

NOTICE OF DETERMINATION

1. 46 individuals and organisations have been granted core participant status in the Inquiry’s investigation into the responses of institutions to allegations of child sexual abuse involving the late Lord Janner of Braunstone QC (“the investigation”). Of those, 33 are individuals who have made allegations that they were sexually abused by Lord Janner (“the complainant core participants”). The identities of all but six of these individuals are protected by a Restriction Order made under section 19 of the Inquiries Act 2005. A list of these individuals, using the ciphers that have been assigned to them by the Inquiry where applicable, is at Appendix 1 to this Determination.
2. By letters dated 16 August 2017 and 23 August 2017 respectively, the Honourable Daniel Janner QC (Lord Janner’s son, who is a core participant and represents himself) and Rupert Butler (who represents Lord Janner’s daughters, Rabbi Laura Janner-Klausner and Ms Marion Janner OBE, who are also core participants) invited me to review the designation of core participants in this investigation.
3. The two letters were in materially identical terms. The focus of the letters was on the core participant status of the complainant core participants. The nub of the letters was that all bar three of the complainant core participants should be deprived of their core participant status. In advancing this contention, the letters referred (a) to the recent change in the investigation’s Definition of Scope; (b) to recent procedural developments in the civil damages claims that had been brought against Lord Janner’s estate, the result of which appears to be that there are no longer any live claims being pursued; and (c) to an assertion that all bar three of the complainant core participants first made their allegations after the Inquiry was established. The core reasoning of the letters appears in the following paragraphs in Mr Butler’s letter:

“On the basis of what the executors know about the 33 complainants, and because the scope of the Inquiry is now confined to examining institutional

responses to allegations of assault made against the late Lord Janner, it is axiomatic that any complainants who did not report allegations of assault before the Inquiry was set up are now irrelevant to it and so have no place within it as Core Participants.

As far as the executors can tell, only 3 complainants made allegations against the late Lord Janner before the Inquiry was set up, all of which followed the arrest of Frank Beck in April 1990, the presentation of which was examined by Sir Richard Henriques in his report published on 19 January 2016. My clients submit that the revised terms of reference of the Inquiry give it competence only to consider the institutional responses to the allegations made by these 3 complainants.”

4. Under Rule 5 of the Inquiry Rules 2006, a decision to designate any person as a core participant must be taken by me as Chair of the Inquiry. Once a person has been designated, I have the power to remove that designation by specifying in writing the date on which the designation is to end. Rule 5 provides that a person may only be designated as a core participant with their consent. It also stipulates a number of considerations that I must take into account in reaching a decision on whether to designate a person. Beyond those matters, I have a wide discretion in taking decisions on granting, maintaining and removing core participant status.
5. Following the invitation of Messrs Janner and Butler, I have reviewed the core participant status of all 33 of the complainant core participants. Having conducted that review, and in the exercise of my discretion, I have decided to maintain the core participant status of all the individuals in question.
6. In summary, I have concluded that, by reason of the allegations they have made, all the complainant core participants have (and, for the avoidance of doubt, continue to have) a significant interest in the matters under investigation. This decision is consistent with the general approach that I have adopted across the Inquiry’s investigations, namely that core participant status will usually be granted to

individuals who have made allegations of child sexual abuse that are relevant to the matters under investigation.

7. In reaching this decision, I have considered with care the matters raised by Messrs Janner and Butler.
8. Whilst it is true that, as a result of the amendment to the Definition of Scope, the investigation will focus more on institutional responses to allegations of abuse than on the truth of the allegations themselves, it does not follow from this that those who have made allegations no longer have a significant interest in the matters to be investigated. As I have stated above, I consider that, notwithstanding the change to the Definition of Scope, the complainant core participants do indeed continue to have a significant interest in the matters under investigation.
9. I note that the civil damages claims are no longer being pursued, but I do not regard that matter as having any direct connection, or any great relevance, to the question of the complainants' continued core participant status in the investigation.
10. Messrs Janner and Butler are wrong to say that only three of the complainant core participants had made allegations of abuse against Lord Janner at the time that the Inquiry was established. On the Inquiry's present understanding of the evidence, 19 of the 33 complainant core participants had made such allegations to the Police by the time that the Inquiry was established in March 2015. I should make two further points clear. First, I do not in any event accept the suggestion made by Messrs Janner and Butler that this Inquiry is unable to investigate matters that have taken place or that have been reported since it was established; it is quite entitled to investigate such matters and it may well do so. Second, I also do not accept the implication that those who have made allegations of child sexual abuse are only entitled to core participant status if the Inquiry is investigating their particular allegations and/or the institutional response to them. As I have explained above, the approach that I have adopted, in the exercise of my discretion, to granting core participant status is far broader than that.

11. I should add that none of the complainant core participants have withdrawn their consent to being designated.

12. In the circumstances, all of those listed at Appendix 1 to this Determination will remain designated as core participants in this investigation.

Professor Alexis Jay OBE

24 October 2017