

## NOTICE OF DETERMINATION

### CORE PARTICIPANT APPLICATION

1. On 24 March 2017 the Inquiry invited anyone who wished to be designated as a core participant in the Children in the Care of Nottinghamshire Councils investigation to make an application to the Solicitor to the Inquiry by 21 April 2017.
2. An application for core participant status was made by the Crown Prosecution Service (“CPS”). This notice sets out my determination of their application.
3. 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*

*b. the end of the inquiry.*

4. In determining each person’s 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.

5. The application submitted by the CPS notes that as part of this investigation the Inquiry will consider the appropriateness of the response of prosecuting authorities to allegations of child sexual abuse and the response of the Councils to criminal prosecutions. It is submitted that the CPS will therefore potentially come under scrutiny, both in relation to its historic policies and practices, and also in relation to its response or approach to specific allegations of child sexual abuse.
6. It is also submitted that the scope of the investigation and the specific reference to “prosecution authorities” in the terms of reference means that the CPS has a significant interest in an important aspect of the matters to which the Inquiry relates, and that it played, or may have played a direct and significant role in relation to the matters to which the inquiry relates.
7. Having regard to the provisions of Rule 5(2), I am satisfied that the CPS should be designated as a core participant in this investigation. The investigation will, amongst other things, specifically be considering its response as prosecuting authority to allegations of child sexual abuse in relation to children in the care of the Councils. I am satisfied that the CPS has, or may have played, a direct and significant role in relation to the matters under investigation, has a significant interest in an important aspect of the matters under investigation, and also may be subject to explicit or significant criticism during the proceedings or in the report, or any interim report.
8. 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 -*

*(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.*

9. The CPS has requested to be represented by the Government Legal Department in relation to the Inquiry's proceedings and accordingly I designate Alistair Tidball, a Government Legal Department lawyer, as the CPS' recognised legal representative in accordance with Rule 6(1).

10. 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**

**28 April 2017**

**Chair, Independent Inquiry into Child Sexual Abuse**