

Scottish Child Abuse Inquiry

PO Box 24085; Edinburgh EH7 9EA

e-mail: information@childabuseinquiry.scot

Witness statements and other evidence – Protocol

Introduction

1. As part of the work of the Inquiry, we need to gather evidence about all that is covered by our [Terms of Reference](#). We cannot, however, gather evidence about matters that are not covered by our Terms of Reference.
2. There are different types of evidence. Information provided to us by witnesses at a session or interview will be recorded in a written statement. That statement is evidence. Information in documents is evidence. What is shown on a plan or in a photograph is evidence. What witnesses state at hearings is also evidence.
3. This protocol provides a short introduction to how we gather evidence *before* hearings. More information is available in the protocols and factsheets referred to below.

Witness statements - by people who tell us they were abused

4. We need to obtain statements from people who tell us they were abused. These statements will help us build a picture of what happened to children in care in Scotland. Your statement will be a lasting record and by providing it you will help us and others to understand what happened to children in care. It will also help when the Chair makes recommendations about how to protect children in care in Scotland, now and in the future.
5. It doesn't matter if the person you name as your abuser has died. It doesn't matter whether or not you reported the abuse you want to tell us about at the time it happened or since then.
6. We provide more information in our [Factsheet](#) for people who tell us they were abused. This includes contact details for our witness support team who can help you through the whole process.
7. You can also give evidence to us about a family member who you believe was abused while a child in care.

Apply to us

8. If you would like to provide us with evidence, we will ask you to fill in a short application form. You can send the form to us by email or by post, or we can fill in the form for you over the phone.

9. When you apply let us know if your circumstances are likely to affect the way you need to share your experiences. For example, you may have a disability, English may not be your first language, or you may be in prison or in a young offenders' institution. Such circumstances don't mean that you won't be able to talk to us. But they may mean that we need to make special arrangements.
10. We will consider your application form to see whether or not the evidence you have to offer is relevant to our [Terms of Reference](#). Once we have made that decision, we will contact you as soon as possible to let you know whether or not we are able to take your application forward.

Private sessions

11. You can tell the Inquiry about your experiences at what the Inquiry calls a "private session".
12. We will make arrangements for the private session to take place somewhere convenient. This may take a little time. If there is a delay while we make these arrangements, it doesn't mean that what you have to tell is not important to us.
13. You can ask us to pay for the costs of coming to a private session. This could include travel expenses or food while away from home. In some cases we may be able to reimburse earnings you lose because of having to take time off work to attend the session. See our protocols on [expenses](#) and [loss of time](#).
14. Members of the Inquiry team will meet you at the private session. They will help you speak about the memories you have of your experiences. You can go at your own pace and have breaks whenever you want.
15. A private session usually takes a few hours. You can bring someone to support you at the session. The private session will be recorded. This is to help us afterwards when we are preparing a written statement.
16. Before the session it may help to think through what you would like to talk to us about, so you can share your experiences to the best of your ability and within the time available.
17. It helps the Inquiry if you can speak about your life before going into care, your time in care, whether you reported the abuse you tell us about and your life after care. It is up to you how much you want to say about these things.
18. A member of our witness support team will be available throughout your private session. We will also give you a follow up phone call afterwards.

Witness statements

19. After your private session your witness statement will be prepared covering the matters you have told us about that are within the Inquiry's Terms of Reference.
20. We will arrange to meet with you so that you can review and make changes to your statement. We will ask you to sign it once you are content with it.
21. The witness statement will be evidence to the Inquiry. It will be a formal, permanent record of what you have told us.
22. You cannot withdraw your statement once you have signed it. But you can make a further statement if you want to say something more or different.

Witness statements - by other witnesses

Who may the other witnesses be?

23. We need to interview and to obtain witness statements from a wide range of people who worked with children in care in Scotland. These witnesses will help us build a picture of what happened to such children.
24. If you are one of these witnesses, we want to hear from you as well.
25. These witnesses include people who provided care, people who ran institutions providing care, people responsible for supervision or inspection, people who may have received reports of abuse, and people who decided on policies and practices for children in care in Scotland.
26. They also include people who carry out all these activities now, and people likely to be responsible for carrying them out in the future.
27. You could, for example, be or have been:
 - a person who tells us you saw another child being abused;
 - a member of staff at a care institution;
 - involved in running a care institution;
 - a foster carer;
 - a social worker;
 - a local government official;
 - a central government official;
 - a police officer;
 - a prosecutor; or
 - a GP or other doctor or healthcare worker

Interview

28. You can contact us to offer to give a witness statement. Or we may contact you and ask you to give a witness statement.
29. In most cases we will want to interview you. We may need to share information with you which relates to applicants or people who are the subject of allegations, whose identities are protected by an order made by the Chair (see our protocol on [restriction orders](#) for more information). We ask anyone we need to share that sort of information with to agree not to disclose it to anyone. We do this by asking for a confidentiality undertaking to be provided.
30. Sometimes, instead of interviewing you, we may ask you to prepare your own witness statement, either by yourself or with the help of your lawyer (if you have one). We will let you know what the statement should cover and any documents you should refer to.
31. The interview will proceed rather like a private session, with a similar level of support. (For more information on private sessions see above.)
32. You can ask us to pay for the costs of attending an interview. This could mean your travel expenses or food whilst away from home. In some cases it might include the earnings you will lose because of having to take time off work to be at the interview. See our protocols on [expenses](#) and [loss of time](#).
33. Before you meet us we will give you as much information as we can about what we would like to discuss. At the interview, we will ask you questions about what you remember. We may have documents to show you as well.
34. After the interview a witness statement will be prepared for you covering the matters you have told us about that are within the Inquiry's Terms of Reference. We record interviews to help us to prepare these witness statements.
35. We will ask you to go through the witness statement, and sign it once you are content with it. The witness statement will be evidence to the Inquiry. You cannot withdraw your statement once you have signed it. But you can make a further statement if you want to say something more or different.
36. Whilst we hope that all witnesses will co-operate with the Inquiry, you should understand that the Chair has the power to require a person to provide evidence to us by, for example, attending to do so or by providing a witness statement. If you do not comply with such a requirement by the Chair, you may be found to have committed a criminal offence and be punished accordingly.

Signing witness statements – all witnesses

37. Everyone who gives a witness statement will be asked to sign it. In certain circumstances, we may need to use your unsigned statement as evidence. For example, we may need to do this where a witness has passed away before being

able to sign their statement, or, in the case of non-applicant witnesses, where that witness refuses to sign their statement or removes significant parts of a draft statement (for instance where they admitted abuse at an interview).

Our witness support team – all witnesses

38. Our witness support team is available to help anyone who is a witness to the Inquiry. This means anyone giving a witness statement or giving evidence at an Inquiry hearing.
39. You don't have to be telling us you were abused for the team to help you. We know that providing any evidence can be a daunting experience and understand that witnesses may need help.
40. Our witness support team can provide information about what we do, and how we do it. They can send you any forms or information that you need, and help you complete some forms over the phone.
41. The witness support team can be contacted:
 - by phone on 0800 0929 300
 - by email to talktous@childabuseinquiry.scot
 - by post to: PO Box 24085, Edinburgh, EH7 9EA

Reporting to the police – all witnesses

42. If you name someone as an abuser at a private session or interview, we will pass their name to Police Scotland. We will tell the police what you said about abuse by that person, what you tell us about when and where it took place, and the general nature of the abuse you have described to us. We do this so that Police Scotland can assess the current risk that person may pose to children and/or vulnerable adults. It is not for us to assess that risk.
43. If you tell us that you abused someone else, your name will be passed to Police Scotland in the same way. We have a duty to do that.
44. If you tell us anything at a private session or interview which suggests that:
 - the life of any other person may currently be at risk
 - any other person is at current risk of harm, or
 - anyone protected by a restriction order is being or has been subject to harassment or intimidation,we will pass this information to Police Scotland. This includes passing on your identity to the police.
45. For more information on our policies about reporting see our [Protocol and form on restriction orders](#).

Sharing information in witness statements – people who tell us they were abused

46. If you tell us that you were abused, we may have to share your name and allegations with the organisation responsible for your care at the time and anyone you named as an abuser. We would share that information on a strictly confidential basis. The reason for this sharing of information is that we have to do it to be fair to everyone involved in the Inquiry.
47. We may also have to share your name and allegations with people or organisations who hold information relevant to our investigations. Again, we do this on a confidential basis.
48. Paragraphs 46 and 47 also apply if you tell us about a family member who was abused. In that case, we share the name of the family member and the allegations you have made about abuse they experienced.
49. The Chair can give permission for us to disclose, publish or share the identities of anyone who has been convicted of abuse of children in the care settings we are looking into, or anyone who has admitted that they were an abuser. This information may already be public, so there is no need for us to keep the names anonymous.
50. We have to share with Police Scotland the identity of anyone who we are told has abused children. This is because Police Scotland must be able to assess the current risk that person may pose to children and/or vulnerable adults. It is not for us to assess that risk.
51. We share with Police Scotland any information we receive which suggests that anyone is at risk of harm or that there is a risk to their life.
52. If we are given information indicating that an applicant or a person named as an abuser is being or has been harassed or intimidated, their identities will be shared with Police Scotland.
53. We will give you advance notice if we are intending to share what you have told us with a particular organisation that was responsible for your care as a child and/or any person you named as an abuser.
54. If you wish us to consider not sharing your evidence, you will need to apply to us for a restriction order as soon as possible, explaining the reasons why you think it would be appropriate, in your case, not to disclose your evidence. You don't need to wait until we notify you that we are intending to share your evidence. There is more information below about how to apply for a restriction order.

Publication of witness statements – all witnesses

55. We will publish on our website all witness statements that we obtain.
56. The Chair of the Inquiry has decided that some details in witness statements will be redacted. Those details include anything which might identify a person who has told us they were abused or which concerns matters outwith our Terms of Reference. “Redacted” means blacking out words so that they cannot be read in the published versions of statements. For more information see our [protocol on redaction and the Inquiry transcript](#).
57. For more information on the Chair’s decision, please see the [Protocol and form on restriction orders](#)
58. Some witnesses may want to publish or disclose their own witness statements. Your statement is evidence that you have given to the inquiry and it may contain information identifying others who have been granted anonymity. Therefore, you must not publish or disclose your statement without first discussing with us how and when it can be made public.

Documents and other evidence

59. We obtain and retain many different types of documents as part of our work. The documents may include letters, emails, reports, publications, records, photographs, pay slips, minutes and statements.
60. The Chair has the power to require people and organisations to give us records and other documents which are relevant to our work. If they do not comply with such a requirement, they may be found to have committed an offence and be punished accordingly.
61. If you think you have documents which would be of interest to us, please contact our legal team. If we would like to see the documents, we will discuss with you how best to get them to us.
62. Please do not send us anything until you have checked with the legal team.
63. Our legal team can be contacted:
- by email to solicitors@childabuseinquiry.scot
 - by post to PO Box 24085, Edinburgh, EH7 9EA
64. We can’t help you obtain copies of your records or find out about your past. Our task is to carry out the investigations given to us by the Scottish Ministers. These are set down in our Terms of Reference.
65. See our [Protocol on information](#) for details of what information we can release and how you can ask for this. We will not release to you information that we hold about you if we have obtained that information as part of our investigations.