

Scottish Child Abuse Inquiry

PO Box 24085; Edinburgh EH7 9EA
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Factsheet – for people who tell us they were abused, or a member of their family¹ was abused

What is a public inquiry?

A public inquiry is set up by a government Minister to look into matter(s) of public concern. The Minister also decides what particular matters it has to inquire about.

Once a public inquiry has been established, it is completely independent. In particular, it is independent of the government which set it up – in this case, the Scottish Government. The government cannot influence how the Inquiry carries out its work.

A public inquiry carries out investigations. To do this, it gathers, studies and analyses records and other documents, it hears and considers evidence from witnesses, it writes report(s) and it makes recommendations.

What is this Inquiry about?

This Inquiry is investigating the nature and extent of abuse of children in care in Scotland over a lengthy period. Its work includes looking at why and where abuse took place and the effects of abuse on children and their families. It is also looking at whether organisations which were legally responsible for children in care failed in their duties, whether any failures have been corrected and whether changes to the law, policies or procedures are still needed. It is creating a national public record of abuse in Scotland over a period from within living memory to 17 December 2014. A full description is set out in the Inquiry's [“Terms of Reference”](#).

At the end of the Inquiry a report, with recommendations, will be published. It will be presented to the relevant Scottish Minister and the Minister will lay it before the Scottish Parliament.

What powers does the Inquiry have?

The Inquiry has various powers. They include the power to require people and organisations to provide information and give evidence about the abuse of children in care and to require people and organisations to deliver a wide range of records and other documents to help us in our work.

¹ “family member” includes any person who an applicant or a person now deceased regarded as a member of their family.

The Inquiry is not a court and it does not have the power to operate a redress scheme. It cannot award compensation or redress and nor can it convict anyone of having committed a crime.

Can I give evidence to the Inquiry?

Who – You can give evidence if you want to tell the Inquiry you were abused in care, when you were under the age of 18. “In care” means any residential care including being in foster care or at a boarding school. You can give evidence whether or not you have claimed compensation for that abuse, whether or not you were involved in a police investigation, and whether or not you have been involved in any court case.

Your evidence may also help the Inquiry even if you were not a child in care. You may, for instance, have witnessed the experiences of children in care although you were not in care yourself. Or you may want to offer evidence about a family member who you believe was abused when in care. Please contact us and a member of the Inquiry will advise whether the evidence you have to offer would be of help.

Timing of abuse – The Inquiry wants to hear about abuse of children in care at any time from within living memory up to 17 December 2014. It doesn't matter if the person you name as your abuser has died.

Talk to us

You can tell the Inquiry about your experiences of abuse. Talking to us will help us build a clear picture of what happened to children in care in Scotland in the past. It doesn't matter if the person you name as your abuser has died or whether or not you reported the abuse in the past.

We understand that it may be very difficult and upsetting for you to tell us about your experiences. The Inquiry's witness support team is here to explain the ways in which you can talk to us and to help and support you through the process. You will not be forced to give evidence in public at Inquiry hearings but if you are invited and wish to do so, the witness support team will support you throughout. The Inquiry may not be able to invite everyone who has given a statement to give evidence in public.

By talking to us you will help the Inquiry make recommendations to protect children in Scotland better in the future.

How to talk to us

Contact us

Contact the Inquiry's witness support team to let us know you are interested in talking about your experiences. You can:

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

When you contact us, let us know if:

- you have any concerns
- you have a disability that may affect the way you need to share your experiences
- English is not your first language
- you need special arrangements because you are in a young offenders' institution, prison or something similar

Apply

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 with you over the phone. We will then check the form to see if your experiences are within the Inquiry's Terms of Reference.

If the Inquiry cannot look into your experiences we will contact you to explain as soon as possible.

If the Inquiry can look into your experiences we will contact you as soon as possible. You can change your mind at any time if you decide you don't want to talk to us or need more time.

Private sessions and witness statements

You can tell the Inquiry about your experiences at what the Inquiry calls a "private session". A witness statement will then be prepared.

It may take us time to arrange a private session near you. This does not mean that your experiences are not important to us.

Generally, three members of the Inquiry team will meet you at the private session. They will help you to talk about your experiences and memories. You can go at your own pace and have breaks whenever you want. A private session usually takes a few hours. You can bring someone to support you at the session.

Before the session it may help to think through what you would like to speak about, so you can share your experiences to the best of your ability and within the time available.

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.

A member of our witness support team will be available throughout your private session. We will also give you a follow up phone call.

We record private sessions to help us prepare your witness statement. We will ask you to read over the statement and sign it once you are content with it. If you have a disability or a difficulty which affects your ability to read over your statement, we can tailor the process to assist you.

The witness statement will be your evidence to the Inquiry. It will be a formal, permanent record of what happened to you. 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.

Inquiry hearings

Some people will be asked by the Inquiry to give evidence at a hearing.

Inquiry hearings are more formal than private sessions. The Chair of the Inquiry will preside over the hearing and she may ask questions. Legal counsel to the Inquiry will be present and they will question the witnesses. Core participants and/or their lawyers may be in the room. A core participant is someone who has played a particular role in relation to the subject matter of the Inquiry or has a particular interest in the Inquiry, or who might be subject to significant or explicit criticism. The Chair decides which people or groups should be core participants.

Members of the public and press are usually in the room. However, if you are giving evidence at an Inquiry hearing, your identity will be kept private (unless you decide that you do not want that). If you do want to keep your identity private, the Chair will decide how that is to be done, according to your individual circumstances. She may, for example, decide that you can give evidence :

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

Every witness, when giving evidence, must take an oath or formally promise to tell the truth.

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

What will the Inquiry do with my witness statement?

The Inquiry will consider carefully all witness statements and other evidence it obtains.

Publishing witness statements

We intend to publish all witness statements on the Inquiry website. However, you will normally have a right to anonymity and your identity will be kept private unless you decide to waive that right. Identities are protected by “redaction”, which means we will black out some information in your statement. For more information, see our [Protocol on Redaction](#).

Sharing names and allegations

If you tell us that you were abused, we may have to disclose your name and allegations to the organisation responsible for your care at the time and anyone you named as an abuser. We would disclose that information on a strictly confidential basis. We have to do this to be fair to everyone involved in the Inquiry.

We may also have to disclose your name and allegations to people or organisations who hold information that we need. Again, we do this on a confidential basis.

If you report your abuse to the police and your abuser is prosecuted, and/or if you make a claim for financial compensation, the Inquiry may be obliged to pass a copy of your statement to your abuser’s lawyer or to the prosecutor, if a court order is granted which requires us to do so. That process would be conducted formally, under the control of the court.

If you have given a statement to us about a family member who you believe was abused, we may have to disclose their name and the allegations in the same way and on a confidential basis.

Can disclosure or publication be prevented?

If you wish us to consider not disclosing your name or allegations in any of these ways, you need to apply to the inquiry for a ‘restriction order’ as soon as possible. Please see the [Factsheet on disclosing applicants’ evidence, including allegations](#) for more information, and the [Protocol on Restriction Orders](#) where you will also find an application form.

Names of convicted abusers

We can – and usually will – disclose and publish the identity of anyone who has been convicted of charges involving the abuse of children in the care settings we are investigating.

Reporting to the police

We have to disclose to 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.

We will also disclose to Police Scotland any information we receive which suggests that anyone is at risk of harm or that there is a risk to their life.

If we are given information indicating that an applicant, witness or person named as an abuser within the Inquiry process is being or has been harassed or intimidated, their identities will be disclosed to Police Scotland.

We may also have to pass on your name in these circumstances.

Do I need a lawyer?

You do not need a lawyer to make contact with the Inquiry, or to come to a private session.

If you want a lawyer you can arrange this at any stage. The Inquiry may be able to help you pay for a lawyer if you need legal advice to help you engage with the Inquiry but cannot afford the cost yourself.

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