

## **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 investigation into the extent of any institutional failures to protect children in the care of the Nottinghamshire Councils from sexual abuse and exploitation to make an application to the Solicitor to the Inquiry by 21 April 2017.
2. An application was made by Carolyne Willow and Anna Sains on 20 April 2017. I made a provisional ruling stating that I was minded to decline the application on 28 April 2017. I received written submissions from Howe and Co solicitors renewing the application for core participant status on behalf of Ms Willow and Ms Sains on 5 May 2017 and heard further oral submissions from Howe and Co at the preliminary hearing on 11 May 2017. Howe and Co solicitors also applied to be designated as legal representatives for Ms Willow and Ms Sains under Rule 6 of the Inquiry Rules 2006.
3. I indicated at the preliminary hearing that I would reserve my determination on the renewed core participant application until a later date. I have now had the opportunity to carefully consider Ms Willow and Ms Sains' original application dated 20 April, the further submissions in writing on 5 May and the oral submissions made on their behalf by Mr Enright at the preliminary hearing. The transcript of those submissions is available on the Inquiry's website.
4. I have reminded myself of the statutory criteria that govern the determination of core participant status in Rule 5 of the Inquiry Rules 2006. Ms Willow and Ms Sains rely on the provision of Rules 5(2)(a), (b) and (c) which direct me to consider whether a person has played a direct and significant role in relation to matters to which the Inquiry relates, whether a person has a significant interest in an important aspect of the matters to which the Inquiry relates, and whether a person may be subject to explicit or significant criticism during the inquiry proceedings or report. In considering

these factors, I retain discretion as to whether I designate a person as a core participant.

5. The renewed application focuses on the qualifications and experience of Ms Willow and Ms Sains. It explains that they are both highly qualified and experienced social workers, who worked for many years in child protection in Nottinghamshire. It suggests that they will therefore be able to provide the Inquiry with “their unique and expert perspective.”
6. It is helpful to understand their professional background and experience in terms of the evidence that they will be able to provide in the context of this investigation. However, for the purposes of determining the application for core participant status, I have focussed on the reasons provided in the application as to why I should consider designating Ms Willow and Ms Sains as core participants, rather than obtaining evidence from them as witnesses as suggested in my provisional determination.
7. It is submitted that it is vital to designate Ms Willow and Ms Sains as core participants “in order to fill a glaring gap in the evidence, input and expertise available to this investigation”. It is noted that they both have significant social work experience, much of which has focused on child protection and the Nottinghamshire area. It is submitted that the investigation lacks core participants who were “at the coalface”, “trying to protect children at the time” and “whistleblowing about the abuse at the time”. It is further submitted that Ms Willow and Ms Sains can assist complainant core participants in understanding “why they were failed, allowed to be abused and their abusers often not held to account.”
8. The renewed application states that whilst a witness statement from them about what they did and what happened at the time would be of some use to the Inquiry, Ms Willow and Ms Sains should be granted core participant status in order to: (a) scrutinise the submissions and disclosure of the local authority in relation to policies and procedures for safeguarding, vetting and recruitment; (b) challenge and inform

the Inquiry as to the difference between what is said was happening at the time and what was actually happening at the time; and (c) suggest lines of questioning to Counsel to the Investigation.

9. It is submitted that not granting them core participant status would “deny survivor core participants that benefit of the evidence and contemporaneous expert input of persons who were physically present and striving to protect them” and allow “important evidence of institutional core participants to go unchallenged through lack of knowledge.” In oral submissions, Mr Enright stated that “as core participants the applicants would have access to disclosure of documents which they, through their extensive professional experience and training (gained at the material time and in the material place), would be able to interpret and comment on, in a manner distinct from victims or institutional core participants, which would be of very significant benefit to the Inquiry.”
10. I agree with the submissions that, in light of Ms Willow and Ms Sains professional background and experience whilst working within the Nottinghamshire Councils, they will be able to provide important evidence in relation to matters falling within the scope of the investigation. I also agree that it is “vital for the Inquiry to understand the experiences of professionals who attempted to challenge institutional failures to protect children and raised suspicions of collusion and cover-up.”
11. I remain of the view however that it is not necessary for them to be core participants in order to provide this important evidence. My background and experience, together with that of the Panel members, means that we have a high level of expertise in interpreting and examining the documentary and witness evidence that will be provided to us by institutional witnesses. We will be able to consider and contrast, where necessary, the evidence of institutional witnesses about the response to allegations of child sexual abuse with the evidence provided to the Inquiry by former social workers and employees of the Councils. Counsel to the Investigation will also be able to pose questions of the institutional witnesses as appropriate based on the

witness evidence that the Inquiry receives from those with direct knowledge of the processes and procedures for reporting allegations of child sexual abuse at the relevant time, which could include any evidence provided by Ms Willow and Ms Sains.

12. I do not accept that if they are not designated as core participants I will be “denying this investigation a vital part of the jigsaw.” I anticipate that the Inquiry will receive witness evidence from a number of former council employees and social workers as to their experiences of responding to disclosures of child sexual abuse and the processes and procedures in place with the Councils, and how these worked in practice. This important aspect of the investigation is recognised and will be examined.
13. In light of this, I remain of the view that although Ms Willow and Ms Sains appear to have played a direct role in relation to responding to an allegation of sexual abuse made by a child in the care of Nottinghamshire County Council, and will have direct knowledge of the relevant processes and practices in place within the Council at the time, this does not give rise to a sufficient need to designate them as core participants at this time.
14. I also note that the submissions made on their behalf refer to their ‘direct’ and ‘vital’ interest in matters falling within the scope of the investigation. I fully appreciate that in light of their experiences described in their application, they will have an interest in this investigation and its outcome, and will wish to provide evidence to it. For the reasons set out above, I have no doubt that they will be able to provide important evidence on matters falling within the scope of this investigation. I do not however consider that their knowledge and experiences, as described in their application would give rise to a ‘significant interest’ for the purposes of designating them as core participants in the investigation.

15. It is submitted that Rule 5(2)(c) is also relevant to the consideration of Ms Willow and Ms Sains' application as they "could potentially be persons (personally and/or as members of a group; social workers in Nottingham at the material time) who may be subject to significant criticism." It is not submitted that there is any evidence at this stage to suggest that it is likely they will be subject to 'explicit or significant' criticism, but that it "is very possible that it will be argued by institutional core participants that individual social workers (such as the applicants) failed to fulfil their responsibilities, which in turn allowed child abuse to occur." At this stage, I do not consider there is sufficient information to suggest that Ms Willow and Ms Sains may be subject to explicit or significant criticism in this investigation. If however further information becomes available which suggests this might be the case, it would be open to Ms Willow and Ms Sains to re apply for core participant status at that time.

16. As stated above, I accept that both Ms Willow and Ms Sains appear to have played a direct role in relation to the specific matter which they refer in their application. However, in the circumstances and having regard to the provisions of Rule 5(2), I do not think that the role they have played gives rise to a sufficient need to designate them as core participants at this time, nor do I consider there to be any other reason to do so at this stage, and in my discretion I decline to do so.

17. It will be evident from this determination that I consider both Ms Willow and Ms Sains to be in a position to provide valuable evidence on matters relating to this investigation and accordingly will ensure that the Inquiry obtains witness statements from them in the near future.

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

**19 May 2017**