



# 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 17 May 2018 an application for core participant status was made by Ofsted 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.*



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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 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 says that Ofsted did not apply for core participant status previously as, until it received a letter from the Inquiry, it did not appreciate that its role might form part of the Inquiry's consideration. I accept the reason provided for the delay in Ofsted making an application and am satisfied that the delay should not stand in the way of my considering the application.
7. The application submitted by Ofsted explains that it has inspected local authority children's services since April 2007 and that since 2007 Ofsted has inspected Nottinghamshire County Council children's services and fostering services, and the fostering services of Nottingham City Council, on a number of occasions. The application also notes that Ofsted, along with other Inspectorates, has carried out a joint area review under section 20 of the Children Act 2004 of Nottingham children's services in 2007 and Nottinghamshire children's services in 2008. The application states that Ofsted has also been the registration authority for the regulation and inspection of children's homes, including secure children's homes, since 2007.
8. It is submitted that Ofsted has a significant interest in an important matter to which the Inquiry relates pursuant to Rule 5(2)(b) of the Inquiry Rules 2006. In this respect, it is noted that the scope of the Inquiry includes investigating the adequacy of the inspection and regulatory regimes for children's services and children's homes and that Ofsted may be able to provide considerable assistance to the Inquiry on its consideration of any such recommendations.



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9. It is also submitted, in relation to Rule 5(2)(c), that although Ofsted does not anticipate being subject to explicit or significant criticism during the Inquiry proceedings or in the report, it does not know whether any other party intends to make criticism of Ofsted and so cannot rule out this possibility.
10. This investigation is considering the extent of any institutional failures to protect children in the care of Nottingham City and Nottinghamshire County Council from sexual abuse and exploitation. In doing so, it will consider the adequacy of the applicable inspection regimes. In light of Ofsted's role in relation to the inspection of children and fostering services, and in relation to children's homes, I consider that the designation of Ofsted as a core participant is justified with regard to Rules 5(2)(a), (b) and (c).
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. Designation as a core participant will give the individual access to documentary material obtained by the Inquiry but 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.



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*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. Ofsted has requested that Sandra Walker, Ofsted Legal Services, is designated as recognised legal representative for the purposes of the Inquiry's proceedings. Accordingly, I designate Sandra Walker as Ofsted's recognised legal representative in accordance with Rule 6(1).

14. If Ofsted 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, it should do so **by no later than 4pm on 15 June 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**  
**Chair, Independent Inquiry into Child Sexual Abuse**

**31 May 2018**