



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. 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 10 July 2020 an application for core participant status was made by Peter Joyce QC, Counsel for the prosecution in the trial of Frank Beck. 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.



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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 over 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 Joyce QC had not considered making an application for core participant status in the investigation until he received a detailed request from the Inquiry for a witness statement. This request was made on 7 May 2020 and prompted him to apply to be a core participant.
7. In the light of this explanation, I am satisfied that the delay should not stand in the way of my considering Mr Joyce QC's application.
8. Mr Joyce QC was prosecuting Counsel in the trial of Frank Beck. In that role, he worked closely with the CPS and the police and was involved in some of the decision making that took place. His application states that, at the request of the police, he specifically advised on how the allegations against Lord Janner at that time should be dealt with. This investigation will consider, amongst other things, the adequacy and propriety of law enforcement investigations and prosecutorial decisions relating to allegations of child sexual abuse involving Lord Janner.
9. In those circumstances, and having regard to the provisions of Rule 5(2), I am satisfied that Mr Joyce QC 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



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am therefore satisfied that Mr Joyce QC 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. Mr Joyce QC makes an application for Andrew Pearson, a qualified lawyer of MSB solicitors to be designated as his recognised legal representative.



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12. In this investigation, I have already designated a number of recognised legal representatives of core participants, some of whom have similar interests to Mr Joyce QC in the outcome of the Inquiry, who are likely to rely on similar facts and for whom it may be fair and proper to be jointly represented. In particular, I note that Deborah Britstone of 3D solicitors has been appointed as the recognised legal representative of two former police officers.
13. Rule 17(3) of the Inquiries Act 2005 requires that in making any decision as to the procedure or conduct of an inquiry, I must act with fairness and with regard to the need to avoid any unnecessary costs (whether to public funds or to witnesses or others). Rule 7 of the Inquiry Rules 2006 provides a process for managing legal representation, and thereby any associated legal costs, of core participants whose interests in the outcome of the inquiry are similar, who are likely to rely on similar facts in the course of the Inquiry, and in relation to whom it would be fair and proper for them to be jointly represented.
14. If I am satisfied that the criteria of Rule 7 are met in respect of any core participants, I must direct that those core participants are represented by a single legal representative.
15. In light of the issues in relation to possible joint representation with other core participants, it is necessary that I consider whether I should direct Mr Joyce QC to be represented by any other legal representatives already acting on behalf of core participants in this investigation. I therefore invite further written submissions from Mr Joyce QC addressing the question of whether and why separate legal representation is necessary and reserve my determination on this issue.
16. There are a range of ways in which I may take steps to comply with my section 17(3) duty under the Inquiries Act and the Inquiry Rules 2006. This includes exercising my powers under Rules 20 to 34 in relation to any applications for awards under section 40 in a manner which ensures that any funding is provided in a proportionate and focussed way. Therefore, if it is submitted that it is necessary for Mr Joyce QC to have separate legal representation, proposals should be put forward about working



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collaboratively with other designated legal representatives of core participants to ensure that costs are managed effectively. This includes exploring the possibility of instructing the same Counsel to act on their behalf.

17. Please ensure that submissions on the issue of separate legal representation are provided by **no later than Friday 31 July 2020**.

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

15 July 2020