

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 concerning the late Lord Janner of Braunstone QC to make an application to the Solicitor to the Inquiry by 22 February 2016.
2. On 4 July 2016 an application was made by retired Chief Superintendent Michael Perry, for core participant status in the investigation concerning allegations of child sexual abuse involving Lord Janner and the institutional response to those allegations. Further details in support of the application were supplied on 6 July 2016. No application is made for designation of a recognised legal representative. This notice sets out my determination of the core participant application.
3. Applications for core participant status are considered under Rule 5 of The Inquiry Rules 2006 ('the Rules') 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 the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can also be taken into account.

The Time Delay

5. The application has been lodged approximately four months after the deadline for core participant applications on the Lord Janner investigation were due. It is made clear that the reasons for this significant delay arise from a change in Mr Perry's circumstances. Notwithstanding the delay, I have a discretion pursuant to Rule 5(1) to designate a Core Participant "at any time" during the course of the inquiry,.
6. On 27 May 2016 (I assume the reference to 2012 in the application is a typographical error), Mr Perry was served by the IPCC with a disciplinary notice under Regulation 16 of the Police (Complaints and Misconduct) Regulations 2012. Mr Perry is alleged to have breached Standards of Professional Behaviour in regards to previous criminal investigations into allegations of child sexual abuse involving Lord Janner. It is said Mr Perry may have committed a criminal offence related to a wider conspiracy within Leicestershire Police to protect Lord Janner from the allegations of sexual abuse made against him.
7. Having regard to the delay in Mr Perry's application being provided, I am satisfied that the main part of this arises from the service of the Regulation 16 notice by the IPCC on 27 May 2016. No explanation is given for the delay in lodging the application for designation promptly after receipt of the Regulation 16 notice, but I consider that this delay should not otherwise disbar this application for core participant status. The change of circumstances outlined are significant and I have a wide discretion in Rule 5(1) to consider an application at any time during the Inquiry. There is good reason for me to consider the merits of the substantive application for designation.

The Application

8. In considering the matters set out in Rule 5(2), I am satisfied that Mr Perry has a significant interest in an important aspect of the matters under investigation and may be subject to significant or explicit criticism during the Inquiry, or in a report that is published.
9. The Inquiry's investigation will consider allegations of child sexual abuse involving Lord Janner, and the adequacy and propriety of law enforcement investigations into those

allegations. In his application, Mr Perry says that he was not, to the best of his knowledge, involved in any of the previous police investigations into allegations of child sexual abuse involving Lord Janner. Mr Perry is however now the subject of an investigation by the IPCC alleging that he took decisions which resulted in no further action being taken by Leicestershire Police into allegations of sexual abuse involving Lord Janner. In light of that, it is said he may be subject to criticism during the Inquiry on matters relating to the previous police investigations involving Lord Janner.

10. The Regulation 16 notice that I understand was served on Mr Perry indicates that he was named in investigative actions during the Operation Magnolia investigation, launched by Leicestershire Police in February 2000. It is alleged by the IPCC that he failed to investigate effectively and thoroughly allegations of sexual abuse against Lord Janner before deciding that no further investigation was required. I note that in his application for designation as a core participant Mr Perry says that he retired from Leicestershire Police force in March 1998. Mr Perry has clarified that he understands the IPCC alleges that the decisions he made were taken whilst he was a Chief Superintendent between 1993 and 1998. Mr Perry says that the IPCC, which is also a core participant, intends to interview him about the matters in the Regulation 16 notice later this year.
11. Mr Perry seeks designation as a core participant so that he can receive disclosure of materials from the Inquiry and has an opportunity to participate effectively in the Inquiry's hearings. I make plain that, on its own, the fact that an individual is a suspect in a criminal investigation does not alone necessarily engage the criteria for designation of a core participant in Rule 5. I am satisfied however, on the information available to me, that Mr Perry does nonetheless have a significant interest in the Inquiry's investigation into the previous criminal investigations into Lord Janner conducted by Leicestershire Police and, due to alleged failings as a result of decisions he is said to have taken, that he may be subject to significant or explicit criticism during the Inquiry.
12. For those reasons, I designate Mr Perry as a Core Participant in the investigation into allegations of child sexual abuse involving Lord Janner, and the institutional response to those allegations. Should there be a change in Mr Perry's circumstances,

particularly his status in the IPCC investigation, I will review this decision to designate Mr Perry.

13. Presently, Mr Perry has not applied for the designation of a recognised legal representative. Mr Perry says that he reserves his position to do so at a later stage. Should Mr Perry apply for designation of a recognised legal representative at a later date, I am mindful of the requirement in rule 7 of the Inquiry Rules 2006 that I must appoint a single recognised legal representative where two or more core participants have similar interests in the inquiry, the facts they rely on are similar and it is fair and proper for them to be jointly represented. I set out this rule now so that it is clear that it is something I must have regard to should Mr Perry make an application for the appointment of a recognised legal representative at a future date.

Hon. Dame Lowell Goddard DNZM

13 July 2016