

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 3 June 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Accountability and Reparations investigation to make an application to the Solicitor to the Inquiry by 1 July 2016.
2. An application was made by Mr Nigel O'Mara on 19 June 2017. This was as a result of the notice of withdrawal to consent to be designated as a core participant given by Survivors of Organised and Institutional Abuse (SOIA) on 12 June 2017 in this investigation. Mr O'Mara was one of the four named representatives of SOIA. This notice sets out my determination of his 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. As I outlined in my notice of determination of 19 August 2016 in relation to SOIA, applications for designation for core participant status in this investigation were limited to a number of case studies and a number of applications were declined because they did not relate to those case studies. However, for the reasons given in that determination I was satisfied that SOIA be designated a core participant in this investigation. Given SOIA's withdrawal from the Inquiry, for the reasons given below, I am satisfied that Mr O'Mara should now be designated as a core participant in this investigation.
6. In his application, Mr O'Mara states that he has been a core participant in the Accountability and Reparations Investigation, as a representative of SOIA, for almost a year. He explains that he was instrumental in preparing submissions to the Inquiry as one of the representatives of SOIA in response to the Investigation's issues papers. He submits that, regardless of the withdrawal of SOIA, those submissions remain important and it is in the interests of the Inquiry and survivors that a person with responsibility for their development remains a core participant within the Inquiry so that they can speak to and further develop those submissions. Mr O'Mara also makes the point that he has attended all of the hearings and seminars in the Accountability and Reparations Investigation, including as a core participant representative.
7. Mr O'Mara refers, additionally, to the wider work he has undertaken in the community assisting other victims and survivors, directly and via other survivor representative groups. He provides information about the work he undertakes with the health and policing sector to improve institutional responses to child sexual abuse. Finally, he refers to paragraph 17 of the notice of determination in relation to SOIA dated 19

August 2016, in particular where I noted the *“need for core participants who can participate at an overarching and principled level”*.

8. I have carefully considered the application made by Mr O’Mara and, having regard to the provisions of Rule 5(2), I am satisfied that Mr O’Mara has a significant interest in the matters under investigation. In his role as one of the representatives of SOIA, Mr O’Mara actively contributed to the work of the this investigation through his attendance and participation at the Inquiry seminars in November 2016 and February 2017. While I am not able to assess the level of his involvement in relation to written submissions filed by SOIA, I do not challenge his assertion that he played an important role in their preparation. SOIA made a valuable contribution to the Inquiry during its time as a core participant. I agree that in light of SOIA’s withdrawal, it is in the interests of the Inquiry, and of victims and survivors, that a person with responsibility for its submissions remains within the Inquiry as a core participant so that they can assist the investigation with its ongoing work.
9. I also note that Mr O’Mara has worked and continues to work with victims, survivors and professionals in the area of child sexual abuse. While that in itself would not ordinarily warrant designation as a core participant in this investigation, I am satisfied that this experience, in addition to his role as a representative of SOIA whilst a core participant, will enable him to assist the Inquiry and this investigation at an overarching and principled level.
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. I am satisfied that Mr O'Mara has appointed David Enright of Howe+Co as his qualified lawyer in relation to this investigation. I therefore designate Mr Enright as the recognised legal representative for Mr Nigel O'Mara in accordance with Rule 6(1) as I am required by that rule to do.

12. By 4pm on 4 August 2017 applications for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation should be submitted. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.