

Scottish Child Abuse Inquiry

PO Box 24202 | Edinburgh | EH3 1JN

e-mail: information@childabuseinquiry.scot

Factsheet – Legal representation

Do I need legal representation?

By “legal representation” we mean a lawyer who acts for you on your instructions in relation to your role in the Inquiry.

You may be in contact with us for various reasons. Most of them do not require you to have a lawyer. For example, you can contact us direct to give evidence. You don't need a lawyer to do that. You can ask us direct for the Chair of the Inquiry to order that your identity be kept private. This is called a “restriction order”. You don't need to have a lawyer to ask for that.

The Chair has already made a restriction order which protects the identities of everyone who tells us they were abused. That order means that their identities can't be made public or published by anyone.

But some people wish to be represented by a lawyer. You can choose, at any stage of the Inquiry, to instruct one if you need a lawyer to assist you to engage with the Inquiry. If you can't afford your lawyer's fees, we may be able to help you with the cost. This is not the same as legal aid - legal aid is not available in Scotland for public inquiries.

Lawyers' fees are expensive – can I get help with them?

You can ask us to help with your lawyer's fees if we have asked you to give a statement (at a private session or interview) or to give evidence at a public hearing. We generally won't pay for a lawyer to come with you to your private session.

Also, even if you have not been asked to give a statement or evidence, you can still apply and we might be able to help with the fees. The Chair decides whether we can do so. She will consider whether you have a particular interest in the Inquiry. You can't decide this for yourself – you need to provide as much information as possible when you apply.

Lawyers are not permitted to attend sessions with the Inquiry for any purpose other than to support applicants or other witnesses when meeting with and/or giving their evidence to the Inquiry. They are not, for example, allowed to attend because they are the applicant or other witness's representative in a court case or to assist them in relation to a court case.

How do I apply?

You need to fill in an application form. It can be downloaded from our website [here](#). Our witness support team can also send it to you by post or email.

It is really important to apply to us *before* you instruct the lawyer you want us to pay for.

There are notes with the application form about how to fill it in. We need some detailed information about who your lawyer is and their fees. You may find it easiest to ask the lawyer you want to use to help you fill in the application form.

Once you have filled in the application form, please send it to us as soon as possible.

What will the Inquiry pay for?

The Chair will look at your application and decide whether we should, in principle, pay your lawyer's fees. We will write to you to tell you the Chair's decision.

If your application has been successful our letter will set out the types of work that we will pay for. These might include meetings, advising you, reading documents, and/or representing you at a public hearing.

Your lawyer will need to send regular invoices to the Solicitor to the Inquiry. The Solicitor to the Inquiry has to make sure that we only pay for the types of work set out in our letter. If your lawyer has done something not covered by our letter, we will not pay for that.

If your application hasn't been successful, we will write to you to tell you this.

Can I complain?

The Chair has the final say on whether we should pay for your lawyer's fees.

You can ask for a review if you are not happy with a decision of the Solicitor about an invoice submitted by your lawyer. You must ask for a review in writing.

For more information you can:

- phone the witness support team on: 0800 0929 300
- write to us at: PO Box 24202, Edinburgh, EH3 1JN
- email the witness support team at: talktous@childabuseinquiry.scot
- look at our website at: www.childabuseinquiry.scot

For general enquiries

- email us at: information@childabuseinquiry.scot

To ask for a review of a decision by the Solicitor

- write to: The Solicitor, SCAI, PO Box 24202, Edinburgh, EH3 1JN
- email: solicitors@childabuseinquiry.scot