

Scottish Child Abuse Inquiry

PO Box 24085; Edinburgh EH7 9EA

e-mail: talktous@childabuseinquiry.scot

Factsheet – for witnesses

If you want to tell us you were abused there is a different [factsheet](#) for you. Please refer to that factsheet for information.

This factsheet is for *other* witnesses to this Inquiry. This covers a wide range of people including staff members of care providers, managers of care providers, policy officials, social workers, police, doctors, inspectors, academics, and counsellors.

What's a public inquiry?

A public inquiry is set up to look into a matter of great public concern. The Scottish Government decides whether to set up an inquiry and what matters it must look into.

A public inquiry is completely independent. It doesn't take sides with anyone. It looks at records and other documents, hears evidence from witnesses, asks questions and writes its own report with recommendations.

What's this Inquiry about?

We are investigating the abuse of children in care in Scotland. Our work includes looking at why and where abuse took place and the effects of abuse on children and their families. We are also looking at whether organisations which were legally responsible for children in care failed in their duties, whether failures have been corrected and whether changes to the law, policies or procedures are still needed.

The full description of what this Inquiry must look into is set out in our Terms of Reference.

At the end of the Inquiry we will publish a report with recommendations. We must present the report to the Scottish Government and the Scottish Parliament.

What powers does the Inquiry have?

We have the power to make people and organisations give evidence about the abuse of children in care. We can also collect and look at records and other documents.

We are not a court. We don't award compensation or convict people of crimes.

What does the Inquiry do?

We collect evidence and information about abuse of children in care. We do this, among other ways, by speaking to witnesses at interviews.

Interviews can cover a wide range of topics, depending on the type of evidence being offered by the witness. Examples of topics are:

- allegations of abuse
- the general treatment of children in care
- the recruitment of staff and foster carers
- relevant national and local government policies about children in care
- inspection of care providers
- systems for reporting of abuse
- reports of particular abuse and actions taken
- the long term effect of abuse on those who have been abused
- changes in the law in the past, and in the future

What the Inquiry asks you about may depend on what type of evidence you have to offer and/or what role you had or have.

The Inquiry also collects documents from people and organisations. The documents include records about the care of children and reports of abuse, and documents about procedures, policies, the law and other investigations.

The Inquiry holds public hearings where evidence is heard.

The Inquiry publishes all its witness statements. For more information on when identities are kept confidential see our [protocol on restriction orders](#). You may, for example, be a “whistle-blower” – someone who wants to reveal the internal operations or secrets of an organisation. We understand that, in such circumstances, you may wish to apply for anonymity in relation to any involvement you have with the Inquiry.

How to give evidence to us

We may ask you to give evidence to us. This may be because we have come across your name in our investigations, or your name may have been suggested to us as possibly being able to provide relevant evidence about a particular matter.

You may want to offer to give evidence to us. If you do, please contact the Inquiry’s witness support team to let us know you are interested in talking to us. We will then decide if we need to take evidence from you.

You can contact our witness support team by:

- phone: on 0800 0929 300
- email at: talktous@childabuseinquiry.scot
- write to: SCAI, PO Box 24085, Edinburgh, EH7 9EA

Make sure you let us know if:

- you have any questions about the process of giving evidence
- you have a disability that may affect the way you can provide us with your evidence
- English is not your first language
- you need special arrangements because you are in a hospital, hospice, prison or something similar

Interviews and witness statements

If we need to take evidence from you, we will arrange for you to be interviewed by members of the Inquiry team.

A witness statement will be prepared which records what you tell us at this interview. The interview is an opportunity for you to meet the Inquiry and provide us with your evidence.

Attendance at such an interview would be on a voluntary basis; we would like anyone who can help us to cooperate with our work. Please be aware, however, that the Chair has the power to order someone to give us a written statement. Failure to comply with such an order may be a criminal offence.

We may want to discuss particular documents with you. Where possible we will ensure you receive copies of these documents before the interview.

If there have been any complaints or allegations made to us about things you may have done, we will tell you about these before the interview so that we can discuss them with you when we meet.

It may take us time to arrange an interview. This does not mean that what you can tell us is not important to us.

You will meet two statement takers from the Inquiry team at the interview. They will ask you questions. An interview usually takes a few hours.

A member of the witness support team may also be present. You may be able to bring someone to support you in a personal capacity at the session – think carefully about who could support you. It is important that you feel able to speak freely to us in the interview.

We record interviews to help us prepare a witness statement which sets out what you have told us.

We will ask you to look over your draft witness statement, and sign it once you are content with it.

The witness statement will be your evidence to the Inquiry. It will be a formal, permanent record of what you have told us. Your statement will be published by the Inquiry – your identity and the identity of others you name or refer to in the statement may be kept confidential.

You can't withdraw your statement once you have signed it. But you can make a further statement if you want to say something more or different.

Public hearings

Some people will be asked by the Inquiry to give evidence at a public hearing. Not everyone who has given a witness statement to the Inquiry will be asked to do so.

The Chair has the power to order someone to give evidence at a public hearing. Failure to comply with such an order may be a criminal offence.

Public hearings are more formal than interviews. The Inquiry listens to all the evidence. Counsel to the Inquiry will also be in the room. Core participants and/or their lawyers may be in the room, and members of the public and press may also be present.

Counsel to the Inquiry decide which witnesses will be asked to give evidence at public hearings. At the hearings, they normally ask the witnesses all the questions.

If you are giving evidence at a public hearing, you can ask the Inquiry to keep your identity private. You can do this by applying to the Chair for a restriction order. You can find out how to do this in our [protocol on restriction orders](#). You need to explain why it is important to keep your identity private.

If the Chair grants your application you may be able to give evidence:

- in private (with only key people in the hearings room)
- from behind a screen; or
- by video link from another room

Every witness, when giving evidence, must promise to tell the truth. To do that the Chair will put each witness on oath.

The Chair will not allow any witnesses to be questioned aggressively. What you say may, however, be tested in questioning, as a matter of fairness to others. For example, you may be asked what you have to say about evidence given by other witnesses, or about evidence that is in records.

You may be able to claim expenses, including travel expenses, for giving evidence at a public hearing.

Do I need a lawyer?

You don't need a lawyer to make contact with the Inquiry. We are independent and our lawyers are independent; they work only for the Inquiry. You will be treated fairly.

You need to be aware of your rights – including the right against self-incrimination – when you speak to us. We can't give you advice, but you can get advice from your own lawyer before you come to an interview, sign your statement or give evidence at a public hearing.

If you decide you need a lawyer you can arrange this at any stage. The Inquiry may be able to help you pay for a lawyer if you can't afford one yourself. If you want your lawyer to come to your interview please discuss this with our witness support team.

For more information you can contact our witness support team:

- by phone on: 0800 0929 300
- write to: SCAI, PO Box 24085, Edinburgh, EH7 9EA
- email at: talktous@childabuseinquiry.scot
- look at our website at: www.childabuseinquiry.scot
- follow us on Twitter: @ScottishCAI

For general enquiries:

- email at: information@childabuseinquiry.scot

PRIVACY NOTICE

This notice explains how we collect and handle your personal data.

We are an independent public inquiry and we exercise statutory functions under the Inquiries Act 2005, in the public interest. We investigate the abuse of children in residential and foster care and we will publish a report or reports. We need to process personal data to enable us to carry out our work.

We explain in this notice in general terms how we collect and handle personal data.

How we collect personal data

When someone visits our website we collect information to measure the use of the website. We do not collect information that identifies anyone. Further information is provided on our website:

<https://www.childabuseinquiry.scot/terms-and-conditions/>

If you contact us by telephone, email or letter, or if you use the contact form on our website, we will retain the personal data which you provide to us.

We also recover records from a range of sources, including providers of care, local authorities, the police and the Scottish Government.

What sort of data we collect

We collect data about children in care, data about commission of acts or omissions that constitute abuse and data about the impact of abuse. We also collect and retain contact details.

The records that we recover might include personal data. The records might also include sensitive personal data, relating to criminal convictions, offences, or a person's sex life or sexual orientation.

How personal data is held

We keep your personal data secure and only share it with those who need to see it.

Personal data is held in secure encrypted electronic storage systems that are only accessible by members of the Inquiry team. Any hard copy information is held in secure conditions within premises to which members of the public do not have access.

All personal data we receive is handled fairly and lawfully in line with data protection legislation.

Who will personal data be shared with

We may have to disclose personal data, on a confidential basis, to organisations which provided residential care or people named as abusers, to organisations which hold records which could assist the Inquiry with its investigations, to experts or to the police.

Data controller

The Secretary to the Inquiry is our “data controller”. This means that she is responsible in law for all our information - how it is held and how it is used or destroyed.

Each year the Inquiry registers with the Information Commissioner – who supervises the Data Protection Act in the UK. A copy of our current registration certificate is available here: <https://www.childabuseinquiry.scot/key-documents/ico-registration/>.

Data retention

If you contact us by telephone, email or letter during the Inquiry, we will retain the personal data which you provide to us. We will do so solely to enable us to carry out our work. We will generally retain information for the duration of the Inquiry.

We are required to transmit certain records, including personal and sensitive personal data, to the Keeper of the Records of Scotland at the end of the Inquiry.

The legal basis for processing personal data

We process personal data lawfully in compliance with the General Data Protection Regulation (‘GDPR’) and all other UK data protection legislation.

Personal data

Personal data is processed because the processing is necessary to enable us to carry out our work, which is a task carried out in the public interest.

Sensitive personal data

Sensitive personal data is processed because the processing is necessary for reasons of substantial public interest, and because processing is necessary for the exercise of a statutory function, in this case the Chair’s functions under the Inquiries Act 2005.

Your personal data

We process personal data that we hold as a result of or for the purposes of our investigations for special purposes, and so we do not need to tell you that we are processing your personal data and we do not need to give you access to it.

Contact and complaints

If you wish to contact us about the terms of this privacy notice, please write to mark.dorrian@childabuseinquiry.scot.

If you wish to make a complaint about how the Inquiry has handled your personal data, you can contact the Information Commissioner's Office online at: <https://ico.org.uk/concerns/getting/>, by calling their helpline on 0303 123 1113 or by writing to them:

UK Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF