



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

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 Anglican Church investigation to make an application to the Solicitor to the Inquiry by 5 February 2016.
2. On 24 May 2018, an application was made by the Chief Constable of Northamptonshire Police for core participant status in the Anglican Church investigation, and for Craig Sutherland to be his recognised legal representative. This notice sets out my determination of the application.
3. The Chief Constable's application was lodged more than two years 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. I am informed that the reason for delay in submitting the Chief Constable's application is that the Inquiry's recent request for a witness statement, together with an analysis of the material available to Northamptonshire Police has led to their assessment it would be of real benefit to them for the Chief Constable to be granted core participant status. In the light of this recent assessment, I consider that the delay should not stand in the way of my considering this application.
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. Having regard to the provisions of Rule 5(2), I am satisfied that the Chief Constable of Northamptonshire Police 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. I have reached this conclusion on the basis that Northamptonshire Police have conducted criminal investigations into members of clergy from the Anglican Church which specifically relate to matters within the scope of this investigation. Further, the Inquiry has made two requests for witness statements from individuals associated with Northamptonshire Police in connection with the case studies into the Diocese of Chichester and Peter Ball. I have also borne in mind the possibility that Northamptonshire Police may be subject to explicit criticism by the Inquiry in due course as a result of its investigation into Peter Ball. I am therefore satisfied that the Chief Constable of Northamptonshire Police should be designated a Core Participant in this investigation.

7. 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.

8. Accordingly, as I am satisfied that the Chief Constable of Northamptonshire Police has appointed Craig Sutherland as his qualified lawyer, I designate Mr Sutherland as the the Chief Constable of Northamptonshire Police's recognised legal representative in accordance with rule 6(1) as I am required by that rule to do.
9. 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 in relation to this investigation. Such applications by core participants will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

Professor Alexis Jay OBE

1 June 2018

Chair, Independent Inquiry into Child Sexual Abuse