

**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 5 January 2018, an application was made by G1 for core participant status in the Westminster investigation. G1 has already been designated as a core participant in the Inquiry's Roman Catholic Church investigation on the basis of allegations that he was sexually abused by clergy of the English Benedictine Congregation while in attendance at Fort Augustus School. On 11 January 2018, I made a provisional ruling that I was minded to decline his application in the Westminster investigation. G1 renewed his application in writing on 31 January 2018. This notice sets out my determination of the application.
3. I have considered carefully in this regard:
 - i. The application for core participant status that was made in writing by G1 on 5 January 2018;
 - ii. The written submissions made on behalf of G1 by Mr Alan Collins of Hugh James dated 31 January 2018;
 - iii. A letter from G1 to the Inquiry dated 29 January 2018;
 - iv. A bundle of documents provided by G1 to the Inquiry.
4. 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.

5. 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.
6. G1's original application was lodged approximately two months after the deadline for core participant applications in this investigation. The renewal application was made one week after the deadline for written submissions in support of renewal. 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. The application acknowledges that it is "out of time", but provides no explanation for the delay other than "a measure of hesitancy" in approaching the Inquiry. The renewal application indicates that it was made in light of various submissions made at the Preliminary Hearing in this investigation on 31 January 2018. The renewal application was made shortly following the conclusion of that hearing. In the circumstances, and as a matter of fairness, I consider that the delay should not stand in the way of my considering the renewal application.
7. G1's application is put on the basis that he was approached by Exaro News, which he says asked him to amend his police statement to include claims of abuse involving Westminster. He believes that his own story of abuse by clergy of the English Benedictine Congregation was adopted and erroneously featured in the 'Westminster story'. He further states that his former headmaster features in the allegations, and

that he is a potential witness for a former MP in proceedings brought or about to be commenced.

8. In reaching my earlier provisional decision to refuse this application, I indicated that whilst it is possible that the Westminster investigation will hear some background evidence about Exaro's role in relation to the emergence and development of allegations of historic Westminster child sexual abuse, it is unlikely that it will investigate in detail the specific matters that G1 raises. Whilst, therefore, G1 may have played a role in relation to matters to which this investigation relates, it was a peripheral role. I indicated that G1 is best placed to assist this investigation as a witness rather than as a core participant.
9. In renewing the application on G1's behalf, Mr Collins submitted that it is likely that G1's name is going to be mentioned in passing on many occasions during the Westminster investigation. G1 claims that he was abused by a person "named on home office missing file" and that he was "aware that sexual abuse took place" at his school. He states that he was approached by Exaro to make an untrue allegation, has been involved in advocating for other victims, has agreed to be a witness for two former MPs, and has been approached by three police forces about being a witness in perverting the course of justice / witness intimidation inquiries. He claims that persons associated with Westminster "covered up abuse PIE membership by my ghastly headmaster, disclosures made to myself by many victims, intimate knowledge Labour Party as family held high position for decades in it". Mr Collins submits that, on his understanding, G1 claims that his own account of sexual abuse was used to peddle false allegations involving high profile individuals.
10. I have considered carefully the written submissions advanced by Mr Collins, the letter from G1, and the documents provided by him to the Inquiry. Having done so, I have decided to maintain my earlier provisional decision not to grant G1 core participant status in this investigation.
11. Because he is an individual who has alleged sexual abuse, G1's identity has been redacted and a cipher has been applied to his name pursuant to the Inquiry's Protocol on Redaction of Documents (Annex A). Accordingly, parties are not permitted to refer to him by name before the Inquiry.

12. In respect of G1's allegations and awareness of abuse at his school and by clergy of the English Benedictine Congregation, I am not satisfied that these matters fall within the scope of the Westminster investigation. As Counsel to the Inquiry set out in his submissions at the Preliminary Hearing (and as is apparent from the Definition of Scope), the intended focus of this investigation is on how Westminster institutions such as party whips, political parties, the intelligence and security agencies, law enforcement agencies and/or prosecuting authorities responded to allegations of child sexual abuse and exploitation. Schools are not, in my view, Westminster institutions. To the extent that G1's allegations relate to the clergy of the English Benedictine Congregation, he has been designated as a core participant in that investigation.

13. G1 makes claims of cover-up relating to the Paedophile Information Exchange ("PIE") and other disclosures. Counsel to the Inquiry submitted at the Preliminary Hearing that the Westminster Investigation should review the findings of the Wanless Whittam investigation and explore public concern about the alleged position and influence of PIE members. If G1 has knowledge in relation to these matters, this may make him a useful witness to this element investigation. I am not satisfied, however, that the fact that G1 is able to provide evidence on this particular issue gives him an interest in the work of the Investigation overall that is sufficient to justify granting him core participant status.

14. I do not regard G1's role as a witness in proceedings brought or to be brought by MPs, or his possible similar role in police investigations into allegations of perverting the course of justice and witness intimidation, as matters that add to the strength of his application. These are not matters that I anticipate the Investigation will explore. In accordance with the Inquiry's Terms of Reference, the Investigation's focus throughout will be on exploring and making findings as to any institutional failings to protect children from sexual abuse and exploitation, rather than determining the truth or otherwise of underlying factual allegations or investigating responses to false allegations.

15. In light of these considerations, in my discretion I am not satisfied that the criteria in Rule 5(2) are met. Nor are there any other grounds on which to grant G1 core participant status. This application is therefore refused.

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

22 February 2018