

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 13 February 2018 an application for core participant status was made by Uppal Taylor solicitors on behalf of L46 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.

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 over nine 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.
6. The application explains that L46 has been involved in a complaints process with the Nottingham Councils in relation to her experiences whilst in care. That process has recently ended and she now feels able to focus on her experiences of sexual assault whilst in care of the Nottinghamshire Councils.
7. I accept the reason provided for the delay in L46 making an application and am satisfied that the delay should not stand in the way of my considering her application. In this respect, I also note that her legal representatives act for a number of other complainant core participants in this investigation and so will be familiar with the issues in the investigation and would be able to bring her up to date with the progress of the investigation if designated as a core participant.
8. It is submitted that both Rule 5(2)(a) and (b) are relevant to the application as L46 is an individual who suffered child sexual abuse whilst in the care of the Nottinghamshire Councils. L46 is said to have been sexually abused by another resident whilst at a children's home in Nottingham. L46 says that she complained about the abuse to staff at the time and the police were involved.
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, 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.

10. In light of the scope of this investigation and L46's allegations of sexual abuse during her time in the care of the Nottinghamshire Councils, I consider that L46 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 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 L46 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

(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. I am satisfied that L46 has appointed Christopher Ratcliffe at Uppal Taylor solicitors as her qualified lawyer. Accordingly, I designate Mr Ratcliffe as the recognised legal representative for L46 in accordance with Rule 6(1). I will consider the application submitted on behalf of L46 for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation and will notify Mr Ratcliffe of my decision in that respect shortly.

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

21 February 2018