

**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

1. On 5 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the following investigations:
  - a. Child Sexual Abuse in the Anglican Church (“Anglican Church”);
  - b. Cambridge House, Knowl View and Rochdale (“Rochdale”);
  - c. Children in the Care of Lambeth Council (“Lambeth Council”);to make an application to the Solicitor to the Inquiry by 5 February 2016.
  
2. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into allegations of child sexual abuse involving Lord Greville Janner (“Lord Greville Janner”) to make an application to the Solicitor to the Inquiry by 22 February 2016.
  
3. On 5 February 2016, an application was made by the Crown Prosecution Service (‘CPS’) for core participant status in each of the Anglican Church; Rochdale and Lambeth Council investigations. On 18 February 2016, an application was made by the CPS for core participant status in the Lord Greville Janner investigation. An application was made that Grainne Galtieri, Senior Lawyer, Government Legal Department, be the CPS’s recognised legal representative. This notice sets out my determination on each of the applications.
  
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 applications, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and I may also take other relevant matters into account.

### ***Anglican Church Investigation***

6. Having regard to the provisions of Rule 5(2), I am satisfied that the CPS has played a direct and significant role in relation to matters under investigation and/or has a significant interest in an important aspect of the matters under investigation and/or any other reason. The application is put on the basis that the scope of the investigation into the Anglican Church specifically includes two case studies which are of direct relevance to the CPS - the Diocese of Chichester and Peter Ball. This investigation will necessarily involve a review of actions taken by agencies including the CPS to investigate and prosecute allegations of child sexual abuse (including in relation to Peter Ball and other individuals connected to the Diocese of Chichester), whether those agencies' actions were adequate and/or appropriate and the nature and extent of any failings of institutions, including the CPS, to protect children from abuse. The investigation will also examine the role which certain individuals played in the criminal justice process and it is possible that the CPS and/or its agents may be explicitly subject to criticism in due course. I am therefore satisfied that the CPS should be designated a Core Participant in this investigation.

### ***Cambridge House, Knowl View and Rochdale Investigation***

7. Having regard to the provisions of Rule 5(2), for the following reasons I am satisfied that the CPS should be designated a core participant in this investigation. The CPS is the principal prosecuting authority for England and Wales. In 1970, the Director of

Public Prosecutions, and the CPS in 1998 and 1999 made charging decisions in respect of allegations of sexual abuse of residents at Cambridge House. As is set out within the published scope of the Cambridge House, Knowl View and Rochdale investigation, the Inquiry will investigate the extent to which prosecuting authorities (amongst others) were aware of allegations of sexual abuse concerning children who resided at Cambridge House, Knowl View or other institutions (where their placement was arranged or provided by Rochdale Council) and failed to take appropriate steps in response to it.

8. The Inquiry will also investigate whether any public authority hindered or prevented the effective investigation of allegations of sexual abuse within Cambridge House, Knowl View and any other institutions in Rochdale where children were placed by Rochdale Council. Although the CPS has not relied upon Rule 5(2)(a) as a reason for according it core participant status, I am nonetheless satisfied that the CPS may have played a direct and significant role in relation to matters under investigation. It may also (having regard to Rule 5(2)(c) be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report. Further, I am satisfied (for the purposes of Rule 2(5)(b) that, as the national agency with responsibility for the prosecution of child sexual abuse, it has a significant interest in an important aspect of the matters under investigation.

### ***Lambeth Council Investigation***

9. Having regard to the provisions of Rule 5(2), for the following reasons I am satisfied that the CPS should be designated a core participant in this investigation. As set out within the published scope of the Lambeth Council investigation, the Inquiry will investigate the nature and extent of, and institutional responses to, the sexual abuse of children in the care of Lambeth Council, including those cared for in children's homes, by foster carers and/or by adoptive parents.
10. As part of its investigation the Inquiry will examine allegations that there was inappropriate interference with law enforcement investigations into the sexual abuse of children in the care of Lambeth Council. It will also examine the extent to which particular vulnerabilities of any children subject to sexual abuse put them at risk and whether this may have shaped how public authorities responded to them.

11. This investigation will further examine the appropriateness of the response of law enforcement agencies and prosecuting authorities, including the CPS, to reports of child sexual abuse involving children cared for by Lambeth Council, and/or reports of child sexual abuse by individuals, who were employed by or contracted by Lambeth Council. Although the CPS has not relied upon Rule 5(2)(a) as a reason for according it core participant status, I am nonetheless satisfied that the CPS may have played a direct and significant role in relation to matters under investigation. It may also (for the purposes of Rule 5(2)(c) be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report. Further, I am satisfied, for the purposes of Rule 5(2)(b) that, as the national agency with responsibility for the prosecution of child sexual abuse, it has a significant interest in an important aspect of the matters under investigation.

### ***Lord Greville Janner Investigation***

12. Having regard to the provisions of Rule 5(2), I am satisfied that the CPS has played a direct and significant role in relation to matters under investigation and/or has a significant interest in an important aspect of the matters under investigation. At the heart of this investigation is the consideration of allegations of child sexual abuse involving Lord Greville Janner, and to the extent that the Inquiry finds some or all of the allegations to be well founded, the Inquiry will also consider the adequacy and propriety of law enforcement investigations and prosecutorial decisions regarding allegations of failings of institutions regarding Lord Janner, including whether any public authority hindered/prevented the effective investigation and/or prosecution of allegations of child sexual abuse by Lord Janner. The application is put on the basis that in light of the references to prosecutors and the CPS in the Definition of Scope of this investigation and other material already in the public domain (including the Henriques Report and the acceptance by the DPP that there had been failings by prosecutors in the past regarding Lord Janner), the criteria under Rule 5(2)(a), (b) and (c) for the CPS being granted core participant status in this investigation are met.

## **Legal Representative**

13. 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.*

14. I am satisfied that the CPS has appointed Grainne Galtieri of the Government Legal Department as its qualified lawyer. I therefore designate Ms Galtieri as the CPS' recognised legal representative for the purposes of the Inquiry's investigations in respect of the Anglican Church; Rochdale; Lambeth Council and Lord Greville Janner, in accordance with rule 6(1) as I am required by that rule to do.

15. 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 hearings. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

**Hon. Dame Lowell Goddard DNZM**

**29 February 2016**

**Chair, Independent Inquiry into Child Sexual Abuse**