

## 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 on behalf of a group of eleven individuals from the Nottingham Child Sexual Abuse Survivors Group (NCSASG), also referred to as the Nottingham Child Sexual Abuse Inquiry Action Group. For reasons explained below, I have considered each application on an individual basis, rather than as a group, and this notice sets out my determination in respect of Mickey Summers.
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. Mr Summers seeks designation as a core participant as part of a group of eleven individuals from the NCSASG. They seek designation as a group separate from the overall NCSASG group for a number of reasons, including how the organisation operates and the fact that some survivors seek to have legal representation and some do not. It is requested by the group of individuals that any decisions made to grant core participant status to individuals associated with the NCSASG are made to either individuals or groups of individuals, but not to the NCSASG as an entity. I refer to this issue in my determination of the application for core participant status made by Mr Hollas on behalf of what he refers to as the Nottingham Child Sexual Abuse Inquiry Action Group.
6. It is said that one of the members of the group of eleven individuals role as a co-founder of the NCSASG, and the involvement of other members of the group with that organisation, means that their collective experiences fall within the issues that the Inquiry will be considering as part of this investigation. It is also said that the members of the group will be able to provide assistance to the Inquiry on wider issues that are not specific to this investigation, such as child sexual exploitation by organised networks. It is submitted that the group as a whole should be measured against the criteria set out in Rule 5(2) "with their collective role and collective interest considered".
7. The application states that the group of eleven individuals would prefer to be designated as a group, rather than individually, on the basis that they draw strength from each other and operate as a collective, seeking legal advice on a collective basis and have democratic decision making within their group. It is submitted that a highly relevant consideration to their designation as a group is that three of the individuals would not necessarily be granted core participant status were they to

apply as an individual as they may not fall within the scope of the investigation. The application states that it would cause great distress if the group were to be divided with some individuals being granted core participant status and others not.

8. It is said that the group of individuals satisfy Rule 5(2)(a) on the basis that they, and the NCSASG itself has played or may play a direct and significant role in relation to the matters to which the Inquiry relates. It is also submitted that, as survivors of child sexual abuse in the care of the Nottinghamshire Councils, and given their active involvement within the organisations, each individual satisfies Rule 5(2)(b) in that they have “a significant interest in an important aspect of the matters to which the Inquiry relates”.
9. The Inquiry’s general approach is to designate as a group where it is appropriate to do so because the purpose, role or experiences of the group as a whole means that it, as opposed to or in addition to its individual members, fulfils the criteria set out in Rule 5(2) in respect of the investigation. I do not consider this to be satisfied in respect of this application.
10. In this instance, it appears that, as a subgroup of NCSASG, the core purpose of the group of eleven individuals is to seek core participant status for its individual members who wish to be legally represented in respect of the investigation. It appears to me that one of the primary reasons for seeking designation as a group is to ensure that those individuals who may not satisfy the criteria under Rule 5(2) for designation individually, are designated by way of inclusion in the group. Whilst I am sympathetic to the reasoning behind this approach, I do not consider it appropriate for me to consider the application as a group on this basis. The scope of the investigation is set to ensure that the Inquiry’s investigation is proportionate and focussed, and it is the scope of the investigation that forms the basis for considering applications for core participant status.

11. Accordingly I consider that I should deal with the applications on an individual basis and, in this respect, I note that the individual members of the group would be willing to consent to be designated individually if preferred by the Inquiry. In doing so, I see no reason why the individuals who are granted core participant status could not all continue to seek legal advice on a collective basis and continue their support for each other in respect of the Inquiry's investigation.
12. Mr Summers alleges that whilst in the care of the Nottinghamshire Councils, he suffered sexual abuse at three different institutions: Beechwood, Hazelwood and Risley Hall. He also says that he witnessed the rape of another young child at one of these institutions. It is submitted that Mr Summers is one of the leading campaigners in Nottingham in relation to the issues under investigation by the Inquiry.
13. This investigation will examine the nature and extent of, and institutional responses to, allegations of sexual abuse of children in the care of the Nottinghamshire Councils, including those cared for in children's homes. The definition of scope for the investigation states that in doing so the Inquiry will consider the experiences of victims and survivors of child sexual abuse while in the care of the Councils.
14. In light of the scope of this investigation, and the nature of Mr Summers' allegations of sexual abuse concerning his time in care of the Nottinghamshire Councils and his role as a leading campaigner in relation to these matters, I consider that Mr Summers has a significant interest in the matters under investigation for the purposes of Rule 5(2)(b). For these reasons, I am satisfied that Mr Summers should be designated as a core participant in this investigation.
15. I should emphasise that the Inquiry is obliged to take a proportionate approach to its investigations and will not be in a position to investigate fully the circumstances of every core participant's experience. Although designation as a core participant will mean that the individual or organisation will have access to documentary material

obtained by the Inquiry, it is likely that the Inquiry will limit such disclosure to material that relates to their specific interest in this investigation.

16. 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.*

17. I am satisfied that Mr Summers has appointed Debbie Heath of Bhatia Best solicitors as his qualified lawyer. Accordingly, I designate Ms Heath as the recognised legal representative for Mr Summers in accordance with Rule 6(1).

18. 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**

**3 May 2017**