

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. For brevity, in the rest of this determination, I will refer to the late Lord Janner of Braunstone QC as “Lord Janner”. No discourtesy is intended by this.
2. On 6 January 2020 an application for core participant status was made by 3D Solicitors on behalf of Retired Superintendent Christopher Thomas. 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. This application has been lodged nearly four years after the deadline for core participant applications in this investigation. 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. The application contains an explanation for the delay. Mr Thomas was the Senior Investigating Officer in the Leicestershire Police investigation known as Operation Dauntless, an investigation into non-recent allegations of child sexual abuse against Lord Janner that commenced in 2006. Mr Thomas’s conduct of that operation has been one of the subjects of an IOPC (formerly IPCC) investigation that has been underway since 2016. The present application states that throughout the IOPC investigation Mr Thomas considered the possibility of applying for core participant status in this investigation. The IOPC investigation concluded last year. In September 2019 Mr Thomas was informed of the IOPC’s conclusion that, had he still been a serving police officer, he would have had a case to answer for gross misconduct in respect of his role within Operation Dauntless (the application also makes clear that Mr Thomas refutes any suggestion that he breached the Standards of Professional Behaviour in respect of Operation Dauntless or at all during his policing career). That conclusion, it is said, exposes Mr Thomas to a significant risk of criticism by this investigation, and it is for that reason that this application is now being made.
7. In the light of this explanation, I am satisfied that the delay should not stand in the way of my considering Mr Thomas’s application.
8. As I have already indicated, Mr Thomas was the SIO for Operation Dauntless, which was one of the investigations conducted by Leicestershire Police into allegations of child sexual abuse against Lord Janner. As will also be apparent from my reference to the IOPC investigation, the way in which Operation Dauntless was conducted has been the subject of criticism.
9. In those circumstances, and having regard to the provisions of Rule 5(2), I am satisfied that Mr Thomas has a significant interest in the matters under investigation. In particular, I am satisfied that he has an interest in the adequacy and propriety of law enforcement investigations and prosecutorial decisions relating to allegations

against Lord Janner, the extent to which various institutions were aware of the allegations and, if they were, the adequacy of their response and whether and to what extent there were failings of institutions to protect children from sexual abuse. I am therefore satisfied that Mr Thomas should be designated a core participant in this investigation.

10. 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.

11. Accordingly, as I am satisfied that Mr Thomas has appointed Mrs Deborah Brimstone of 3D Solicitors as his qualified lawyer, I designate Mrs Brimstone as his recognised

legal representative in accordance with rule 6(1) as I am required by that rule to do.

12. If Mr Thomas wishes to make an application 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 public hearing, he should submit an application by no later than **4pm on 24 January 2020**. Any application made 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

10 January 2020