redress may not be made:

"by or in respect of a person to the extent that it relates to abuse that occurred when that person was resident in a relevant care setting (a) for the purpose of being provided with short-term respite or holiday care, and (b) under arrangements made between a parent or guardian of that person and another person".

This is in keeping with the core purpose of the scheme and recognised that in the case of short-term respite or holiday care such arrangements were intended to be temporary. The duration of the stay of itself is not a relevant consideration, rather it is the intended purpose of the stay which is of relevance. The exceptions SSI was also approved by Parliament under the affirmative procedure. Moreover, as further reflected in the statutory scheme guidance on eligibility;

"In the case of short-term respite or holiday care, such arrangements were intended to be temporary in nature, and there was no intention at the time of the placement that responsibility for the day-to-day care of the child would be taken over on a long-term basis by another carer, rather than the child's family. In assessing whether a placement was "short-term" or not, the focus should be on the underlying purpose of the placement at the time it came about, and all relevant factual information will need to be taken into account".

The independent report commissioned by the former Deputy First Minister, Shona Robison, to investigate the circumstances by which children came to be placed in Fornethy House is clear that children attended Fornethy House primarily on a short-term basis for convalescence or a recuperative holiday under arrangements

involving their parent or guardian and another person. Without more definitive evidence we cannot say with certainty that parents or guardians gave full and informed consent to the placement of every survivor. However, we can say that such evidence as exists indicates that the placements were made under arrangements involving their parent or guardian and as such fall within the circumstances set out in the exceptions SSI. Consent is not a relevant consideration in determining eligibility, rather, as noted above, it is the intended purpose of the stay and whether the stay was made under arrangements involving the parent or guardian and another person which is of relevance.

In their written submission to the Committee the Law Society acknowledge that this restriction to the eligibility criteria reflects a deliberate policy choice of the Government consistent with the underlying purpose of the redress scheme. The change to the eligibility criteria recommended by the Committee, would therefore be in direct contrast to the policy intention of the scheme and would, if implemented, have substantial consequences for survivors, contributors, and the administration of the Scheme. The potential risks of implementing such a change are acknowledged by the Law Society who note that it would have “wider implications beyond this individual group of survivors, and this would seem to potentially extend the scope of the Redress Scheme beyond its original intended aim”.

After careful consideration of these issues, I have decided not to amend the eligibility criteria for Scotland’s Redress Scheme. I am content that the existing eligibility criteria both in the Act itself and as set out in the exceptions SSI, continue to reflect the intended purpose of the scheme, as approved by Parliament following the earlier public consultation and the views set out by survivors and stakeholders.

### **Evidential requirements and the operation of the Scheme**

As the Committee has heard, under Section 36(3) of the Act, in determining an application, Redress Scotland panel members must start with the presumption that any information provided by the applicant in respect of their application is true and accurate to the best of the applicant’s knowledge and belief. This aligns to the fundamental principle on which the Scheme is based to treat all applicants with dignity, respect, and compassion.

However, it is vital that the Scheme ensures that survivors, and others, have confidence that the appropriate levels of redress payments are being paid to those eligible to receive them. As such, in order to apply for a redress payment, applicants to the Scheme must provide a supporting document which confirms that they were resident in a relevant care setting as a child before 1 December 2004. A requirement to provide evidence of an in-care placement does not cut across the presumption of truth but is a crucial element in fraud prevention and ensuring robustness of the scheme. As set out in section 36(1) of the Act, Redress Scotland must determine whether, on the balance of probabilities, an applicant is eligible for a redress payment.

I understand that survivors may face challenges in obtaining evidence of being in care and of abuse which occurred decades ago. Record keeping in some care settings, including Fornethy House, was inconsistent and inadequate. In recognition of this difficulty, the evidential requirements for the Scheme as set out in statutory

guidance issued under section 106 of the Act, were designed to provide applicants with flexibility in providing supporting documentation. Working closely with Redress Scotland, [the Scottish Government recently developed revised guidance on the evidentiary requirements](#) to clarify the wide range of supporting documents an applicant may use to evidence their in-care placement.

It is ultimately for Redress Scotland, the independent decision-maker established by the Act, to determine the eligibility of an applicant and the level of redress payment to be offered in accordance with the framework set out in the Act, and having regard to the statutory guidance. As noted by the Committee in light of Redress Scotland's evidence to them, and as set out in the revised statutory guidance, in exceptional circumstances Redress Scotland have discretion to be satisfied that the applicant was resident in a relevant care setting as a child without the production of supporting documents, or the verification of an in-care placement. However, Redress Scotland must be satisfied that all reasonable endeavours have been made to obtain the documentary evidence generally required to support an application. Every application to the Scheme is considered on its own merits and ultimately the value and weight to be attached to any piece of evidence is a matter for Redress Scotland.

I and my officials regularly meet with Redress Scotland and we have well established feedback mechanisms to support close and collaborative working.

Finally, may I take the opportunity again to thank the Committee for their careful consideration of this petition and for their interest in Scotland's Redress Scheme.

Yours sincerely,

**KATE FORBES**

## **Petitioner written submission, 14 August 2024**

### **PE1933/CC: Allow the Fornethy Survivors to access Scotland's redress scheme**

The Fornethy Survivors would like to express their deepest thanks and appreciation to the Citizen Participation and Public Petitions Committee and to those MSPs who have offered their unwavering support. We are fully satisfied with the direction and content contained in the letter to the DFM, Kate Forbes, dated the 24th July 2024, and appreciate their due diligence in following through with the recommendations.

The written submission from Redress Scotland does not acknowledge that the new information and evidence that Fornethy **was a school** and not a short-term respite or rehabilitation scheme. The eligibility regulations still place the onus on the survivors to produce their own records which were kept by the Glasgow Corporation and either lost or destroyed. There is pressure in that and injustice! The onus should be on those defaulting organisations to provide that proof!

At the meeting held on the 12th June, when the Committee took evidence from Redress Scotland, they clearly stated that successful applications were dependent on meeting the Terms and Conditions of the redress criteria. **Would it be fair to ask that if survivors placed applications for redress now, based on the new**

**evidence, that their applications might stand a better chance of success in line with the “assumption of truth” that they allayed to?** They were asked to look at the appropriateness of the legislation rather than the terms and conditions. Their submission gives the survivors no sense that anything might change.

### **New evidence from the archives**

Although enough factual evidence demonstrates the purpose of Fornethy, further compelling evidence has been gleaned from the archives:

1. The Education Department were clearly concerned about years 4, 5 and 6 Secondary Aged pupils from Hyndland, Cleveden, Jordanhill and Hillhead Glasgow Secondary Schools who were sent to Fornethy on a work experience placement and who reported:

“The pupils sent there were clearly traumatised by the clear signs of abuse they saw while giving little ones showers”.

2. GCC Summary Director’s Report’s main recommendation to close Fornethy as a residential educational centre at the end of June 1993 in order to effect savings of £483,000 – “the Education Department would have no further use of Faskally, Fornethy and St. Columba’s”.
3. Scheme of Residential Education – Fornethy Residential School, near Alyth – girls
4. The GCC from the archive dated 8th April 1982 states:

“It is difficult to recruit teachers of any sort for these schools. If we recruited Head Teachers with the kind of expertise mentioned, we should have fewer problems, and we could then, possibly find a sympathetic staff”.

“We cannot guarantee vacancies in ordinary schools”.

This tells us of the challenges in staff recruitment of regular schools let alone residential schools needing a particular calibre of staff. The type of staff that were at Fornethy wouldn’t necessarily be sympathetic to the needs of young girls away from home. We know it was the complete opposite being bullies and perpetrators of abuse. The report continues:

“In fact, I doubt the wisdom of putting five year olds into such a context”.

The red flags were there all along and seen in the context and challenge of the Education Department recruiting quality staff. There was a shortage of good staff; they couldn’t guarantee supervision and there was doubt about the wisdom of very young children being placed there at all.

## New Evidence from video footage: inside Fornethy, July 2024

“Exploring with Natasha” – who filmed inside Fornethy, uploaded her findings onto YouTube<sup>1</sup>. Please watch this video as it corroborates our experiences:

- Paperwork photographed from a fireplace depicting communications about Fornethy sent to parents prior to girls being sent there – i.e. what is Fornethy; what clothing needs were; what will happen there. This official document states:

“It is an educational centre providing environmental studies for primary six classes with a resident teaching staff”.

- Photographs of the two Coats’ sisters who commissioned Fornethy with a bronze plaque which states that Fornethy was bequeathed as “**Fornethy Residential School**”. The school was officially opened and owned by the GCC from 1961. **The purpose was a school**. Not for medical or respite purposes but educational purposes.
- Natasha admits to crying all the way home when she learned what had happened at Fornethy. She uploaded pictures from her visit and one of the most harrowing pictures was that of some rooms which were caged off and with the installation of children’s blinds in the sash windows behind. This raises questions as to why some rooms had cages, knowing that some of our number remember being locked up. This has been traumatising to say the least.
- Evidence of the blue light above some of the dormitory rooms which we remember and corroborates that we were there.
- Images of the dining room with the hatch have triggered traumatic memories for many of the Survivors as the place where they were force fed.

The video also shows the remoteness of the place, how creepy, chilling, and haunting these visual memories are for the survivors. There was no escape; nowhere to run to; trapped and with no way to tell your parents what was going on.

In the context of this video may we invite you to take yourself there and imagine –

- you are only 8 years old being told “you’ll never see your mummy again” and to then have your stay extended
- being locked up in one of those caged rooms
- the long dark corridors at night when you were made to stand for hours
- how frightening to be told by staff of the “ghosts in the fireplaces”
- being taken from your bed at night and being sexually abused.

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<sup>1</sup> YouTube: Inside Fornethy House | A Shocking Discovery

[See our submission dated 6th June 2022 for a comprehensive list of abuse.](#)

Dare to put yourself in our footsteps! You will feel something ugly and unbearable even as an adult ... let alone a little child.

### **Further Work**

It is our intention to keep raising our profile in the public space, however we might do that. There is increasing interest from the media giving coverage. Another protest is planned. Our story needs to be told, however we can tell it, for if we don't tell it the bad people win – what will the ending be? That is up to the Scottish Government to set us free, not cage us in now but to help us heal.

### **Conclusion and Request**

We would like to ask for a public debate if the letter to the DFM does not meet with any positive change for us.

Trust is indeed sacred.

Hard evidence can be provided upon request.

## **Deputy First Minister written submission, 5 December 2024**

### **PE1933/DD: Allow the Fornethy Survivors to access Scotland's redress scheme**

Further to my letter dated 16th August 2024, I write to provide the committee with an update on the further action I have taken in respect of this petition.

I met with representatives of the Fornethy survivors group on 10th September to discuss with them my decision not to extend the eligibility criteria of Scotland's Redress Scheme. During the meeting I agreed to take forward a number of actions. I have detailed the agreed actions below and provided an update on each.

#### **Action 1: Emotional support**

During our meeting, the survivors told me that they were unsure of what emotional support was available to them. Following our meeting, I wrote to the survivors setting out the range of emotional support which is available to them to support with the ongoing impact of their trauma, this includes 22 third sector organisations funded by [the Survivors of Childhood Abuse Support Fund \(SOCAS\)](#) and a range of support which can be access via the NHS.

#### **Action 2: Meet with the group alongside the leader of Glasgow City Council**

At our meeting, I committed to meet with the group along with the leader of Glasgow City Council. I wrote to Councillor Susan Aitken, leader of Glasgow City Council, inviting her to meet with the survivors to hear directly from them about their experiences. Councillor Aitken unfortunately declined to meet with the survivors due to ongoing civil cases and the live criminal case in respect of abuse which took place at Fornethy House.

**Action 3: Explore whether an apology could be made to the Fornethy survivors**

At our meeting, the survivors were very clear that they wanted Glasgow City Council to apologise and acknowledge the role they played in the abuse the survivors endured during their time at Fornethy House. I am aware that the leader of Glasgow City Council apologised for the abuse which took place in Fornethy House during a council meeting on 12 September. Whilst I am encouraged to see Glasgow City Council provide an apology to the Fornethy survivors it is regrettable that the survivors were not informed or invited to attend the session.

As I noted above, I wrote to the leader of Glasgow City Council inviting her to attend a meeting with myself and the Fornethy Survivors Group to discuss further that apology. Unfortunately, this invitation was declined. You will appreciate that I cannot direct Glasgow City Council and therefore I now consider that this is a matter for Glasgow City Council to resolve.

**Action 4: Scottish Child Abuse Inquiry**

You will be aware of the announcement of Phase 10 of the Scottish Child Abuse Inquiry (SCAI) which will focus on children's residential care establishments operated by Local Authorities, including Fornethy House Residential School. The public hearings for Phase 10 of the Inquiry will commence in the second half of 2025 and the Scottish Government will carefully consider any recommendations made by the Inquiry to improve the protection of children in Scotland.

During our meeting, the survivors informed me that they were unsure how to contact SCAI. Following our meeting I wrote to the survivors to provide them with the contact information for SCAI.

**Action 5: Meet again with the Fornethy Survivors Group**

I agreed to meet with the group again after the criminal case in respect of Fornethy House had been heard. I understand that the case has been postponed until December. I am absolutely committed to further engaging with the Fornethy survivors and have arranged to meet with the group again in January.

I hope that you find this update to be helpful.

Yours sincerely,

**KATE FORBES**

**Petitioner written submission, 12 January 2025**

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

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](#)