

# Scottish Child Abuse Inquiry

PO Box 24202; Edinburgh EH3 1JN

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## Restriction orders – protocol and application form

### Introduction

This protocol provides information about “restriction orders”. Although this is a public inquiry, the Chair of the Inquiry will sometimes make restriction orders when it is necessary to keep information, including details about applicants and others, private.

Everyone must obey a restriction order. That includes the media, members of the public, witnesses, core participants, legal representatives and all members of the Inquiry team.

### Anonymity

1. The Chair has made a general restriction order (“GRO”). It is called a “general” restriction order because it protects a wide group of people. The Inquiry will not generally protect the identities of people who are not protected by the GRO. This is because the Chair has a duty to make a record of the evidence given to the Inquiry available to the public, subject only to the GRO or any specific restriction orders she makes.
2. The GRO provides anonymity to various people and means that no one can disclose or publish :
  - the identity of anyone who tells the Inquiry that they were abused;
  - the identity of anyone who tells us that a member of their family was abused and the identity of the family member they tell us about;
  - the identity of anyone who has, at any time, reported experiencing abuse.
3. The GRO also says that the identity of anyone who has been named as an abuser but who has not been convicted of abusing children in care must not be disclosed or published before publication of the Inquiry’s report(s). There are, however, some **important exceptions**. These are set out below.

### Disclosure to organisations and named abusers

4. If you tell us that you were abused or if we receive information that you have complained of abuse, we may have to disclose your allegations to the organisation responsible for your care at the time and to anyone you identified as an abuser. We have to do this to be fair to everyone involved in the Inquiry.
5. However, anyone we disclose information to in this way must keep it confidential.

6. We will give you at least 14 days' notice if we are intending to disclose your allegations.
7. If you wish us to consider **not** disclosing this information, you will need to apply to us for a further restriction order as soon as possible. You don't need to wait until we notify you. There is a form at the end of this protocol that you will need to complete. You will need to explain the reasons why you think it would be appropriate, in your case, for us not to disclose the information.

### **Disclosing the names of convicted abusers, and others in the public domain**

8. We can – and usually will – disclose and publish the identities of anyone who has been convicted of charges involving the abuse of children in the care settings we are investigating.
9. We may disclose and publish the identities of alleged abusers or people who have told us that they were abused, but only where those identities and abuse allegations are already in the public domain. The Chair will decide if we can publish or disclose those names.

### **Sharing information with the police**

10. If you name someone as an abuser, 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.
11. 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.
12. If you tell us anything which suggests that:
  - the life of any other person may currently be at risk
  - any other person is at current risk of harm, or
  - any applicant, any witness or any person named as an abuser within the Inquiry process 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.

### **Disclosure to obtain information etc.**

13. We obtain information from a wide range of sources. If you (or anyone else) tell us you were abused or complained of abuse, we may need to disclose your identity and allegations, on a confidential basis, to anyone who we believe holds information which could assist with our investigations (so that we can ask them to provide the information) and/or to any expert instructed by us (so that they can consider what you have told us and provide us with expert evidence).

## **How we protect identifying information**

14. The Inquiry will publish witness statements. We may refer to other documents during Inquiry hearings. If a statement or other document includes information about anyone protected by a restriction order, we use redaction to protect their identities. "Redaction" means blacking out any words in the document which could reveal a person's identity.
15. More information about redaction is provided in our protocol on [Redaction](#).

## **Can I apply for a restriction order?**

16. Anyone who wishes to be anonymous and who is not already protected by the GRO can apply for a restriction order.
17. You don't, however, need to apply if the identity you want to protect is already covered under the GRO made by the Chair. Please contact our witness support team if you are not sure whether it is.

## **How can I apply?**

18. You need to apply in writing, using the application form at the end of this protocol. The application can be made by someone else on your behalf. Applications can also be made to protect the identities of people who are now deceased. You should apply to us as soon as possible.
19. If you delay, it may be too late to prevent the identity you are asking to be protected from becoming public or to prevent it being confidentially disclosed.

## **How are applications decided by the Chair?**

20. The Chair will carefully consider your application and decide whether it can be granted. Her decision is final. We will write to you with the Chair's decision.
21. The Chair can only make restriction orders which will help us to carry out the work of the Inquiry, and which are necessary in the public interest. When deciding whether or not to make a restriction order, the Chair will take account of any risk of harm or damage which may be avoided or reduced by issuing a restriction order.

## **Can I ask for a restriction order to be changed or cancelled?**

22. You can ask the Chair to change or cancel an existing restriction order which affects you.
23. To do so, you need to apply in writing, using the application form at the end of this protocol.
24. The Chair can decide to change or cancel a restriction order without an application having been made if she considers it necessary to do so.

### **How long does a restriction stay in force?**

25. Restriction orders made by the Chair normally continue in force unless and until they are changed or cancelled. They will usually remain in force at least until the Inquiry has ended and often beyond that.

### **What happens if someone breaches an order?**

26. Breaching an order is a very serious matter.

27. The Chair may decide that the person who or organisation which breached the order should take no further part in the Inquiry, or be prevented from attending all public hearings.

28. The Chair has the power to refer the breach to the Court of Session for court proceedings to be taken against the person in that court.

## Notes for filling in the form

1. For information about restriction orders and what they can cover see the protocol above.
2. You can use this form to apply for a restriction order to be *made*, *changed* or *cancelled*.

### Paragraph 1 – your name

3. Please give your full name if you are applying on your own behalf.
4. If you are applying on behalf of an organisation, group or body, please give its full name and any registered number. This could be a company or charity number.
5. If you are applying on behalf of someone else, please provide your name and the person's full name. It may be helpful if you can explain your relationship to that person.

### Paragraph 2 – your status

6. 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

7. We will use your contact details if we need to discuss your application with you.
8. If the Chair decides to make a restriction order, we will use these contact details to stay in touch with you.
9. If you have a preferred way for us to contact you (for example, by post), let us know.
10. If you are a lawyer applying on behalf of your client, please provide your contact details and we will communicate direct with you about the application.

### Paragraph 4 – the restriction order

11. If you are applying for a restriction order to be *made*, please use this box to describe the order that you want. For example, do you want the Chair to grant you anonymity, or do you want to give evidence in private?
12. If you are applying to *change* or *cancel* a restriction order, please explain which restriction order you are referring to.
13. If you are applying to *change* a restriction order, please also use the box to describe the change(s) that you want made to the order.

**Paragraph 5 – reason(s) for your application**

14. Use the box to explain the reasons why you are making your application. Please provide as much information as you can. If you are already covered by one of the general restriction orders made by the Chair (see the Protocol above for more information on these) it will help the Chair consider your application if you can explain why you need a further restriction order.

# Scottish Child Abuse Inquiry

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## Application for a restriction order

Fill in this form to apply for a restriction order to be *made, changed* or *cancelled*.

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

**1. Your name:**

**2. Your status (are you applying on your own behalf, or for an organisation or body, as a representative of a group, or on behalf of someone else):**

**3. Your contact details:**

**Address:**

**Email:**

**Phone:**

**Your preferred way for the Inquiry to contact you:**

**4. The restriction order applied for:**

**5. The reason(s) for your application. If you are already covered by the general restriction orders made by the Chair, please explain why you want a further restriction order to be made for you:**

## **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](mailto:information@childabuseinquiry.scot)
- by post to: SCAI, PO Box 24202, Edinburgh, EH3 1JN

### **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](mailto:talktous@childabuseinquiry.scot)
- look at our website at: [www.childabuseinquiry.scot](http://www.childabuseinquiry.scot)