

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 Nottingham City Council. 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. Nottingham City Council apply for designation as a core participant on the basis that the Council played a direct and significant role in relation to the matters to which the Inquiry relates in that it was responsible for the delivery of social care functions relating to children in the City pre-1974 and from 1998 to present day. It is also submitted that Nottingham City Council has a significant interest in matters to which the Inquiry relates given its statutory functions in relation to safeguarding and looked after children in its area. Finally, it is submitted that Nottingham City Council may be subject to explicit or significant criticism during the inquiry proceedings or in the report or any interim report.

6. This investigation is looking at the extent of any institutional failures to protect children in the care of Nottingham City and Nottinghamshire County Councils from sexual abuse and exploitation. It will, amongst other things, specifically investigate: the nature and extent of the failures of the Councils to protect children in their care from sexual abuse; the appropriateness of the response of the Councils to reports of child sexual abuse involving children in their care or committed by those employed or contracted by them; the extent to which the Councils sought to learn lessons, implement changes and/or provide support to victim and survivors; the adequacy of the policies and procedures adopted by the Councils; and the extent to which there was a culture which inhibited proper investigation, exposure, prevention of, and reparation for, child sexual abuse.

7. Having regard to the provisions of Rule 5(2), I am satisfied that Nottingham City Council should be designated as a core participant in this investigation on the basis that it has 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. Nottingham City Council has appointed Sarah Molyneux, Head of Legal and Governance, as its qualified lawyer. Accordingly, I designate Sarah Molyneux as Nottingham City Council's 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