

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 Howe & Co solicitors on behalf of F38. This notice sets out my determination of the 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. F38's application states that whilst in the care of the Nottinghamshire Councils she was placed in a number of children's homes, [REDACTED], [REDACTED]. She says that whilst in the homes she experienced sexual abuse by older children. She believes that the staff were aware of the sexual abuse but 'turned a blind eye'. She says that she was forced into prostitution at an early age [REDACTED].
6. It is submitted that F38 played a direct and significant role in relation to the matters to which the Inquiry relates in that she was sexually abused whilst in the care of the Nottinghamshire Councils, who failed to act. It is further submitted that she has a significant interest in an important aspect of the matters in which the Inquiry relates, in particular in relation to the matters identified at paragraphs 2.1 to 2.8 of the definition of scope for the investigation.
7. Given the scope of this investigation and the nature of F38's allegations concerning her time in the care of the Nottinghamshire Councils, I consider that F38 has a significant interest in the matters under investigation for the purposes of Rule 5(2)(b). Specifically, I consider that, as an individual who alleges sexual abuse whilst in the care of the Nottinghamshire Councils, she has a significant interest in the investigation of the nature and extent of, and institutional responses to, allegations of the sexual abuse of children in the care of the Nottinghamshire Councils. For these reasons, I am satisfied that F38 should be designated as a core participant in this investigation.
8. 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 participants' 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.

9. 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.

10. A request has been made for Howe & Co Solicitors to be designated as legal representatives for F38. There are however issues in relation to possible joint representation with other complainant core participants, a large number of whom are

represented by Uppal Taylor solicitors and Bhatia Best solicitors, that require further examination. I will therefore hear short submissions from Howe & Co Solicitors at the preliminary hearing addressing the need for separate legal representation and reserve my determination on this issue.

11. 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