



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

1. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into institutional responses to allegations of child sexual abuse involving the late Lord Janner of Braunstone QC (“this investigation”) to make an application to the Solicitor to the Inquiry by 22 February 2016.
2. An application was made on behalf of Daniel Janner QC, who was subsequently granted core participant status in this investigation.

De-designation of core participant status

3. The Solicitor to the Inquiry served a Notice on Mr Janner QC on 26 February 2020, in relation to an alleged breach of the Inquiry’s confidentiality undertaking regarding papers for the preliminary hearing on 20 February. Mr Janner had previously declined to provide a voluntary statement about his contact with journalists in the run up to that hearing. The notice required him to do so.
4. Mr Janner provided a draft statement on 6 March 2020, in which he said that he had not discussed the documents disclosed to him by the Inquiry with any persons other than his sisters’ legal team Danny Friedman QC and Rupert Butler; and his sisters themselves. The Solicitor to the Inquiry wrote to him on the same day asking that Mr Janner finalise his statement, in doing so answering whether he had intimated to journalists between 17 and 20 February either that ‘the inquiry is going to be scrapped’ or that the investigation ‘will be binned’. He also asked Mr Janner whether he was saying that he wished to be de-designated as a core participant.
5. Mr Janner’s finalised statement, attested by a statement of truth, is dated 7 March 2020. In his statement, Mr Janner confirms his previous draft statement and also says he has ‘no recollection whatsoever’ of saying the words alleged to a journalist in



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the relevant period and that they are words he would not have used. He confirmed that he had said many times in public ‘that the Strand should be dropped and it [was] still his view’.

6. Mr Janner also referred in his draft and finalised statements to the transcript for the preliminary hearing on 20 February 2020, where Leading Counsel to the Inquiry, Mr Altman QC, outlined the alleged breach of the undertaking by Mr Janner and Mr Janner’s responses at that time. He referred in particular to Mr Altman having said ‘it is regarded as a serious breach and something that you are going to have to consider’. He says he regards this as a ‘pre-judged assertion’ and a ‘fundamental obstacle to any supposed impartiality or procedural fairness in the process that the Chair has now ordered’. As a result he says he wishes to resign as a core participant from the investigation.
7. Mr Janner was asked three times by the Solicitor to the Inquiry to confirm whether he had intimated the alleged words to a journalist. I note his negative response, framed in terms of his recollection of events alleged to have taken place only a few days ago, is not a clear and unambiguous denial of having done so. Nevertheless, I have insufficient evidence to conclude either that the confidential undertaking was breached in this instance or, if it was, that Mr Janner was responsible. It may well be that there was no breach at all, and/or that the journalist to whom Mr Scorer (who raised the matter with the Inquiry) spoke was putting a possible outcome of the hearing to him and asking him to comment without being in possession of any information in breach of the confidentiality undertaking. After all, it has been known publicly since at least September 2019 that it was possible that I might conclude the investigation could not go ahead.
8. There is and never was any merit in Mr Janner’s assertion that the Inquiry’s process for examining the alleged breach of the undertaking was ‘pre-judged’ or lacked impartiality or procedural fairness. Mr Janner has given the statement required as others have done in similar situations in the past, and I am satisfied that that is the



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end of the matter.

9. Nevertheless, I must now address Mr Janner's statement that he therefore 'resigns' as a core participant in the investigation. There is no mechanism for him or any other core participant to resign although a person's consent is required in order for them to be designated as a core participant.

10. Rule 5(3) of the Inquiry Rules 2006 provides as follows:

(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.

11. As Mr Janner has indicated that he no longer wishes to be designated as a core participant in this investigation, I have decided that he should cease to have that role. His access to disclosure documentation and role at the forthcoming hearing will therefore cease. However, as a person who has given the confidentiality undertaking in the past, his duty to keep information he has gained from the Inquiry or obtains in future from his core participant sisters, he remains subject to the promises in the undertaking that he has given.

12. I would like to thank Mr Janner for the assistance that he has provided to the Inquiry to date. It remains open to him to re-apply for core participant status at any stage should his circumstances change. Any future application would be considered on its own merits.