



# INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

## NOTICE OF DETERMINATION CORE PARTICIPANT APPLICATION

1. On 2 May 2019 the Inquiry invited anyone who wished to be designated a core participant in the investigation into Child Protection in Religious Organisations and Settings to make an application to the Solicitor to the Inquiry by 13 June 2019.
2. On 20 June 2019 an application was made by the **Charity Commission** (the 'Commission') for core participant status in this investigation. This notice sets out my determination of the application.
3. The Inquiry has published a [definition of scope](#) of investigation and an [update note](#) which provides further information about the themes that will be examined and structure of the investigation. This investigation will be thematic in nature and examine the nature and adequacy of current child protection policies, practices and procedures within religious organisations and settings within England and Wales.
4. Applications for core participant status are considered under Rule 5 of the Inquiry Rules 2006 which provides:
  - (1) *The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.*
  - (2) *In deciding whether to designate a person as a core participant, the chairman must in particular consider whether –*
    - a. *The person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;*
    - b. *The person has a significant interest in an important aspect of the matters to which the inquiry relates; or*
    - c. *The person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.*
  - (3) *A person ceases to be a core participant on –*
    - a. *the date specified by the chairman in writing; or*



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## *b. the end of the inquiry.*

5. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and I may also take into account other relevant matters.
6. This application has been lodged a few days after the deadline for core participant applications in this investigation. However I have a discretion pursuant to Rule 5(1) to designate a core participant “at any time” during the course of the Inquiry. In early June the Commission liaised with the Inquiry to agree a short extension of time in respect of its application, due to the Commission’s commitments at the time on a separate Inquiry. In light of this, and the short length of the delay, I am satisfied that the delay should not stand in the way of my considering the application.
7. The application explains that the Commission is the registrar and regulator of charities in England and Wales. It is a non-ministerial government department. The Commission’s statutory objectives include: increasing public trust and confidence in charities; promoting awareness and understanding of the public benefit requirement; promoting compliance by charity trustees with their legal obligations; promoting the effective use of charitable resources; and enhancing the accountability of charities to donors, beneficiaries and the public. The Commission’s functions include: determining whether institutions are or are not charities; encouraging and facilitating the better administration of charities; identifying and investigating apparent misconduct or mismanagement in the administration of charities, and taking remedial or protective action; and determining whether public collections certificates should be issued and remain in force.
8. The application is put on the basis that the Commission may have played a direct and significant role in relation to the matters to which the Inquiry relates because it is the sole regulator of many of the organisations which fall within the scope of this investigation. Further, that the Commission has a significant interest in important parts of the Inquiry in its role as the regulator of charities in England and Wales, and



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any recommendations or findings from the investigation are likely to be of significant interest to it.

9. Having regard to the provisions of Rule 5(2), I am satisfied that the Commission has played a direct or significant role in relation to the matters under investigation and/or has a significant interest in the matters under investigation.

10. As set out in the definition of scope, as part of this investigation, the Inquiry will examine: the existing statutory framework for the protection of children from abuse, and its application to religious organisations or settings; the existing framework for auditing, inspection or oversight of the practices and procedures by either state or non state institutions; and whether there needs to be additional and/or different practices, processes or oversight (whether internal oversight or external oversight by a non state or state body). In light of its regulatory role in relation to many of the religious organisations in England and Wales, I am satisfied that the Charity Commission should be designated as a core participant in the Child Protection in Religious Organisations and Settings investigation.

11. Applications for designation as the recognised legal representative of a core participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide as follows:

*6(1) Where -*

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*  
*has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.*

*7(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that -*



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*(a) their interests in the outcome of the inquiry are similar;*

*(b) the facts they are likely to rely on in the course of the inquiry are similar; and*

*(c) it is fair and proper for them to be jointly represented.*

*(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.*

*(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.*

*(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.*

12. I am satisfied that the Commission has appointed Felix Rechtman of its in-house legal department as its qualified lawyer in relation to this investigation. I therefore designate Mr Rechtman as the Commission's recognised legal representative in accordance with Rule 6(1) as I am required by that rule to do.

13. Directions will be given for receipt of applications for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation at the forthcoming preliminary hearing. Such applications by core participants will be determined in accordance with the Inquiry's Costs Protocol on Legal Representation at Public Expense.

**Professor Alexis Jay OBE**  
**Chair, Independent Inquiry into Child Sexual Abuse**

**5 July 2019**