

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 30 August 2017 the Inquiry invited anyone who wished to be designated as a core participant in the Westminster investigation to make an application to the Solicitor to the Inquiry by 27 October 2017.
2. On 3 October 2017, an application was made by the Chief Constable of Wiltshire Police for core participant status in the Westminster investigation. 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 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.

5. Between August 2015 and August 2017 Wiltshire Police undertook an investigation, known as Operation Conifer, into allegations that former Prime Minister Sir Edward Heath had committed sexual offences against children between 1956 and 1990. The Summary Closure Report of Operation Conifer was published on 5 October 2017. Copies of the Summary Closure Report and of the Senior Investigating Officer Investigation Closure Report have been provided to the Inquiry.
6. The application for Core Participant status is put on the basis that Wiltshire Police may have played a direct and significant role in relation to the matters to which the Inquiry relates, may have a significant interest in an important aspect of the matters to which the Inquiry relates and that Wiltshire Police may be subject to explicit or significant criticism during the Inquiry proceedings or in the report, or in any interim report. This on the basis that the Inquiry may wish to conduct a review of Operation Conifer as part of the Westminster investigation.
7. The Inquiry has made clear that it will consider the findings of relevant investigations, including police investigations, IPCC investigations, and other reviews and inquiries about the involvement of persons of public prominence associated with Westminster in child sexual abuse. In so doing the Inquiry's work will, as explained in the August 2017 Update Note, be directed in part at reviewing, collating and aggregating the work of previous investigations, some of which may not currently be in the public domain. Operation Conifer will be relevant to the Westminster investigation in this respect - i.e. the Closure Reports, and possibly further witness evidence given by investigators, will be part of the body of evidence arising from previous inquiries and investigations that will be reviewed and collated. I would add that, at least as things presently stand, the Inquiry does not intend to conduct a critical review of the way in which Operation Conifer was conducted, or to re-open any factual issues that were the subject of that operation.
8. The Westminster investigation will investigate whether there was any knowledge within Westminster institutions of any allegations of child sexual abuse concerning Sir Edward Heath (including those that were the subject of Operation Conifer) and, if so, whether appropriate actions were taken. The investigation's focus in this regard will be on exploring and making findings as to any institutional failings, rather than determining the truth or otherwise of those underlying factual allegations. A search

for documents that may shed light on this issue is presently underway. It is possible that Wiltshire Police will be asked to provide evidence going to these matters. Given the lengthy and detailed enquiries that were conducted under Operation Conifer, Wiltshire Police will be well-placed to assist in this regard, and I consider that the experience of having conducted that investigation gives Wiltshire Police a particular interest in the associated work of this Inquiry.

9. For the reasons set out above, I am satisfied that the criteria in Rule 5(2) are met. I therefore designate the Chief Constable of Wiltshire Police as 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 the Chief Constable of Wiltshire Police has appointed Susan Dauncey, Force Solicitor of Wiltshire Police, as its qualified lawyer, I designate Ms Dauncey as the Chief Constable's recognised legal representative in accordance with rule 6(1) as I am required by that rule to do.

12. Directions will be given for receipt of applications 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 preliminary hearing. Such applications by core participants 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

9 January 2018