

Scottish Child Abuse Inquiry

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General Restriction Order (No.3)

The Chair has power under section 19 of the Inquiries Act 2005 to make a restriction order, which restricts disclosure or publication of any evidence or documents given, produced or provided to the Inquiry.

The Chair has considered the sensitive and/or personal nature of the evidence being provided to the Inquiry, and likely to be provided in the future. The Inquiry has now reached a stage in its investigations where it is likely to be given, or have produced or provided to it, evidence or documents which make reference to people who have complained of abuse but who are not applicants, and to people who have complained of abuse in circumstances not falling within this Inquiry's Terms of Reference.

The Chair has had regard to the interests of those people and/or to any persons by whom they allege they were abused and to the risk of harm being caused to them. The Chair has concluded that it is conducive to the Inquiry fulfilling its Terms of Reference to issue a restriction order and makes this order.

1. Evidence or documents given, produced or provided to the Inquiry which identify complainers (including names and any other identifying details) must not be disclosed and/or published.

2. Notwithstanding paragraph 1, members of the Inquiry team may disclose the identities of complainers to any person or organisations named by complainers as having been involved in any abuse alleged and to the legal representatives of any person or organisation so named, strictly on a confidential basis and only for the purpose of protecting any legitimate interest they may have in the work of the Inquiry.

3. Notwithstanding paragraph 1, members of the Inquiry team may disclose the identities of complainers to any persons or organisations who they believe hold information relevant to the Inquiry's Terms of Reference, in order to recover information to assist the Inquiry with its investigations. This may be done only on a strictly confidential basis and only for the purpose of progressing the work of the Inquiry.

4. Evidence or documents given, produced or provided to the Inquiry which identify any persons who are the subject of allegations of abuse by complainers must not be disclosed and/or published prior to the publication of any Report or Reports by the Inquiry. The Chair may make a further order restricting the disclosure of such identities in any such Report and may make an order restricting disclosure of them after its publication.

5. Notwithstanding paragraph 4, the identities of persons convicted of abuse, or who have admitted abuse, or who are the subject of allegations of abuse by complainers may be disclosed by members of the inquiry team to any persons or organisations who they believe hold information relevant to the Inquiry's Terms of Reference, in order to recover information to assist the Inquiry with its investigations. This may be done on a strictly confidential basis and only for the purpose of progressing the work of the Inquiry.

6. The restriction in paragraph 4 does not apply to disclosures by members of the Inquiry team to Police Scotland of the identities of those who are the subject of allegations of abuse to enable assessment by Police Scotland of current risk to children or vulnerable adults.

7. The restrictions in paragraphs 1 and 4 do not apply to disclosures made by members of the Inquiry team to Police Scotland of the identities of any persons to enable assessment by Police Scotland of current risk of harm to any person or risk to any person's life. The restrictions in paragraphs 1 and 4 do not apply to disclosures made by members of the Inquiry team to Police Scotland of information that has been provided to them indicating that persons protected by those restrictions have been subjected to harassment or intimidation.

In this order :

“abuse” means abuse as defined in the Inquiry's Terms of Reference;

“applicant” means any person who wishes to give or gives evidence of having experienced abuse in circumstances falling within the Inquiry's Terms of Reference whether in a written statement or otherwise;

“complainer” means any person not being an applicant who has, either in person or through another person, reported having experienced abuse. Where the other person is a family member or friend of the complainer, their identity will be protected in a like manner by this order; and

“family member” includes any person who the complainer regarded as a member of his or her family.

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13th April 2017