



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

1. On 5th January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Children in the Care of Lambeth Council (“**Lambeth Council**”) investigation to make an application to the Solicitor to the Inquiry by 5th February 2016.
2. On 17 February 2020, an application was made on behalf of LA-A322 for core participant status in the Lambeth Council investigation and for David Greenwood of Switalskis Solicitors to be designated as his recognised legal representative. The application was received over four years after the original window, which closed on 5 February 2016. It was submitted on behalf of LA-A322 that this delay was as a result of LA-A322 wishing to seek advice from the Shirley Oaks Survivors Association (SOSA) before progressing his application for core participant status.
3. Despite the delay in the application being submitted, in light of what was said on behalf of LA-A322, I consider it appropriate to consider his application out of time. Although the investigation has been listed for hearing in July 2020, investigation work is ongoing.
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;*



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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. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can be taken into account.
6. Having regard to the provisions of Rule 5(2), I am satisfied that LA-A322 should be designated as a core participant in relation to the Lambeth investigation. The application is put on the basis that LA-A322, whilst he was resident at Shirley Oaks care home operated by Lambeth Council, was subjected to sexual abuse by a male member of staff.
7. Given the scope of the Lambeth investigation and the nature of what LA-A322 says about his time in a residential care establishment operated by Lambeth Council, I consider that LA-A322 has a significant interest in the matters under investigation for the purposes of Rule 5(2)(b). Specifically, I consider that he has a significant interest in the investigation of the nature and extent of allegations, and institutional responses to, the sexual abuse of children in the care of Lambeth Council. For these reasons, I am satisfied that LA-A322 should be designated as a core participant in this investigation.
8. Applications for designation as the recognised legal representative of both core participants and other persons required or permitted to give evidence or produce documents during the course of the inquiry are governed by rules 6 and 7 of the Inquiry Rules 2006, which provide as follows:

6(1) Where -



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(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. I am satisfied that LA-A322 has appointed David Greenwood of Switalskis Solicitors to act as his qualified lawyer. I therefore designate David Greenwood as his recognised legal representative in respect of the Lambeth Council investigation in accordance with rule 6(1).

10. Any application by LA-A322 for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation or other relevant expenses under section 40 of the 2005 Act must be submitted by **19 March 2020**. The application must address the matters set out in paragraph 12 of the Inquiry's Costs Protocol which can be found on the Inquiry's website. Any such application

received will be determined in accordance with the Inquiry's Cost Protocol on Legal representation at Public Expense.

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

12 March 2020