Frequently asked questions - for people who were abused

These Frequently Asked Questions have specific information that people who were abused may find helpful.

For more general information about the Inquiry and how it works, see the longer version of Frequently Asked Questions or contact the Inquiry by email (information@childabuseinquiry.scot) or phone (0300 244 8070).

About the inquiry generally

What is a public inquiry?

A public inquiry is a major investigation into a matter of public concern. It is set up by the Scottish Government Ministers who decide the matters it can look into. Once set up the Inquiry is completely independent. It does not take sides with any organisation, including the Scottish Government.

What is this Inquiry about?

This Inquiry is looking at the abuse of children in care. It was set up on 1 October 2015. The Scottish Government Ministers decided what the Inquiry should look into.

The Inquiry will raise public awareness of the abuse of children in care. It will provide an opportunity for public acknowledgement of the suffering of the children. It will be a forum for validation of their experience and testimony.

When will the Inquiry end?

The Inquiry will give its final report to Scottish Government Ministers within 4 years with recommendations for the future to improve the law, policies and practices in Scotland. The report will be published and must also be presented to the Scottish Parliament. The Inquiry may also publish interim reports.

What powers does the Inquiry have?

The Inquiry can force people and organisations to provide evidence and any records that still exist. It can look into what happened to children in care and make recommendations for the future. The Inquiry is not a court. It cannot award compensation or convict a person of a crime.
What does the Inquiry do?

The Inquiry gathers information about abuse that happened to children in care. It does this by speaking directly to survivors of abuse at what are called private sessions. It obtains existing records and other documents from individuals, institutions, organisations, and public bodies. It also holds public hearings where evidence is heard. No survivor will be made to give evidence in public.

There are limits to what the Inquiry can consider. For example, it has no powers to hear about abuse that happened at home or to adults.

What is the point of talking to the Inquiry?

Talking to us will help us build a picture about what happened to children in care in Scotland in the past, and how to ensure better protection for children in the future. By talking to us you will have helped the Inquiry to make recommendations to improve the law, policies and practice and to better protect children in Scotland in the future.

Evidence of people who were abused

Can I give evidence to the Inquiry?

Who – It can hear evidence from anyone abused when under the age of 18. It doesn’t matter if you have already claimed compensation for abuse, or if the person who abused you has died. It also doesn’t matter if you have reported the abuse to someone else already (for example, the police), been involved a criminal prosecution about it, or have yourself been convicted of any criminal offence.

Abuse – It can consider most forms of abuse.

Time – The abuse can have happened at any time within living memory up to 17 December 2014.

Location – It can hear evidence about abuse when a person was staying long term in residential care or foster care. This includes abuse in a children’s home, boarding school or List D school.

How do I contact the Inquiry to give evidence?

The first step is to contact the Inquiry’s Witness Support team who are ready to help you. You can contact them by:

phone: 0800 0929 300

e-mail: talktous@childabuseinquiry.scot

post: PO Box 24085, Edinburgh, EH7 9EA
The Witness Support team can explain more about the next steps in the process. You can also read more about the steps in the Factsheet – About the Inquiry – Information for People who were Abused.

Will I be supported if I give evidence?

If you are a witness to the Inquiry, the Witness Support team is here to help and support you. If someone is supporting you at present, or has supported you in the past, you might also want to speak to them. They may also be able to help you through the process.

I have a disability. Can I still give evidence?

Yes, we will do everything we can to help you to give evidence. The Witness Support team can discuss with you your needs and what can be arranged.

I don’t want to give evidence in English. Can I do this?

We can provide interpreters for anyone whose first language is not English.

Can I give evidence if I am in a Young Offender’s Institution, prison or somewhere similar?

Special arrangements can be made to take evidence from anyone who is in secure residential accommodation. The Witness Support team can arrange this for you. Any post from the Inquiry to you will be marked as confidential and we will ask the management of the accommodation to pass it to you unopened.

There are forms to fill in. Can I get someone to help me do this?

The Witness Support team can help you fill in any Inquiry forms over the phone, or can read them out to you if that helps. The key forms for people who have been abused are an application form to give evidence and a form for claiming expenses.

Why are some people who were abused not being dealt with by the Inquiry?

There are limits to what the Inquiry can look into. For example, it has no powers to hear about abuse that happened to a child at home or to adults. The Inquiry works hard to identify people whose experiences are within the limits of the Inquiry.

Why does the Inquiry legal team decide if I can give evidence?

The Inquiry legal team works closely with the Witness Support team to identify people whose experiences are within the limits of the Inquiry.

Once you have filled in an application form we will contact you as soon as possible with the decision of the legal team about your evidence. If your experiences of abuse can be considered by the Inquiry, you will then have the opportunity to tell the Inquiry about the experiences in detail.
Can I change my mind about giving evidence?

Once you have contacted us you can change your mind at any stage and decide you don’t want to proceed.

However, if you sign a witness statement this is your evidence to the Inquiry. You cannot withdraw it or change the statement, but you can make a further statement if you want to say something different.

If you are worried about your experiences being made public, please remember that your identity will not be revealed when your witness statement is published.

If you are thinking about changing your mind, please contact our Witness Support team who can discuss this with you.

Private sessions and witness statements

What is a private session?

At a private session you will have the opportunity to tell the Inquiry about your experiences. Private sessions are an important way for the Inquiry to hear first-hand about the impact of child abuse.

What happens at a private session?

A private session will usually be arranged for a venue near where you are based. Two members of the Inquiry team will be in the room. You will be asked some questions by them and they will listen to your experiences as a child in care.

An audio recording will also be made of the session. The recording will help the Inquiry prepare a witness statement by you.

A session usually takes a few hours. You can go at your own pace and have breaks whenever you want.

What will I be asked at a private session?

You will be asked questions about your life before going into care, your experiences in care, any reporting of the abuse you suffered, your life after care, any other action you took, treatment or support you have received and your records.

It will be up to you how much you want to say about these matters. It may help to think through what you would like to tell the Inquiry, so you can share your experiences to the best of your ability within the time available.
Can I bring a friend or relative to the session?

Yes, you can bring a supporter who can sit in the Session with you, or just outside. You can talk to that person as much as you want in private or with the Inquiry team members. The identity of your supporter will not be revealed in public.

What support will I get in a private session?

The Witness Support team can answer any questions or concerns you have about the session before it takes place. A Witness Support team member will be on hand on the day of a session to support and help you.

A few days after a private session a Witness Support team member will also give you a follow up phone call to discuss how you are doing.

Will you report what I say in a private session to the police?

If you experienced sexual abuse and your abuser is still alive, we will pass the name of your abuser to the police. This will be done so the police can check whether he or she currently poses a risk to children or vulnerable adults. It may be necessary to pass on other details if the person cannot be identified. We will not pass on your name to the police without your agreement.

If you tell us in a private session that you were involved in sexual abuse of a child, we will pass your name to the police. This will be done so the police can check whether you currently pose a risk to children or vulnerable adults.

If you tell us anything which suggests a child or vulnerable adult is at risk of abuse (sexual, physical or other abuse), we will report that risk to the police.

What is a witness statement for?

A witness statement puts down in writing the experiences you told us about at the private session. It will be your contribution to a national public record of abuse of children in care.

Your statement will be published by the Inquiry so that everyone can understand what happened to you. However, your identity will not be revealed when your statement is published unless you ask us for this.

Will I be able to make changes to my statement?

You will be sent a draft of the statement to read over and make any changes to that you want. Only when you are satisfied with the content of the statement will you be asked to sign it.

Why do I have to sign the statement?

By signing it you are confirming that you are satisfied with its contents and that its contents are true. As this is your evidence to the Inquiry, it is important for us to know that you have confirmed this.
What will you do with my statement?

The Inquiry will publish your statement during the Inquiry’s proceedings. This will probably be done on the Inquiry’s website. Statements are published because the Inquiry is a public process and it must raise public awareness of the abuse of children in care and provide a forum for public acknowledgement of the suffering of children who were abused.

When your statement is published your identity will be protected – your name and any details which might identify you will be blacked out so that no one can read them.

The Inquiry is designed to establish the facts, and this means that we will have to listen to alleged abusers and institutions as well as to people who were abused. In some cases, this means that your name, along with details of the abuse and the location, might be disclosed to alleged abusers or institutions so that they can respond. This is a matter of basic fairness, and you should bear in mind that this could happen.

It is also possible that the Inquiry may want to show your statement to independent experts appointed by the Inquiry. They will treat your statement as confidential.

Will the name of my abuser be published?

If you name someone as an abuser in your statement, the Inquiry will decide whether that person’s identity should be made public.

Public hearings

Do I have to give evidence at a public hearing?

No one who has been abused will be forced to give evidence. If you are asked to give evidence and you have concerns or questions, the Witness Support team will be able to help you.

Can I give evidence at a public hearing but keep my identity private?

The Inquiry has already decided that, as a person who has been abused, your identity should not be revealed.

In addition, you can ask for special arrangements to give evidence. These are to give evidence:

- In the hearing room from behind a screen;
- In the hearing room in a private hearing (when the press and public are not present);
- from another room by video-link.
If you would like any of these special arrangements, please tell the Witness Support team as soon as possible after you are asked to give evidence.

**What if I want to give evidence at a public hearing but am not asked?**

Not everyone who gives evidence at a private session will be asked to also give evidence at a public hearing. This is because the Inquiry has a fixed timescale to work to and we have to focus on particular cases at hearings.

If the Inquiry wants you to give evidence at a public hearing you will be contacted by the Witness Support team. You do not need to contact the Inquiry to find out what the position is.

**What support will I get if I give evidence at a public hearing?**

The Witness Support team will assist all witnesses before, during and after giving evidence at a public hearing. Their help can involve answering questions and concerns and ensuring the process is as straightforward as possible (for example, by meeting witnesses at the hearings venue and helping with claims for travel and other expenses).

**Will I get any support if I come to a public hearing to watch?**

The Inquiry cannot provide support to everyone who has suffered abuse. Our role is to investigate the matters we have been asked to look at, and to help everyone who gives evidence to us to give that evidence. That means we cannot offer a counselling service to anyone, or provide support to people not involved in the Inquiry.

We appreciate that some people who have suffered abuse may find it distressing to hear evidence about abuse of others at public hearings. If you come to a public hearing and have any questions or concerns or feel that you need support, please contact the Witness Support team.

Members of the Witness Support team will be at every public hearing. They can also be contacted by email on talktous@childabuseinquiry.scot, or by phone on 0800 0929300.

**What does the public hearing room look like?**

The Inquiry may move the venue for its public hearings over time, so the exact set-up of the room may change slightly.

Public hearings are more formal than private sessions. Members of the public and press are usually in the hearing room.

There are two panel members who consider all the evidence. Also present are Counsel to the Inquiry. They decide which witnesses to call, the order of the witnesses and normally they ask the witnesses all the questions.
Core participants and their lawyers may be in the hearing room. Core participants are individuals or organisations which are likely to have a significant interest in the Inquiry.

The lawyers in the hearing and Counsel to the Inquiry, unlike when they are in a court room, do not wear gowns and wigs.

Everyone present is expected to sit quietly and listen respectfully to whoever is giving evidence. Shouting, banners and any other disruption are not permitted and anyone doing so will be asked to leave the room. No filming or photography is permitted unless the Chair agrees otherwise.

**Will I have to face the person who abused me at a public hearing?**

Arrangements can be made so that you do not see any particular person, other members of the public or press.

When you arrive to give evidence you will wait in a room which is solely for those who have suffered abuse and is separate from other witnesses.

Witnesses will normally give evidence in the hearing room in front of the Inquiry, public and press. However, you can ask for special arrangements to give your evidence. These are:

- in the hearing room from behind a screen;
- in the hearing room in a private hearing (which means no public or press are present); or
- by video-link from another room.

If you think you would like any of these special arrangements please let the Witness Support team know as soon as possible after you are asked to give evidence.

**Who will ask me questions if I give evidence at a public hearing?**

The Inquiry will not allow any witness to be aggressively questioned. In some circumstances your evidence may be tested as a matter of fairness to other people. For example, you may be asked about evidence given by other witnesses, or records.

Witnesses will mostly be asked questions by Counsel to the Inquiry.

Sometimes a lawyer for a core participant may ask questions with the permission of the Chair of the Inquiry, or their questions will be asked by Counsel to the Inquiry. Core participants are individuals or organisations which are likely to have a significant interest in the Inquiry.

**Will the Inquiry pay for me to give evidence?**
You may be able to claim expenses from the Inquiry, including travel expenses, for coming to a public hearing. More information about this is available from the Witness Support team.

There are also application forms on the Inquiry website for expenses and compensation for loss of time.

**Do witnesses have to tell the truth? What happens if a witness lies?**

Every witness will give their evidence under an oath or affirmation – a commitment to tell the truth. They do this by repeating the words directed to them by the Chair of the Inquiry.

Deliberately misleading the Inquiry or deliberately not providing documents to the Inquiry are very serious matters.

**Inquiry Report**

**I want to see the Inquiry report before it is published, can I do this?**

Core participants to the Inquiry and their lawyers will able to see the Inquiry’s report shortly before it is published. Core participants are people or organisations who are likely to have a significant interest in the Inquiry.

The exact arrangements for this have not yet been decided. More information about the arrangements will be provided on the Inquiry's website towards the end of the Inquiry.

**When the report is published, who will see it?**

The report will be available to anyone who wants to read it. It will be available in hard copy (by post from the Inquiry) and online (on the Inquiry website).

The Scottish Ministers will receive the report and lay it before the Scottish Parliament.

The Inquiry report will not reveal the identity of any person who was abused, unless that person has told the Inquiry to do so.

**Legal representation**

**Do I need a lawyer?**

You do not need the help of a lawyer to make contact with the Inquiry or to come to a private session. The Inquiry is independent and its lawyers work only for the Inquiry and will treat you fairly.
Can I have a lawyer?

You can choose to be represented by a lawyer, or to get legal advice, at any stage. The Inquiry cannot help you choose a lawyer. If you having difficulties finding a lawyer, the Witness Support team can provide the contact details for the Law Society of Scotland or your local Citizens Advice Bureau as a starting point.

The Inquiry considers that lawyers are not needed at private sessions. As a result, the Inquiry is not likely to help pay for the cost of a lawyer coming to a private session.

Will the Inquiry pay for my lawyer?

The Inquiry may be able to help with the cost of a lawyer if you need one but cannot pay for one yourself.

There is an application form for funding for legal representation on the Inquiry website. If you need the form posted to you, just ask the Witness Support team. The Witness Support team can also help you complete the form.

Further information

For the Witness Support team:

Phone: 0800 0929 300
Write to: Scottish Child Abuse Inquiry, PO Box 24085, Edinburgh, EH7 9EA
Email: talktous@childabuseinquiry.scot

For general enquiries:

Phone: 0300 244 8070
Write to: Scottish Child Abuse Inquiry, PO Box 24085, Edinburgh, EH7 9EA
email: information@childabuseinquiry.scot
look at our website at: www.childabuseinquiry.scot
follow us on Twitter: @ScottishCAI