

**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 following investigations:
 - a. Child Sexual Abuse in the Anglican Church (“Anglican Church”);
 - b. Cambridge House, Knowl View and Rochdale (“Rochdale”);
 - c. Children in the Care of Lambeth Council (“Lambeth Council”);to make an application to the Solicitor to the Inquiry by 5 February 2016.

2. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into allegations of child sexual abuse involving Lord Janner to make an application to the Solicitor to the Inquiry by 22 February 2016.

3. On 5 February 2016, an application was made by the Secretary of State for Education (“the SSE”) for core participant status in the Anglican Church; Rochdale; Lambeth Council and Lord Greville Janner investigations. An application was made that Gary Howard of the Treasury Solicitor be the SSE’s recognised legal representative. This notice sets out my determination of the application in respect of each of the investigations.

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 applications, 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. The SSE's applications in relation to the Anglican Church, Rochdale, Lambeth Council, and Janner investigations are put on the basis that her department is currently the central government department with national policy responsibility for safeguarding children. The Department for Education ("DfE") oversees the legislative requirements and expectations which apply to individual services within the community to safeguard and promote the welfare of children. This includes those relevant services which are provided by Local Authorities.
7. Prior to 2003, the Department of Health ("DH") had a number of child safeguarding responsibilities which transferred (in 2003) to what was then named the Department for Education and Skills and which in due course became the DfE. The SSE has stated in her application that the DH has not applied for core participant status but that both the DfE and the DH will work together to assist the Inquiry on matters which predate 2003 (the year when relevant DH responsibilities transferred to the Department for Education and Skills). Insofar as the DfE will assist the Inquiry as regards the functions and responsibilities of the DH prior to 2003, I am satisfied that that the SSE has a significant interest in an important aspect of the matters to which these investigations relate.
8. Within each of these four investigations the Inquiry will consider safeguarding processes, the reporting and investigation of allegations of child sexual abuse and steps taken subsequently at a local and national level. If the Inquiry were to make findings of failings at a local and/or national level, I consider that the DfE and/or DH may be subject to explicit or significant criticism.

9. Finally, I consider that the matters to be investigated may have a bearing upon the future direction of safeguarding policy for which the DfE is currently responsible. In particular I consider that it is vitally important that the Government Department which bears much of the responsibility for ensuring that children are protected (within the institutions that form part of the daily lives of children in England and Wales) is able to participate fully in these investigations.
10. Therefore, for the reasons set out above I am satisfied that in relation to the four investigations in relation to which the SSE has made an application, it has a significant interest in an important matter to which each investigation relates. I consider that the SSE should therefore be designated as a core participant in relation to the Anglican Church, Rochdale, Lambeth, and Janner investigations.

Legal Representative

11. 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.

12. Accordingly, as I am satisfied that the SSE has appointed Gary Howard of the Treasury Solicitor as its qualified lawyer, I designate Mr Howard as the SSE's recognised legal representative in respect of the Anglican Church; Rochdale; Lambeth Council; and Lord Greville Janner investigations in accordance with rule 6(1) as I am required by that rule to do.

13. 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