



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

1. On 24 March 2017 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into the extent of any institutional failures to protect children in the care of the Nottingham City and Nottinghamshire County Councils from sexual abuse and exploitation to make an application to the Solicitor to the Inquiry by 21 April 2017.
2. On 16 April 2018 an application for core participant status was made by Instalaw solicitors on behalf of P3 and 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.



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

4. In determining each person's application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and I may also take into account other relevant matters.
5. This application has been lodged almost a year 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.
6. The application explains that P3 has not made an application for core participant status sooner because she was not aware of the Inquiry or the call for core participant applications in this investigation. It is said that P3 has recently joined the support group, [REDACTED] who recommended that she contact a solicitor in relation to the Inquiry. P3 is said to have not immediately contacted a solicitor because [REDACTED]
[REDACTED]
[REDACTED]. [REDACTED]
[REDACTED] and it is said that this has enabled her to seek legal advice. She is said to have met with a solicitor for the first time on 12 April 2018.
7. I accept the reason provided for the delay in P3 making an application and am satisfied that the delay should not stand in the way of my considering her application.
8. It is submitted that both Rule 5(2)(b) is particularly relevant to the application as P3 is an individual who suffered child sexual abuse whilst in the care of the Nottinghamshire Councils. P3 is said to have been resident at [REDACTED] residential institutions whilst in the care of the Nottinghamshire Councils. The application states that throughout her stay at one of these institutions she was sexually abused by another child in the home.
9. This investigation will examine the nature and extent of, and institutional responses to, allegations of sexual abuse of children in the care of Nottinghamshire Councils,



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

including those cared for in children's homes. The definition of scope for the investigation states that in doing so the Inquiry will consider the experiences of victims and survivors of child sexual abuse while in the care of the Councils. In addition, I have recently decided on the case studies that will be pursued at the Inquiry's public hearing and these will include a case study in relation to the institutional responses to allegations of abuse made by children in the care of the Nottinghamshire Councils against other children and the barriers to disclosure of such abuse.

10. In light of the scope of this investigation and P3's allegations of sexual abuse in a children's home during her time in the care of the Nottinghamshire Councils, I consider that P3 has a significant interest in the matters under investigation for the purposes of Rule 5(2)(b). Specifically, I consider that, as an individual who alleges sexual abuse in a children's home whilst in the care of the Nottinghamshire Councils, she has a significant interest in the investigation of the nature and extent of, and institutional responses to, allegations of the sexual abuse of children in the care of the Nottinghamshire Councils. For these reasons, I am satisfied that P3 should be designated as a core participant in this investigation.
11. I should emphasise that the Inquiry is obliged to take a proportionate approach to its investigations and will not be in a position to investigate fully the circumstances of every core participants' experience. Although designation as a core participant will mean that the individual or organisation will have access to documentary material obtained by the Inquiry, it is likely that the Inquiry will limit such disclosure to material that relates to their specific interest in this investigation.
12. 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*



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

(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.

13. It is requested that Debbie Heath of Instalaw solicitors is appointed as P3's recognised legal representative in respect of the Inquiry's proceedings. Debbie Heath was previously employed by Bhatia Best solicitors and in that role acted for a number of complainant core participants in this investigation, some of whom continue to be represented by her at Instalaw solicitors.

14. I am satisfied that P3 has appointed Debbie Heath at Instalaw solicitors as her qualified lawyer. Accordingly, I designate Ms Heath as the recognised legal representative for P3 in accordance with Rule 6(1).



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

15. If P3 intends to make an application for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation, she should do so **by no later than 4pm on Friday 4 May 2018**. Such applications by core participants will be determined in accordance with the Inquiry's Costs Protocol on Legal Representation at Public Expense.

Professor Alexis Jay OBE

20 April 2018

Chair, Independent Inquiry into Child Sexual Abuse