

Professor Diane McAdie submission of 11 March 2024

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

As the appointed researcher of the Fornethy Survivors Group, I have been asked by members of the Group to make you aware of the evidence I have gathered regarding petition PE1933: Allow the Fornethy Survivors to access Scotland's redress scheme, which I understand is being discussed at your Committee meeting on 20th March 2024. I am aware that the Committee will have been provided with the [report by Dr Emma Fossey](#), the Scottish Government's appointed researcher.

Two overarching points are essential for supporting the Group's petition:

1. Fornethy pupils were in official attendance at a residential school governed by Corporation of Glasgow or Strathclyde Regional Council. They were not in a convalescent home, respite facility, or summer holiday camp.

There is no actual evidence that Fornethy Residential School was for convalescence after an illness, although it is one of the officially provided reasons. There is more evidence that pupils were sent to 'convalescent' schools such as Fornethy because they were from deprived backgrounds.

Glasgow's 1945 Scheme of Residential Education (see National Records of Scotland file ED48/932) set up short-term residential schools under the Day Schools (Scotland) Code 1939 and the Education (Scotland) Act 1908. Hillfoot Residential School was under this scheme, and the Scottish Education Department assigned Number 6983 to Hillfoot.

The Progress Report on the Work of the Education Committee 1953-1955 said:

'In May, 1955, with the approval of the Secretary of State, Fornethy House, Alyth, Perthshire, became the property of the Corporation as a free gift to be used as a residential school. When the necessary alterations are completed, pupils will be transferred from Hillfoot Residential School which will then be used as a residential school for mentally handicapped pupils...'

The Corporation of Glasgow's Education Committee minutes from 7th September, 1960, stated: 'With reference to meeting of date 23rd March, 1955 (Print No. 25, page 1913), agreeing that Fornethy Residential School be used to accommodate Protestant convalescent girls at present accommodated in Hillfoot Residential School, the Director reported, for information, that the new school had come into operation on 30th August, 1960'.

The Corporation of Glasgow Education Department's Handbook for Regulations and Information for Head Teachers explained how pupils were removed from the register at their primary school, added to the Fornethy register whilst in attendance at Fornethy, and then added back to their local school's register upon returning to Glasgow.

Also, according to this Handbook, Fornethy pupils were 'removed from the custody of their parents' and placed under the care of the Local Authority whilst at Fornethy.

2. Local Authorities could override or coerce parents' decisions regarding residential school attendance by law.

Under the Children Act 1948, Local Authorities [could vote to remove children](#) from their homes because a 'person is unfit to have the care of the child by reason of unsoundness of mind or mental deficiency or by reason of his habits or mode of life'. The Care of Children (Scotland) Act 1948 'introduced a duty of care on the local council; prior to this the liabilities lay with the carer in respect of powers and rights. This was further evidenced in the Social Work (Scotland) Act 1968' and this power was not removed until the Children (Scotland) Act 1995 ([link](#)).

The possibility of coercion or mandated 'in loco parentis' action is plausible, especially given the documented history of deprived girls being chosen for Fornethy. The Director of Education stated in the context of the Scheme for the Provision of Residential Schools (NRS ED48/932): 'Education as a self-contained community makes it possible for precept to be supplemented by example and, still more important, for children to have an opportunity of living and acting as good citizens should'.

Three options for addressing the contradictory criteria.

The purpose of redress for historic institutional child abuse should be to benefit survivors. Currently, the eligibility guidelines specifically exclude

survivors of short-term residential school abuse. This is unjust; it should not matter whether children were abused for a month or several years. Three possible options appear below.

Option 1. Modify the 'School-related accommodation' institution type.

Fornethy survivors could qualify under the 'School-related accommodation' institution type on [page 6](#): 'an establishment providing residential accommodation for children for the purposes of, or in connection with, their attendance at school'.

Regardless of the reason they were sent there, pupils went to Fornethy Residential School for the purpose of attending school. The only part against Fornethy survivors is the 'private school' requirement in point 27. This could be modified.

Option 2. Modify the existing 'Short-term care' criteria.

Page 7 states, 'In essence, the scheme focuses on abuse in care settings where a public authority or a voluntary organisation exercising public functions, rather than the child's family, became primarily responsible for the day to day care of the child'.

Fornethy survivors **do** meet the requirement for this stated 'essence'. It says nothing about long-term care being the focus. They were also isolated with limited or no contact with their families, as visiting was not allowed per the Head Teachers Handbook.

A contradiction occurs on page 8: 'Whilst the abuse of children in all circumstances 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** [emphasis added], often isolated with limited or no contact with their families'.

Simply removing the 'long-term care' requirement would make Fornethy survivors eligible because they were not in respite or holiday care.

Option 3. Create new 'Short-term care' criteria.

By the Scottish Government's own admission in the criteria, all child abuse is 'wrong and harmful'. No survivors should be denied access to redress simply because their abuse was for a relatively short period of time.

Therefore, a third option would be to provide short-term institutional abuse survivors the ability to apply for redress with a new, separate set of criteria.