**Scottish Child Abuse Inquiry**

 PO Box 24202; Edinburgh EH3 1JN

 e-mail: information@childabuseinquiry.scot

**Core participant - protocol and application form**

**Introduction**

## 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. This protocol explains what a core participant is and how applications for core participant status are decided. To become a core participant, you need to apply to the Chair of the Inquiry. At the end of this protocol there is an application form.

**What is a core participant?**

1. A core participant could be a person, a group, or an organisation.
2. A core participant is more involved in the Inquiry process than a member of the public.
3. A member of the public can:
* watch public hearings (unless the Chair decides to hear evidence in private);
* read transcripts of hearings and any documents (including expert reports) that are made available on the Inquiry’s website;
* read witness statements on the Inquiry’s website; and
* contact the Inquiry at any time with any information or evidence they have to offer.
1. A core participant can also usually :
* (if they have leave to appear) make opening and closing statements when the Inquiry holds its public hearings;
* (if they have leave to appear) request counsel to the Inquiry to ask certain questions and, if the Chair allows them to do so, ask questions of witnesses at a public hearing;
* (if they have leave to appear) see any evidence released by the Inquiry to parties with leave to appear, in advance of public hearings insofar as that evidence relates to their interest in those hearings. A core participant has to treat that evidence as strictly confidential, as do their representatives, including their lawyers; and
* see any Inquiry report relating to their interest before it is published. They can’t, however, change what it says and they must keep its contents confidential until it is published.

Even if you are not a core participant, you can apply for leave to appear to take part in a hearing. There is more information on what it means to have leave to appear and how to apply for it, in the [Protocol on Pre-Hearing Procedures](https://www.childabuseinquiry.scot/media/1340/protocol-on-pre-hearing-procedures.pdf).

## How can I apply?

## You can apply to be a core participant at any time during the Inquiry process.

1. You must apply in writing using the application form at the end of this protocol where you will also find notes about how to fill in the form. Please provide as much information as you can on the form. Please do not provide your information separately (whether on separate sheets or in documents or otherwise).

## How does the Chair decide applications?

## The Chair will look at your application carefully. There are rules that the Chair has to apply. They include that, before someone can become a “core participant”, she has to be satisfied that they:

## had a direct and significant role in the matters under investigation, or

## have a significant interest in an important aspect of a matter the Inquiry is considering, or

## may be subjected to significant or particular criticism.

## If a person satisfies one of more of these tests, the rules include that the Chair also has to consider whether or not it would be desirable to grant the person’s application to be a core participant.

1. If you are applying to be a core participant, you need to explain why you think that any of these descriptions apply to you.
2. We will write to you with the Chair’s decision, which is final.

## How do core participants take part in the Inquiry?

**Legal representation**

1. A core participant can have a legal representative to give them advice and, if they have leave to appear, to represent them at public hearings.
2. A core participant doesn’t, however, need to have a lawyer.

**Documents and other evidence**

1. The Inquiry has a document management system. A core participant, or their lawyer if they have one, gets access to part of it. This means they can see some of the evidence and documents that the inquiry has obtained. These could include records, reports and witness statements.

**Confidentiality**

1. All core participants and their lawyers must agree to treat all information they get from the Inquiry as confidential. This is *very* important. It allows the Inquiry to carry out its work thoroughly and fairly.
2. The core participants and their lawyers all have to sign confidentiality undertakings. They continue to apply even after the Inquiry has ended.

1. Where a core participant is a group of people, such as an organisation or institution, only key people will have access to the document management system, and only if they have signed confidentiality undertakings. They can’t disclose documents and evidence to anyone else unless the other persons have also signed a confidentiality undertaking.
2. Core participants and their lawyers must take all necessary steps to preserve the confidentiality of the information they have access to. This means, for example, that they are not allowed to:
* use the information for any purpose other than taking part in the Inquiry;
* allow others to use the information for any purpose other than taking part in the Inquiry;
* disclose or publish the information.

19. Any breach of a confidentiality undertaking is a serious matter. If it happens during the Inquiry process, it could lead to the Chair deciding to withdraw a person’s core participant status.

**Hearings**

20. Where core participants have obtained leave to appear at a hearing (or at part of it), they will be able to participate in it. We will arrange appropriate seating for them and their lawyers. Other core participants who want to attend may sit in the public seating area.

## The cost of legal representation

21. If a core participant can’t afford their lawyer’s fees, the Inquiry may be able to help with the cost. For more information and how to apply see the fact sheet on legal representation which you can download from our website [here](https://www.childabuseinquiry.scot/key-documents/factsheet-legal-representation/) and the protocol and application form on cost of legal representation which you can download from our website [here](https://www.childabuseinquiry.scot/key-documents/cost-of-legal-representation-protocol-and-application-form/).

## Withdrawal of core participant status

## 22. The Chair can, if she thinks it appropriate to do so, decide that a person should no longer be a core participant. This decision could be taken at any time.

## 23. If the Chair decides this, we will write to the core participant to explain the decision.

**Notes for filling in the form**

For information about the process to apply to be a core participant, and what being a core participant means see the protocol above.

**Paragraph 1 – your name**

Please give your full name if you are applying on your own behalf.

If you are applying on behalf of an organisation, group or body, please give its full name and any registered number. If the organisation is a company, we need to know the identity of all directors. If a charity, we need to know who the trustees are. For groups, we need to know who the office-bearers are.

**Paragraph 2 – your status**

Use this box to tell us if you are applying on your own behalf or as a representative of an organisation, group or body.

**Paragraph 3 – your contact details**

We will use your contact details if we need to discuss your application with you.

If the Chair decides you should be a core participant, we will use these contact details to stay in touch with you.

If you have a preferred way for us to contact you (for example, only by post), let us know.

**Paragraph 4 – your lawyer**

A core participant can have a lawyer but doesn’t have to. A lawyer advises you and represents you at Inquiry hearings.

If you have a lawyer we will usually be in contact with them, rather than with you direct.

If you do not have a lawyer when you apply for core participant status, but you later appoint one, you can tell us their contact details later.

**Paragraph 5 – reasons why you should be a core participant**

The law requires the Chair of the Inquiry to decide who should be a core participant. You are asked in this paragraph for information to explain why you are applying, to help her make the decision. Please put all your information in this paragraph and do not attach any separate sheets or documents. Any information provided separately from the form will not be considered.

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**Application for core participant status**

**Fill in this form to apply to be a core participant.**

**There are notes above about how to fill in the form.**

|  |
| --- |
| **1. Your name (if you are applying on behalf of an organisation the names of the directors, trustees or office-bearers):** |
| **2. Your status (are you applying on your own behalf, or for an organisation or body, or as a representative of a group):** |
| **3. Your contact details:****Address:****Email:** **Phone:****Your preferred way for the Inquiry to contact you:** |
| **4. Contact details of your lawyer (if you have one):****Name:****Address:****Email:** **Phone:** |
| **5. Reason why you should be a core participant:*** **Why would it be desirable for you to be a core participant?**
* **Describe your role in the subject matter of the Inquiry.**
* **Provide details of any significant interest you have in the Inquiry.**
* **Do you think you may be criticised during the Inquiry or in its report?**
* **What other reasons are there for you to be made a core participant?**
 |

**DECLARATION**

**I confirm that the information I have given in this application form is true and correct to the best of my belief and knowledge.**

**Your signature:**

**Date:**

**Send completed forms:**

* by email to: information@childabuseinquiry.scot
* by post to: SCAI, PO Box 24202, Edinburgh, EH3 1JN

Please only send the completed form. Other documents will not be considered.

**For more information you can:**

* phone the witness support team on: 0800 0929 300
* write to us at: SCAI, PO Box 24202, Edinburgh, EH3 1JN
* email the witness support team at: talktous@childabuseinquiry.scot
* look at our website at: [www.childabuseinquiry.scot](http://www.childabuseinquiry.scot)

**For general enquiries:**

* email us at: information@childabuseinquiry.scot