

## 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 Lt Col (Retd) David Hollas MBE on behalf of the Nottingham Child Sexual Abuse Inquiry Action Group and its subsidiary the Nottingham Child Sexual Abuse Support Group (referred to in this determination as “the Inquiry Action and Support Groups”).
3. I made a provisional ruling declining core participant status to the Inquiry Action and Support Groups, but granting core participant status to Mr Hollas in an individual capacity, subject to his consent to being so designated. I provided Mr Hollas with an opportunity to renew the application for core participant status on behalf of the Inquiry Action and Support Groups at a preliminary hearing on 11 May 2017. Mr Hollas informed me that he consented to being designated as a core participant as an individual and would not be renewing the application made on behalf of the Inquiry Action and Support Groups. Accordingly, this notice sets out my final determination of the application.
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*
- b. the end of the inquiry.*

5. A 'person' for the purposes of Rule 5 includes "a body of persons, incorporate or unincorporate" (as defined by the Interpretation Act 1978 (per section 5 of schedule 1 (Words and Expressions Defined))).
6. The Inquiry Action and Support Groups are together an unincorporated voluntary group, which Mr Hollas states was formed in January 2015 in order to 'seek engagement and dialogue by acting as a single point of contact with authorities by coralling survivor groups', with the following primary aims:
  - a. 'To seek an inquiry into allegations of abuse and cover up by authorities in order to get to the truth of the past';
  - b. 'To work for better support for survivors';
  - c. 'To bring more survivors forward to disclose their abuse to the police to seek justice'.
7. In determining any application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters may also be taken into account.

8. Mr Hollas' applied for the Inquiry Action and Support Groups as a whole to be designated core participant status, with him, as the group's primary advocate, being recognised as the leading spokesperson. Although as an unincorporated group, I may designate the Inquiry Action and Support Groups as a core participant if I consider that it satisfies the Rule 5(2) criteria, for the reasons explained below, I have not done so.
9. Separate from the application made by Mr Hollas, I also received an application for core participant status from 11 individuals who are members of the Inquiry Action and Support Groups. I issued a separate determination in respect of that application, but note that it is submitted by those individuals that the application made by Mr Hollas should be treated as either an application made by an individual or a group of individuals, but that it should not purport to act for the Inquiry Action and Support Groups as a whole.
10. It is clear from that application that they are aware of the application made by Mr Hollas, but that they do not consider that he, nor any other groups, act for the organisation as a whole. It is stated that there are a number of reasons for this, including the fact that some survivors of child sexual abuse within the group wish to have legal representation and some do not. This is an issue highlighted in Mr Hollas' application in which he states that many individuals within the group have sought legal representation and their legal representatives will be making applications for core participant status, but that this is not universal. He notes also that some members of the group are supporters and families who will not qualify individually for consideration for core participant status.
11. The application submitted on behalf of the Inquiry Action and Support Groups explains the important role that they have played in bringing the scale of allegations of child sexual abuse in the Nottingham area to the attention of the authorities. I also recognise the importance of their work in supporting victims and survivors, and in encouraging them to disclose their abuse. It does however appear from the

applications received that there are divisions within the Inquiry Action and Support Groups, which mean that some of its members do not consider Mr Hollas to be acting for the interests of the group as a whole, nor that the group as a whole should receive core participant status. It is also evident that some members of the group would not necessarily meet the criteria of Rule 5 were they to apply for core participant status individually.

12. On this basis, and in exercise of my discretion under Rule 5(2), I do not consider that the Inquiry Action and Support Groups as an entity should be designated as a core participant in this investigation as requested in Mr Hollas' application.
13. Although I have not designated the Inquiry Action and Support Groups as a whole at this stage, I have considered whether Mr Hollas, as an individual, would satisfy the criteria under Rule 5 for being designated as a core participant. Mr Hollas has acted in the past and is continuing to act as the primary advocate for the Inquiry Action and Support Groups, an organisation set up with the primary purpose of seeking an inquiry into the 'allegations of abuse and cover up by authorities in order to get to the truth of the past' and seeking better support for survivors. I am satisfied that, in light of the central and significant role that he has played and continues to play in this group, Mr Hollas has a significant interest, for the purposes of Rule 5(2)(b), in an important aspect of the matters to which this investigation relates.
14. Mr Hollas has consented to being designated as a core participant in this investigation in his individual capacity. I am therefore satisfied that, having regard to Rule 5(2), Mr Hollas should be designated as a core participant in this investigation.
15. I take this opportunity to draw Mr Hollas' attention to the directions issued at the preliminary hearing on 11 May 2017, in particular to the direction that any application for an award for legal expenses under section 40 of the Inquiries Act 2005 be made by 4.00pm on Friday 26 May 2017. Any application made must address the matters set out in paragraph 12 of the Inquiry's Costs Protocol, which is available on the

Inquiry's website. In light of this final determination on Mr Hollas' application for core participant status, I am happy to extend the time for him to submit any application under section 40 to 4pm on Friday 2 June 2017. The directions made following the preliminary hearing are available on the Inquiry's website.

**Professor Alexis Jay OBE**

**19 May 2017**

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