

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 31 January 2018, at a Preliminary Hearing in the Westminster investigation, I indicated that I would reserve to a later date my determination of the renewed core participant application made by Daniel Janner QC. I gave that indication because, as I said, I wanted to consider with care all of the written and oral submissions made by Mr Janner on his own behalf and on behalf of his sisters Laura Janner-Klausner and Marion Janner. I have now had the opportunity to do so. I have considered carefully in this regard:
 - i. The application for core participant status that was made in writing by Mr Janner on 18 January 2018;
 - ii. The further submissions made by email dated 18 January 2018;
 - iii. The further submissions made by email dated 22 January 2018 in which he adopted the reasoning relied upon by his sisters in their application for core participant status;
 - iv. The further submissions forwarded by email on 26 January 2018, namely the 'Skeleton Argument for CP status' (which referred to the application being renewed on his own behalf and on behalf of his sisters), and the document 'Summary of "Nick's allegations" against my late father just now provided to me by Sir Richard Henriques on 15th September 2016');
 - v. The oral submissions made by Mr Janner on 31 January 2018. I have refreshed my memory from the transcript of those submissions, which has been made available on the Inquiry website.

2. I have reminded myself of the statutory criteria that govern the determination of core participant status, pursuant to 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.

3. Mr Janner's application was lodged almost three months 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. In light of the fact that the first preliminary hearing in this investigation had not yet been held at the time of his application, and also as a matter of general fairness, I considered that the delay should not stand in the way of my considering this application.
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. On 25 January 2018 I made a Provisional Determination declining Mr Janner's application. In that Provisional Determination I noted that Mr Janner had already been granted core participant status in the Inquiry's investigation into institutional responses to allegations of child sexual abuse involving the late Lord Janner of Braunstone QC (to which I shall refer, for brevity, as 'the Janner Investigation'). I considered it relevant that the Inquiry will consider as part of that investigation the extent to which the Labour Party, Parliament, government departments, and/or the security and intelligence

agencies were aware of allegations of child sexual abuse involving the late Lord Janner and the adequacy of their response, and whether any attempts were made to exert improper influence in order to hinder or prevent an institution from effectively investigating or otherwise responding to such allegations (Janner Investigation Definition of Scope, published 11 April 2017).

6. I noted the following further matters. First, that I had previously considered whether the Janner Investigation should be merged with the Westminster investigation. I had decided not to do so for case management reasons that I considered largely still applied. Although the order in which the hearings in the two investigations would take place had been reversed, the decision against merger had not changed. One of the core considerations in this regard was that the Janner Investigation raises a discrete set of issues, many of which do not raise even a possible overlap with the Westminster Investigation. Second, and following from the first point, I noted that it was my intention to ensure that all issues relating to Lord Janner are investigated by this Inquiry in the Janner Investigation, and not the Westminster Investigation. Third, I stated that I did not anticipate that Operation Midland, in which Lord Janner was named (and to which Mr Janner has referred in his application), would be one of the matters focused upon in the Westminster investigation.

7. I also noted that Mr Janner had relied upon certain passages in written submissions filed in early 2017 by Counsel to the Inquiry in the Janner Investigation, and also upon a passage from the Inquiry's August 2017 Update in this investigation. The two documents contained various references to links between the Janner and Westminster Investigations. Both documents were created at a time when it was still intended that the Westminster hearings would follow the Janner hearings; to that extent, therefore, the documents were historic. In any event, even when it was planned to conduct the hearings in that order, it was always the Inquiry's intention to examine all substantive issues relating to Lord Janner within the Janner Investigation. The documents to which I have referred simply reflected the Inquiry's intention that the (later) Westminster investigation would be able to take account of the evidence that had been heard in the (earlier) Janner Investigation. That would clearly no longer be possible. What had not changed was my intention to examine all substantive issues relating to Lord Janner within the Janner Investigation.

8. The conclusion of my Provisional Determination was that, given the way in which I intended to manage these two investigations, and having regard to the provisions of Rule 5(2), while I was satisfied that while Mr Janner had a significant interest in an important aspect of the matters under the Janner Investigation, in which he had already been granted core participant status, it was not appropriate to grant Mr Janner core participant status additionally in the Westminster investigation. I was therefore not minded to designate Mr Janner as a core participant in the Westminster investigation.
9. I communicated this provisional decision to Mr Janner in writing, and indicated that he could if he wished renew his application orally at the hearing on 31 January.
10. In renewing his application for core participant status, Mr Janner referred to his father having served in Westminster from 1970 for over 40 years, first as an MP and then as a member of the House of Lords. He described his father as 'very much part of the Westminster scene throughout that time'. He expressed concern that his father's reputation is at risk and that without core participant status there would be no protection against unforeseen or uncontrolled allegations. He also expressed concern about other core participants and evidence which he considers the Inquiry is likely to receive from other core participants. He suggested that the relevance of Operation Midland had not been ruled out (and if Operation Midland did not feature the Inquiry would be open to criticism), and submitted that there was risk by virtue of the overlap of the Janner and Westminster investigations, which in oral submissions he described as 'inevitably and inexorably intertwined'. In respect of the alleged overlap, Mr Janner referred again to certain passages in written submissions filed in early 2017 by Counsel to the Inquiry in the Janner Investigation, and also upon a passage from the Inquiry's August 2017 Update in this investigation, as well as my notice of provisional determination of his application in the Janner Investigation dated 16th December 2016.
11. I have considered carefully Mr Janner's written and oral submissions. Having done so, I have decided to maintain my earlier provisional decision not to grant him core participant status in the Westminster Investigation. This is notwithstanding the submissions made by Mr Janner that his father was 'very much part of the Westminster scene' and his concern about the potential overlap of the Westminster and Janner investigations. In my view the case management reasons for not merging

the Janner Investigation with the Westminster investigation continue to apply, and Mr Janner's submissions do not address, let alone counter, these legitimate case management reasons. To the extent that Mr Janner's application is based on concerns about his father's reputation, and his ability to respond to allegations made about his father, these are matters for the Janner Investigation in which Mr Janner has already been granted core participant status. As to Mr Janner's submissions relating to Operation Midland, it remains my view, although no final decision has yet been taken, that the investigation is unlikely to conduct any detailed review either of the police conduct of Operation Midland, or of the factual allegations to which it related.

12. I am therefore not satisfied that Mr Janner fulfils the criteria in Rule 5(2) of the Inquiry Rules 2006, or that there are other good reasons to designate Mr Janner as a core participant.

13. I will keep the designation of core participants under review and this decision does not preclude Mr Janner from applying to be a core participant in any other investigation.

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

22 February 2018