

Citizen Participation and Public Petitions Committee

11th Meeting, 2022 (Session 6), Wednesday
15 June 2022

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

Note by the Clerk

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. This is a new petition that was lodged on 19 April 2022
2. The petition seeks to widen access to Scotland's Redress Scheme to enable Fornethy Survivors the opportunity of redress. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. While not a formal requirement, petitioners have the option to collect signatures on their petition. On this occasion, the petitioner elected not to collect signatures.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered. A response has been received from the Scottish Government and is included at **Annexe C** of this paper.
6. A submission has been provided by the petitioner. This is included at **Annexe D**.

Action

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

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

The logo for SPICe, featuring the letters 'SPICe' in a white, sans-serif font on a dark purple background.The logo for The Information Centre, featuring the text 'The Information Centre' and 'An t-Ionad Fiosrachaidh' in white, sans-serif font on a dark blue background.

Briefing for the Citizen Participation and Public Petitions Committee on petition [PE1933](#): Allow the Fornethy Survivors to access Scotland's redress scheme, lodged by Iris Tinto on behalf of Fornethy Survivors Group

Brief overview of issues raised by the petition

The petition relates to allegations of the abuse of children who attended Fornethy House Residential School for short periods from the 1960s onwards.

The petition argues that this abuse is unfairly excluded from the scope of the redress scheme set up by the Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021. It also states that victims of abuse are not being given access to relevant records held by Glasgow City Council.

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021

The Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (Redress Act) sets up a scheme for the provision of financial and non-financial redress to survivors of historical child abuse in care settings in Scotland.

The scheme, which opened in December 2021 and which is run by [Redress Scotland](#), is aimed at providing survivors with a choice of how to pursue redress payments and is an alternative route to civil litigation.

To be provided with financial redress, applicants have to give up the right to bring court cases against the bodies responsible for the abuse (i.e. religious bodies, charities, various arms of the state etc.) who have provided "fair and meaningful" financial contributions to the scheme.

Eligibility for redress payments

The Redress Act provides eligibility criteria for redress payments. Under section 18, redress payments are limited to abuse to children in "relevant care settings" in Scotland which occurred before 1 December 2004.

Section 20(1) of the Act defines "relevant care setting" as:

"(a) a residential institution in which the day-to-day care of children was provided by or on behalf of a person other than a parent or guardian of the children resident there,

(b) a place, other than a residential institution, in which a child resided while being—

(i) boarded-out,

(ii) fostered."

Section 20(3) of the Act defines a "residential institution" as:

- a children's home
- a penal institution
- a residential care facility
- school-related accommodation
- secure accommodation.

The Scottish Ministers can exclude certain situations from the scheme by regulation. Regulations which came into force on 1 December 2021¹ exclude applications where a person was resident in a relevant care setting:

1. for the purpose of being provided with short-term respite or holiday care, **and**

¹ [The Redress for Survivors \(Historical Child Abuse in Care\) \(Exceptions to Eligibility\) \(Scotland\) Regulations 2021](#)

2. this was due to arrangements made between the parent or guardian of that person and another person.

The regulations were approved by the [Scottish Parliament's Education, Children and Young People Committee](#) on 27 October 2021. During the Committee's meeting, the Deputy First Minister, John Swinney, explained the rationale for the regulations as follows:

"The abuse of children in all circumstances and settings is wrong and harmful. However, the purpose of the scheme has been to respond to survivors who, when they were placed in care, lost the oversight and protection of their parents and families. As a result, they were often isolated and had limited or no contact with their families. By contrast, respite or holiday care was intended to be and always was short term, and the parental rights and responsibilities were not affected. That has been reflected on by some survivors whose parents had their rights removed, who have referred to themselves as "children of the state", the state being charged with their care and protection when they were stripped of access to their families. Children who were resident on a short-term respite or holiday basis were not in that position."

Section 106 of the Act allows the Scottish Ministers to issue guidance on the operation of the Act, including eligibility for redress payments. The Scottish Government has published [statutory guidance](#) which includes more details on the exception for short-term respite or holiday care.

[On 28 January 2020, the Deputy First Minister, John Swinney, provided a response to a parliamentary question asking what discussions the Scottish Government has had with the victims of the Fornethy House abuse case.](#) The response stated that:

"To date, Scottish Ministers have had no formal discussions with the survivors or stakeholders involved in the allegations of abuse at Fornethy House Residential School. The abuse of children in all circumstances and settings is wrong, and the Scottish Government takes this abuse very seriously.

Scottish Government officials have exchanged correspondence with a number of members of the Fornethy House Residential School Survivors Group in relation to the eligibility criteria of Scotland's Redress Scheme. As the circumstances in which

individuals came to be at Fornethy may vary, it is not possible to determine eligibility for the group as a whole ...”

Accessing information and evidence

The Redress Act contains rules on the provision of information and evidence (Chapter 6). This includes a power for the Scottish Ministers to compel individuals or bodies (other than the applicant) to provide information and evidence for the determination of applications. Redress Scotland can direct the Scottish Ministers to exercise this power.

The Scottish Government has also published [statutory guidance on the evidential requirements for applying to the Redress Scheme](#). This includes information on the support which case-workers at Redress Scotland can offer applicants as regards accessing information (see paras 21-31). The guidance states in particular that:

“31. The Scottish Government has engaged with the organisations most likely to hold records relevant to an application for redress (including local authorities, care providers and Police Scotland) and will continue to do so throughout the life of the scheme. Opportunities for improving or streamlining the processes for applicants accessing records are being fully explored.”

The recovery of documents in the civil courts (e.g. in the context of a damages action alleging abuse) is governed by separate procedural rules commonly known as “commission and diligence”.

Further background to the petition can be found on online media (for example an [Evening Times article from 8 September 2021](#)).

Angus Evans
Senior Researcher
17/5/2022

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Annexe C

Scottish Government submission of 24 May 2022

PE1933/A – Allow the Fornethy Survivors to access Scotland’s redress scheme

Thank you for your correspondence of 21 April 2022 seeking views on the action called for in the above petition. I am responding as Deputy Director for the Redress, Relations and Response Division with responsibility for Scotland’s Redress Scheme.

The scheme opened for applications on 8 December 2021 and offers financial redress to survivors of historical child abuse in relevant care settings in Scotland, and, in some circumstances, their next of kin. Survivors also have access to some non-financial elements of redress such as acknowledgement, apology and emotional support.

I have provided information below on a number of the issues raised which I hope is helpful to the Committee in its consideration of Petition PE1933.

Eligibility criteria for Scotland’s Redress Scheme

The Scottish Government recognises that the abuse of children in all circumstances and settings is wrong and harmful. It should never have happened, regardless of where it occurred. The Scottish Government takes the abuse of children in all circumstances very seriously.

However, the exclusion of those abused in short-term respite or holiday care, such as those survivors who experienced abuse at Fornethy House Residential School, 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.

Because of the complexity of the care landscape over the decades and the wide range of different care arrangements, the primary legislation provides in Section 23 of the Redress for Survivors Act 2021 (‘the 2021 Act’) the power to create exceptions to eligibility requirements of the scheme, for example, in relation to the circumstances in which a person came to be resident in a relevant care setting. Given the broad and

inclusive terms in which the eligibility requirements for the scheme are framed, this power was intended to allow for further refinement, where creating such exceptions would be in keeping with the overall purpose of the scheme.

This was exercised through the laying of the Redress for Survivors (Historical Child Abuse in Care)(Exceptions to Eligibility)(Scotland) Regulations 2021 on 23 September 2021 which excluded abuse which occurred when a person was resident in a relevant care setting for the purpose of short-term respite or holiday care because it is consistent with the underlying purpose of the scheme. As the Committee may be aware, the secondary legislation regarding exceptions to eligibility was approved by Parliament in October 2021.

It should be noted that the intention to exclude short term respite and holiday placements has always been the Scottish Government's position in respect of the eligibility criteria for Scotland's Redress Scheme. This was referenced within the material published with the draft legislation in August 2020 (in the Explanatory Notes² and the Policy Memorandum to the Bill³), where short-term private respite care in a children's home was given by way of an example of a possible exclusion. This legislation was unanimously passed by the Scottish Parliament in March 2021.

The eligibility criteria for Scotland's Redress Scheme recognises the acute vulnerability and distinct circumstances of children who were cared for in the residential settings covered by the scheme. Some children were placed "in care" because their families (including extended families) were unable to look after them on a day-to-day basis and, in consequence, the children required to be placed in an institutional care setting. For others, the intervention by a body exercising public functions (this would of course include the state but also others such as care providers), meant that children were accommodated away from the family home. In both circumstances, children were vulnerable to abuse and did not have the protection of their families and, therefore, this protection should have been provided by the care provider.

While the abuse of children in all circumstances and settings is wrong and harmful, those children resident in a care establishment on a short

² [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021 - Explanatory Notes \(legislation.gov.uk\)](https://legislation.gov.uk)

³ [policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf \(parliament.scot\)](https://parliament.scot/policy-memorandum-redress-for-survivors-historical-child-abuse-in-care-scotland-bill.pdf)

term respite or holiday basis, such as those survivors who were resident in Fornethy House Residential School, were not in that position. Such arrangements were generally intended to be temporary, 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. Based on the above criteria, therefore, exclusion of those in short-term respite or holiday care is in keeping with the core purpose of the scheme.

Importantly, the eligibility for the scheme is not based on how long a child was in care, nor the length of time over which they were abused. Instead, it is based on how the child came to be in care and the type of care setting. The scheme requires that the purpose of the stay and the individual's circumstances and experience be taken into consideration when making an assessment on eligibility, not simply the duration of the stay⁴. As the circumstances in which individuals came to be in short term respite or holiday care vary with each case, it is not possible to determine eligibility for any group as a whole, such as the request from the Fornethy survivors. It will be for the independent decision-making body Redress Scotland to determine whether an individual applicant is eligible. They will take into account all of the facts and circumstances of each applicant to determine if they are eligible.

The Scottish Government recognises this is a challenging issue, however, taking what has been outlined above into account, 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 and we believe an appropriate limit has been set which is in line with the core purpose of the scheme.

Civil litigation for historical abuse

In relation to the issues raised in the petition regarding civil litigation for historical abuse, the Scottish Government acknowledges that historically, survivors have faced a number of barriers to access damages through the civil courts and that this may not be a preferable route for some survivors.

⁴ [Supporting documents - Redress For Survivors \(Historical Child Abuse In Care\) \(Scotland\) Act 2021:](#)

However, in recognition of these challenges, the Scottish Government have brought forward changes in legislation to make litigation more accessible to survivors of historical child abuse. This includes the Limitation (Childhood Abuse) (Scotland) Act (2017) (“the 2017 Act”)⁵, which provided the option of civil court action for significantly more survivors by removing the time bar on personal injury claims for damages in respect of childhood abuse⁶.

Scotland’s Redress Scheme has been designed as an alternative to civil litigation, not to replicate it; therefore, some survivors may find civil action offers specific outcomes that the redress scheme does not. For example, redress payments are not intended to be compensatory in the same way as an award of damages made by a civil court, nor will they make an assessment of the lifelong impact of abuse or any potential loss of opportunity that arose. Moreover, the redress scheme is not about establishing legal liability for the consequences of the abuse as a court would, nor does it determine any issue of fault or negligence arising from any matter to which an application for a payment under the scheme relates.

The Scottish Government does recognise that the 2017 Act only applies to abuse which occurred after 26 September 1964 and those survivors from Fornethy House Residential School who experienced abuse before 1964 remain affected by the law on prescription which prevents survivors from pursuing civil claims for that abuse. The Scottish Government has immense sympathy for survivors who will still be unable to raise an action and acknowledge that this is a very difficult issue.

Engagement with third-party organisations

Turning to the comments in the petition in relation to the Fornethy Survivors Groups engagement with Police Scotland and the Scottish Child Abuse Inquiry (SCAI), a number of survivors have told us they have given statements to Police and the SCAI regarding the abuse they experienced. Whilst the SCAI and Scotland’s Redress Scheme are both important steps in Scotland’s journey as a nation to acknowledge and face up to the harms of the past, each is entirely separate and serve a different purpose.

⁵ [Limitation \(Childhood Abuse\) \(Scotland\) Act 2017 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2017/11/section/1)

⁶ Prior to 2017, a claim for personal injuries for childhood abuse generally had to be made within three years from the time of the injury or the survivor’s 16th birthday.

With regards to the SCAI, its' primary purpose is to raise public awareness of the abuse of children in care, therefore it is for the Chair to interpret the Inquiry's Terms of Reference (ToR) and they can take evidence from anyone with information relevant to the ToR whether it is part of an announced investigation or not, which may include those who attended Fornethy House Residential School. Redress, by contrast, is set up to provide recognition for the historical abuse of children in care in residential settings where children often had limited or no contact with their families and therefore is necessarily more focused in its scope.

Support for Fornethy House Survivors

Finally, I would like to highlight that the Scottish Government is committed to supporting all survivors of childhood abuse, regardless of the setting in which the abuse occurred. In September 2019, the Scottish Government launched the £10 million Survivors of Childhood Abuse Support (SOCAS) Fund, which aims to support the recovery and improve the resilience of survivors of abuse, tackling inequalities that survivors often face by enhancing capacity and capability of third sector and community-based organisations providing dedicated support. 29 organisations across Scotland are receiving funding to provide support to adult survivors of childhood abuse including (but not exclusive to) those who have been abused in care⁷.

In addition, Future Pathways⁸ provides support to people who experienced childhood abuse or neglect while living in care in Scotland to achieve their own personal outcomes. These outcomes may be related to their time in care e.g. access to their own personal records, or they could be related to matters such as access to further education or training courses. Future Pathways is fully funded by Scottish Government as part of a wider strategy developed by the Scottish Government to address the legacy of historical abuse in Scotland. A diverse range of survivors are currently receiving support through Future Pathways, including some who attended Fornethy House Residential School.

I hope that the information I have set out in this letter is helpful to the Committee.

⁷ <https://www.gov.scot/publications/survivors-of-childhood-abuse-support-fund-2020-2021/>

⁸ [Future Pathways: Scotland's In Care Survivor Support Fund \(future-pathways.co.uk\)](http://future-pathways.co.uk)

Annexe D

Petitioner submission of 7 June 2022

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

We have consulted widely with the Fornethy Survivors Group and our appeal will address some of the points made by Mr Sweeney in his letter to "MR", where he claims that we are not entitled to be part of the redress scheme.

There are also appendices at the end of this document giving individual statements for you to take into consideration as requested.

As part of this process, we would earnestly ask that in your deliberations that you make **calls for further evidence** from other professionals in the child abuse field such as Wellbeing Scotland; Child Abuse agencies and so on.

Background

To date over 200 women have come forward who attended Fornethy during the period 1961-1993. They have campaigned and protested to have their claims of child abuse investigated; they have asked for an independent inquiry into their time at Fornethy and they have worked tirelessly to access their Fornethy, education and medical records. They have now been excluded from the Scottish Government's Redress Scheme and advised to seek civil litigation through the courts. We request the choice to decide which route is best for us as individuals, hence our petition.

Abuses suffered

We feel it is important to name the abuses that we suffered taken from the top five out of ten Adverse Childhood Experiences research. These abuses have been collated out of individual's testimonies and done independently of each other.

Physical

- Beatings/Slaps, Bruising, Made to bleed, Hair pulled, Hair being yanked
- Being force fed – vomit; porridge; egg; fat; milk, Gagging and vomiting at mealtimes, Spoon grabbed and forced into mouth
- Made to choke in fear of life
- Standing naked in a dark corridor
- Food removed or no food given
- Being pulled out of bed
- Bed wetting was severely punished
- Made to sleep on a cold rubber sheet, Made to sleep in a wet bed as punishment
- Being belted with a sandshoe on legs and backside making red marks on legs
- Disrespect for our bodies at bath time
- Shaking/unsafe, Struggle to breath
- Pants being pulled down and spanked – couldn't sit down, Smacked for wetting the bed

Sexual

- Inappropriate touching of sexual organs
- Having pants pulled down
- Taken to parties in the middle of the night to take part in inappropriate acts
- A man in the night smelling of cigars making the room filled with smoke and putting his hands under the sheets (witnessed)
- Girls sitting on their knees terrified
- Witnessing another girl being lifted from her bed by the garden man (put my head under the sheet)
- A feeling that something has happened to you but memory will not bring it to the surface even after being hypnotised or having hypnotherapy

Verbal

- “You'll never see your mother again”
- Shouting, Ridicule, Control, Being sworn at
- Not being allowed to talk to anyone by being stood over during mealtimes

- Being told on walks that you would be fed to the crows who were in cages
- Being told out on walks that you would be charged by bulls if you didn't hurry up
- Girls being told to kick a naughty child
- Being told you were a "cry baby" for crying – at the age of 5?
- Bootcamp approach to little girls

Psychological

- "You'll never see your mother again" if you're a bad girl
- There are ghosts that live in the fireplaces
- Shame, Public shaming
- Fear and terror, Nightmares, Keeping quiet out of fear
- Dissociation
- Being refused food if you wet your bed
- Not feeling safe
- Extreme anxiety

Emotional

- Repression – keeping us apart from other girls
- No kindnesses shown from awareness that girls away from home might be homesick, Crying in bed at night – no comfort but being told to, stop crying or else, Fits of crying
- Intolerance to emotional pain
- Locking self in the toilets and then everyone else being punished for that
- Letters home ripped up in front of our faces and being told to write "nice" letters home copied from a blackboard
- Denial of the tuck shop out of badness, Sweets being grabbed from you by the staff

Adult outcomes from these early experiences

- Triggers within the nervous system – always preparing for danger
- Chronic Hyper-arousal – hypervigilant; racing thoughts; defensive; angry and reactive; panic and overwhelm
- Chronic Hypo-arousal – numb, disconnection, exhausted; can't concentrate; passive; can't think; ashamed' can't say no.
- Reliving the experiences
- Physical illnesses
- Some have committed suicide
- Sleep issues
- Eating disorder
- Crying
- Shaking
- Choking at mealtimes
- Always having your back to the wall in restaurants vigilant of who is behind you
- Triggers around food like the smell of cigars or the smell of porridge
- Unexplainable illness such as fibromyalgia
- Sexual difficulties
- Vaginitis
- Seeing husbands as dirty old men
- Not allowing own children sleepovers for fear of their abuse
- Lack of trust in Drs
- UTI's
- Smear test difficulties
- Afraid of older male men
- Flashbacks which are not understood logically but lie in the nervous system as triggers
- Lack of being able to have sexual fulfilment – unable to let go and relax
- Dissociation
- Symptoms of PTSD
- Loss of confidence
- Paranoia
- Disconnection/numbness
- Lack of trust in Dr's or anyone in authority
- Abandonment issues
- Fear of the dark
- Hate being naked
- Fears of walking in forests due to being told she would be fed to the crows
- Now afraid of fields and bulls and big buildings
- Fear of older men
- Shock and disbelief still
- Anger/mood swings;
- Anxiety; Shame and guilt; depression;

- OCD behaviours;
Personality Disorders;
PTSD
- Our reactions to things often do not fit the situation being experienced
- Being re-traumatized just recalling and reading the survivor's stories
- Attachment issues – anxious attachments
- Night terrors; Screaming in the night
- A low tolerance of noise
- Low tolerance of conflict especially shouting or anger
- Can't sleep in a bed – need to sleep on the sofa to be alert for danger
- Terrible dreams I can't remember
- "She was never the same after she came out of Fornethy – she was a happy child now she steals and is very disturbed" (Aunty to a survivor).
- Unable to self-regulate at times

This list covers most but not all of it.

Eligibility/Overall Purpose of the Scheme?

The overall purpose of the scheme is not inclusive but exclusive – discriminating against these now women who are further being excluded and isolated from the very justice they seek. Other Redress Schemes ignore the length of abuse in care which is not a qualifying factor. What are the conditions for abuse? In our view, a perpetrator who abuses once will re-offend again and needs to be nipped in the bud.

The attitude of the Scottish Government towards 200+ Survivors who have come forward is causing us further harm in that exclusion – were we “the lucky ones” to not have been in care for longer than six to eight weeks? You are treating us differently; less equally and discriminatory which goes against our human rights in a modern society. Negating our vulnerability as helpless little girls without a voice or choice to leave. Our voices remain unheard causing us yet more harm and distress. Have we been “cancelled” we wonder.

Call for a change in the Eligibility Criteria

- The eligibility criteria **does not go far enough or wide enough given the scale of abuse that is now recognised** the young girls of Fornethy suffered – as well as the scale of abuse overall for which you are doing more for.
- Eligibility appears to be based on a financial decision rather than a moral duty in the fair and equal delivery of justice.
- 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 than six to eight weeks?
- Not one Fornethy Survivor was included in the consultation process prior to the Terms being drawn up – unlike other schemes where survivors had an input and were a valued part of the process. Why was this? Fornethy survivors have been invisible in these matters.
- Fornethy girls were likewise isolated from their parents and family – letters to be sent home were ripped up in front of them and told to copy from a blackboard “nice” letters home to not alert parents of their misery and suffering.
- Fornethy Residential School was a “care setting” where we were children who were “looked after” by those not their families. We were in the care of Glasgow City Corporation (GCC).
- Other Redress Schemes across the world (i.e. Canada and Ireland, HIA Schemes Across the World) do not say “how they came into care” but “what happened regardless of their care” – why do the Scottish Government make this distinction creating this unresolved injustice for us?
- The Terms of Reference appear to recognise that all abuse is harmful and causes untold suffering and that we should have been protected but yet discount us in excluding us denying an equal entitlement and justice like other abuse victims.
- Equality and an equitable scheme for those victims prior to September 1964. All of the above applies to them also.

- We want the Scottish Government to review and close this gap in the process for redress.

In light of the above, we feel that the guiding principles of these terms are deeply flawed; cause further damage to the unimaginable harm and trauma already suffered.

We feel that we have been “hung out to dry”. We are human beings, not a number or a case. If you had really seen our pain you would not have narrowed the scheme to exclude us.

Early childhood studies researching correlations between childhood trauma and adult health outcomes found that a child’s brain and central nervous system are so profoundly affected that they are at the root of many chronic diseases, **most mental illness** and most violence. Some of those affected are no longer here due to suicide or illness. These “Adverse Childhood Experiences” (ACE’s) lists many early damaging experiences and out of the top ten ACE’s young girls at Fornethy would have experienced five out of those covering physical; sexual; verbal; psychological and emotional neglect as well as the undermining circumstances by how some of them came into the care of GCC – one girl had faced eviction along with her family; a parent going into prison; a parent having a mental breakdown; one losing their parent and how they came to need to go there. We also know now that a child observing abuse of any kind also becomes a victim of that abuse causing further harm. We witnessed each other being beaten; being force fed our vomit; being told you’ll never see your mother again. Some of us are still afraid of the dark having been stood in dark corridors, alone and naked stripped of all dignity. We have abandonment issues. We have PTSD; we have night terrors. The world feels scary. The ongoing triggers cannot be managed by a 6-12 week counselling opportunity – it just does not do the business.

There are socio-economic factors too many to mention here – but that Glasgow still, 50 years later, bears the hallmark of 85 out of a 100 of the most deprived areas in Scotland. Imagine that. Not much has changed for the welfare of the poor in those disadvantaged areas. They didn’t have the ability to reach their full potential. The abuse has had a long lasting and significant damage, particularly to their mental health.

It is not fair and it is not compassionate. It delays justice for us. It is a disregard for us. Compensation is a very important part of any redress

scheme and for some, is part of the healing process in that very acknowledgment of the wrongdoing. An apology.

Taking Civil Action

There are a number of barriers which do not take into account the situation of all survivors. Court processes and civil litigation are adversarial by their very nature and bearing in mind the adversarial abuse by some staff at Fornethy this in itself is very difficult to go through.

Billhar Singh Uppal – a lead claimant lawyer in the North Wales litigation said:

“the civil litigation process is not really fit for this particular purpose – there are too many hurdles; too many ways that claims can be defeated on technicalities that victims and survivors do not understand”

And, in his experience with redress schemes:

“they have a better experience ... victims have emerged from the process less bruised; wholler; their trust in society restored – not totally restored, but you’ve got to start somewhere”.

Access to the Redress Scheme fully does work, civil litigation does not.

- It is appreciated that there have been change in the laws – but these do not take into account the process by which a survivor has to prove so many aspects of their abuse and can have a very damaging impact on them on top of their abuse.
- We have a right to access our records. But those records are either missing or are not accessible to us through the various pathways explored be that The Mitchell Library or our GP’s. How can we do this? How can we approach a court of law without our records? It’s impossible. The redress scheme was designed to spare us such trauma.
- “Do no harm” in adopting a human rights-based approach where our gender and dignity is key as well as limiting the opportunity for re-traumatising us by going through the courts where we would be examined and cross-examined. A real fear of not being believed.

Asking us to go through a civil process is having to go through a further trauma.

- Parity in damages awarded - it has been seen in numerous cases that civil awards are not an adequate alternative to provide the remedy warranted. However, some of our number may choose the civil route but this is their choice, their autonomy.
- Would you expect a rape victim to go through a civil action case?
- Lastly, court processes can be contentious, drawn out and vicariously harming which is really hard for victims – the redress scheme has been designed to be a timelier process that we are being denied. We need to be believed and we need to be acknowledged.

Complexity of the Case

It is our view:

- The matter is simple – vulnerable little girls were put in the care of Glasgow City Corporation – that is not complex – it has been made complex by the bureaucracy of a scheme which has been set up to exclude them.
- That the GCC did not show due diligence in monitoring Fornethy Residential School and are therefore accountable for what took place there.
- 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.
- Fornethy girls too were deprived of contact with their parents and were isolated not just from them but from each other. There were no small kindnesses to help us integrate with the other children. It was oppressive. No appreciation of our homesickness and separation from families.
- The decision makers do not consider the whole picture but are making decisions on the basis of their Terms of Reference which have been designed to suit their purpose – not that of the victim in our opinion.

Government and Parliamentary Processes

We are asking who voted against us being excluded in the Redress Scheme – we have been unable to locate the motions being put forward or otherwise. Under the FOI Act we have a right to know this.

We are, however, grateful to learn today that there is acceptance for a roundtable meeting with the Deputy First Minister on the 28th June at 11.30 am and for a few survivors to approach him with many of the issues surrounding our case. We hope this meeting will not be one of lip service but one of a real and genuine need to understand our position.

Mutuality and trust are sacred in moving forward.

Government Policies

The Scottish Government have introduced the “Bairn’s Hoose” to make justice for children more effective and less traumatising, bringing the care and justice response to crimes together and to “Strengthen children’s rights by implementing the UN Convention on the Rights of the Child”. This is really wonderful for the children of today and is for the purpose of:

A MORE EQUAL SOCIETY

A FAIRER SCOTLAND

Scotland has the UK’s first national action plan on human rights, showing your ambition to be an example of how to realise human rights and tackle injustice at home and abroad. The “Delivering Equally Safe Fund” has also been established, with additional funding to tackle violence against women and girls.

We ask you to consider:

- How do the 200+ Fornethy Survivors fit into the above policies?
- What of our human rights? How is our injustice being tackled?
- What is fair and what is equal for us?

New Information

More women have since come forward as we continue to raise our profile in the wider community.

Another protest took place at Holyrood on the 26th May – we now have five MSP's who wish to actively support us.

Further press releases – the Daily Record are keen to keep us in the public profile. We won't give up.

More protests are planned – no justice no peace!

Continuing to access our records however we can by visits to the Mitchell Library, seeking out help from GP's. We keep going.

The meeting with the Deputy First Minister on the 28rd June to address all of our concerns not just our petitioning process.

We will not go away; we believe in our cause.

We will not leave one stone unturned in our plea for equality and justice.

Again, what are the conditions for child abuse? Please listen, please act. We might be your daughter, your niece, your wife, your mother.

Iris Tinto and Caroline Harris
On behalf of the Fornethy Survivors Petitions Sub-Group

Appendix A: Personal Testimonies

F ... I went to Fornethy Residential School from as young as 7 years old. I spent up to six weeks there. I appreciate that the Government has set up the redress scheme, however those with a responsibility for the care of children in the past have a responsibility now to do the right thing today and that should include all victims regardless of the time they were abused. I feel that "Oh it's just fornethy, let's brush it under a rug and forget it"

J – Disgusting

C wrote: *(I was one of girls who attended fornethy in the early 70s i had blocked evrything out until seen article re fornethy since then i havent been able to sleep or eat properly keep going into fits of crying*

i remember standing naked wet and cold in front of bench where my clothes were folded crying and asking for a towl was slapped told to go outside and dry off

there was a grey headed man in the garden i sat down trying to cover myself with my arms he shouted for me to get up and run around with the others

in dining room girl across from me was sick on her plate wouldn't eat anymore and she was slapped across head by dark haired thin woman

i wet the bed and was made to sleep on top of rubber mat with just a sheet covering me one night another girl was trying to help me clean up mess i had made when i wet the bed both of us were slapped she was sent to her bed i was made to stand in dark corridor

my dad had written to me while i was there saying he was coming to visit in the parcel were couple of comics casper and ritchie ritch he had put his phone number in letter the letter and comics were taken away i was told he wasn't allowed to come visit and they were going to give him a call

i went to meet up with others from fornethy on wed and out of nowhere i had what i can only think of as a flash back i saw me in my bed girl in next bed was being lifted from her bed by the guy who was in the garden i put my head under the sheet

i ran out of the room crying shaking and struggling to breath couple of the women came out to check on me i couldnt stop shaking and crying all i could get out it was the gardened i didnt help that poor girl am sorry i just kept repeating it

i am going to see if i can get some sort of counselling

i now know this has been reason why my kids weren't allowed to go anywhere unless i was with them not even outside to play they went to youth clubs only because i was there to keep them safe wouldn't let anyone babysit or take them out

Now I suffer nightmares scream in my sleep I find it difficult to try sleeping in my bed now now sleep on sofa as when I do try sleep in bed I wake up feeling scared and not knowing why My daughter has told me I had been shouting out sounding terrified in my sleep but I don't remember what dreams are

Our government need to realise how badly this affects all of us

A wrote: *In 1970 around the age of only five years old I was sent to Fornethy Residential School to give my mother some respite and myself a 'holiday' This was a catastrophic experience for me leading me to personally endure ridicule, shame, intolerance, physical hitting and slapping, force feeding and terror. I was traumatised by some of the public shaming and unnecessary beatings I witnessed directed at my older peers creating an atmosphere of control and fear.*

I felt I would be some way compensated by the Redress scheme for a lifetime of lost confidence, shame and shyness and constant hoping never to feel noticed in case of dire consequences. I finally believed by not only replaying, recalling and remembering events of this dark time that I'd finally be noticed, listened to and be treated in a positive manner about the abuse. I haven't just remembered those events and feelings - I've relived and re experienced them! In denying our right to redress I feel I've been abused all over again. Am I not good enough? Was the abuse and terror not bad enough? Not long enough?

I ask that the Redress Scheme opens its doors to the children abused and affected by the 'care' i received whilst In Fornethy Residential school.

On leaving that dark place, my older sister was asked to tell my mum 'what a good girl I'd been'. My five year old mind could only feel horror that this was how 'good' kids were treated

MR wrote: *I think of the worst, i rem getting letter from home out on grass and was already opened postal orders removed another girl minister came wed night for dinner wee girl picked read bible she couldnt read was dyslexic he made others laugh at her she was made sit crosslegged with bag sugar on her head for hrs so she couldn't move. I*

was beaten outside tuck shop i was eating barley sugar "B" seen me yet again grabbed it off me hit me and said ur bad your not nice you dnt get any treats my only problem i got it from her was i cried lot was cry baby thats part my story

Dining room egg i dnt like yoke egg "B" came over i was yet again scared shitless ul eat it but i dnt like egg stood over me till i put in mouth gagging vomitted still hit head again grabbed spoon fed me it off plate i was sick but at a point someone spoke her she turned her back i spat on my hand threw under table pure terror i came home night terrors started scared dark. Another girl locked herself in toilet [name] eventually got her out but told girls she ruined our tv nite and told everyone to kick her which girls did as they were scared. I got one new girls really hit me she ran away as she wet bed got too cottages guess who stayed there workers called them came get her she wanted jump out running car thought they would kill her but got bk nothing said for wk then sent to heads office with another woman was beaten black blue and went into cupboard took out bottle cod liver oil told her ul drink it all she was violently sick abdominal pains then hit for being sick forced eat fat dining room vomited battered dragged out after spoon cutting her mouth blood everywhere i dnt say names - Scrubbed in cold baths brushes by two woman one hair cut off long lovely hair u mite get nits another ive bn told girl wore bathing suit in showers as was going through puberty put in showers wee one she was beaten for wearing swimsuit stripped made face other girl wash each other

MD wrote: *My mother was very ill and asked doctor for help that was why me and my sister got put to Fornethy twice, only to be abused, forced fed, my pants pulled down and smacked so hard I could not sit down without crying, as a bed wetter I got smacked for that too.*

E wrote: *It is apparent, by our exclusion from the SOCAS guidelines for redress, that the members of this group are to be discredited. That each and everyone one of us is not to be believed or given any platform to testify and that our claim to abuse is merely allegations. Otherwise why would we not be included? If child abuse can only be regarded as having taken place in care, then under whose care were the young girls at Fornethy Residential School?*

If the abuse lasted a minute, a week or a month, is it any less abuse than that suffered the poor children in care homes?

We were sent to Fornethy in good faith, mostly sent by our parents or guardians, under the auspices of the healthcare, social care and education system for our benefit! Yet, to this day we carry the fear and isolation of what we experienced at the hands of our 'betters'.

If that is not child abuse then what have we learned in this modern progressive Scotland we call ours?

My name is I and I am a survivor of the Fornethy historical abuse. I was there as an eight year old around 1968 and as my family were being evicted I was sent there for a period of time. I believed it was 8 weeks but my auntie told me I was actually there for a year – I do remember the sun and the snow. My first night there was horrendous – someone had done a big poo in my bed – it looked huge so I assumed it was an adult – when I called the staff member I was punished severely and blamed for doing it and scolded. I cried hard in my bed that night and was then dragged out of bed and told to stop crying and then had to stand in the cold dark corridor freezing. I was severely homesick and tried to tell my mum in a letter but that was ripped up in front of me and I was told to copy the letter from the blackboard saying I was having a great time. I felt helpless and scared of these women. I had an allergy to milk products – making me vomit even the smell of milk and when it was time for breakfast I couldn't eat the porridge. One stood at the back of me and another at the side, forcing my mouth open and literally shovelling the porridge down my throat – as it came up they closed my mouth and made me swallow it again. Now as an adult I have a choking reflex and in any public place I hate people to be at the back of me, especially in a restaurant or café – I have to see who is in front of me all of the time. I have had years of therapy to help me with my triggers – I just don't feel safe a lot of the time – I have night terrors even now; I scream out in the night; I am scared to be alone and in the dark. It is pure fear that grips me. I came out of Fornethy and began stealing and being very naughty at school – I did some awful things but when I look back I know they were as a result of my behaviour in a reaction to what had happened to me there. I was beaten, made to go to the shower room in the dark and washed in a cold bath harshly. I hate having my head touched now as an adult; my scalp bears the marks of that awful experience. It was an awful time and I am still suffering today from the effects of the trauma experienced. I was told I would never see my mum again and when I

met her at Glasgow Queen's Street station I let out a sound like a wounded animal – it didn't sound human, I was so traumatised. I have trust issues too – and fear of authority. The whole experience really marred my development – educationally, emotionally, spiritually. The scars will always remain but I do hope for healing. Thank you for reading this, it is greatly appreciated.

EG wrote: *Glasgow City Council sent me to that 'Residential School' for a holiday, in part because I came from a one parent family. The 6 weeks I spent there has haunted me all my life. I came from a poor home and the staff of Fornethy never let me forget that. I returned from that hell hole ashamed of being female and who I was. They crushed my spirit and took away my voice. Someone has to accept responsibility.*

Hello this is A ... *the Scottish government is generous with the platitudes of how any child abuse is wrong , yet I find that your not currently including Fornethy residential school in the redress scheme goes in the opposite direction of the sound bites I am a survivor of Fornethy and your current stance just rubs salt in the wounds*

J: *To whom it may concern my name isI am 62 years old I was around 7 or 8 years old when I went to fornethy it started when I went into hospital with life threatening bronchial pneumonia when I was 6 or 7 I had 4 months stay in robroyston hospital where only fresh air was getting wheeled out in my bed at hospital I only seen a visitor 1ns a month as that was what was allowed when I was well enough to go home I was told it would be good to go to fornethy for fresh air and the countryside would be good for my recovery so I felt at a young age I was getting sent away again for a long spell as been in hospital for nearly 4 months was upsetting enough that I was getting sent away again and to be told that it was for 6 weeks on my own I didn't want to go away again so it was decided my younger sister was to go with me she was only 5 or 6 it was decided I felt a bit happier that my sister was going with me we got to fornethy on the 1st day we went by train to Perth scotland then minibus to the school on arrival we got taking into a big reception room and our cases left in middle of floor and we was told to go out to play my 1st*

day I felt happy but nite time came we was sent to bed my sister in next bed to me but she got scared and jumped in beside me I woke up with her getting pulled out my bed and she was sent out the dormitory I never seen her again till next morning she was crying and told me that they belted her with a sandshoe on her backside and legs there was red shoe marks on her skin at breakfast they stood over her making sure she didn't talk to anyone and that was including myself I did talk to her eventually and asked where they took her in the nite she told me she was left in a dark corridor the next nite there was a break in on one of the other dormitories but we didn't get told till next morning the police was called in so it scared us my sister again sneaked into my bed again but this time it was because she wet her bed and again she got dragged out my bed and told to get into her own bed she had to sleep in wet bed our 3rd nite it was my turn to get belted as I wet my bed but I woke up and shouted out that I had an accident and I was taking out my bed to stand in dark corridor my sister always stood up for me and from that day forward they abused her yanking at her hair belting her for least wee thing we ate most things that was put down to us but there was foods we didn't like and because we didn't like we was forced to eat it we wasn't allowed out of dining room till it was all gone my sister was spitting it out but always got the brunt of there tongue and the hair pulling the slap across the legs with a sand shoe so I felt that I had to keep silent about everything so I didn't get belted I learned if I kept quiet then I wouldn't get picked on and tryed to tell my sister to do the same but after the 3rd nite I don't remember bed time I remember u got a biscuit but because you wet bed they didn't give you milk I remember I had to turn the chair at nite b4 bed and that was for someone to come in and take you to toilet I remember the hand coming under cover and that nite been taking out of bed and past the room with chairs in it round the walls and there was men in that room smoking pipes and cigar I remember the room been full of smoke and girls sitting on there knees I felt scared this is a reoccurring nitemare I have to this day the walks through the forest and the very large crow cage with sheep skeletons and rabbit skeletons that's what they used to catch birds of prey on taking us past the cage to look at the crow's we was told if we didn't do as we where told we would get fed to the crow's so all my life I've been scared of crow's I've been scared to walk through a forest and the the bull in the farm across the road we cut across the farm to get to church and

all of a sudden been told to run for our life's get over the fence and stay to the side of it as they told us the bull was going to charge at us so I never go across farms was always scared the frightened the life's out of us so my life growing up was not good scared of farms forests and. big buildings I could not settle even in a 4 bedroom up in down stairs as I was back to that little scared girl my relationship with male friends I was always scared of men growing up especially older men I fear them for what ever reason I'm so paranoid that there going to hurt me I feel sorry for my husband when he wants a bit of intimatesy I call him a dirty old man as that's what I called the janitor at fornethy so it has affected me all my life even when i had my children I would not let them have sleepovers of go on holidays with school they lost a lot of there childhood because of me I have no trust in police doctors or anyone in authority I get literally sick and stressed out I know that fornethy came back into my life with a bang 1995 as that's when I got my 1st computer and I started looking into fornethy and found out all these other ladies had simular experiences and when "M" found me 3 years ago and I was the 7th person to join the fornethy group along with my sister "R" who has now left the group as she couldn't handle the stuff that was going on it has affected her badly I know that a lot happened to my sister and I was there and couldn't safe her and I've blamed myself for years what happened to her as if I hadn't been poorly then I wouldn't have been sent there and my sister wouldn't have the scars of this horrific place even if I get an apology from the people who did this to us I will never be able to forget it the damage has been done and we haven't got much time left to try and enjoy the rest of our life's this its a bit of my story

We thank you for reading these few harrowing accounts. There are many, many more.