

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 these do not require you to have a lawyer. For example, you can contact us directly to give evidence.

The Chair has already made a [General Restriction Order](#) (GRO) which protects the identities of certain people. That order means that normally their identities can’t be made public or published by anyone. If you are not covered by the GRO and you want to ask if your identity can nonetheless be kept private, you can do that directly. You don’t need to have a lawyer to request that.

We know that some people wish to be represented by a lawyer. You can choose, at any stage, to instruct one if you feel you need a lawyer to assist you to engage with the Inquiry.

Lawyers are not permitted to attend sessions with the Inquiry for any purpose other than to support applicants or other witnesses when they meet with and/or give 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.

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

Legal aid is not available in Scotland for public inquiries. If, however, we have asked you to give a statement (at a private session or interview) or to give evidence at a public hearing and you can’t afford your lawyer’s fees, we may be able to assist.

The Chair decides whether we can provide financial assistance. She will consider the nature of your interest in the Inquiry and she has to have regard to your financial resources. You will need to provide as much information about these matters as possible.

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.

We strongly recommend that you do not instruct the lawyer you are asking us to pay for before you have sent your application to us and received a response.

There are notes with the application form about how to fill it in. We need some detailed information about who your lawyer is and what their fees are. 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 can, 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 cannot pay for that.

If your application has not been successful, we will write to you to tell you this.

Can I ask for a review?

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

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

For more information:

- 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 made by the Solicitor to the Inquiry:

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