

**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 Children in the Care of Lambeth Council investigation to make an application to the Solicitor to the Inquiry by 5 February 2016.
2. On 22 January 2016, an application was made by the London Borough of Lambeth (“Lambeth Council”) for core participant status in the Children in the Care of Lambeth Council investigation and for Alison McKane, Head of Legal Services, London Borough of Lambeth, to be their recognised legal representative. 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 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. Having regard to the provisions of Rule 5(2)(a) and (b), I am satisfied that Lambeth Council has played a direct and significant role in relation to matters under investigation. As set out within the published scope of the Children in the Care of 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. Lambeth Council is central to this investigation which factor alone would justify its designation as a core participant on the basis of its significant interest in the very substance of this investigation.
6. The actions and/or omissions of Lambeth Council and the extent to which these amounted to institutional failures to protect children in the care of Lambeth Council from sexual abuse and exploitation are central to this investigation. I observe in this regard that this investigation will focus to a very considerable degree (but not exclusively) upon whether Lambeth Council, through its officers, left children vulnerable to sexual abuse. I am further satisfied that Lambeth Council ought to be designated as a core participant for this investigation having regards to Rule 5(2)(c).
7. As part of this investigation the Inquiry will examine the manner in which Lambeth Council, its employees and elected members undertook their roles and responsibilities in relation to protecting children from sexual abuse and exploitation. I am therefore further satisfied that Lambeth Council has a significant interest in an important aspect of the matters under investigation and may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.
8. 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.

9. I am satisfied that Lambeth Council has appointed Alison McKane as its qualified lawyer. I therefore designate Alison McKane as Lambeth Council's recognised legal representative in accordance with Rule 6(1) as I am required by that rule to do.

10. 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 hearing. 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
Chair, Independent Inquiry into Child Sexual Abuse

29 February 2016