

**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. Following agreement by the Inquiry to a short extension of time, on 8 February 2016, an application was made by the Shirley Oaks Survivors Association (“SOSA”) for core participant status in the Children in the Care of Lambeth Council investigation. 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. A 'person' for the purposes of Rule 5 includes "a *body of persons, incorporate or unincorporate*" (as defined by the Interpretation Act 1978 (per section 5 and schedule 1 (Words and Expressions Defined))).
5. SOSA is an unincorporated voluntary support group, which, as set out within its mission statement, exists to "*Raise awareness on Shirley Oaks and other South London Children's Homes where abuse took place from the 1950s onwards. To understand what was the reason for Lambeth's inability to carry out its moral and statutory duty to protect the children in its care from 1965 onwards. To investigate why so many paedophiles were allowed to operate or were employed by Lambeth Council. To seek justice for those who were victims of sexual, physical and mental abuse whilst in the Lambeth Care system.*"
6. I understand SOSA to be an established organisation that represents the interests of a number of individuals who previously resided in children's homes in Lambeth and who may be able to assist the inquiry in a direct way about the institutional response to information that children were or may have been sexually abused within such homes. As an unincorporated group, SOSA is entitled to designation as a core participant if it satisfies the Rule 5(2) criteria.
7. 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.
8. Having regard to the provisions of Rule 5(2), for the following reasons I am satisfied that SOSA should be designated a core participant in this investigation (and that equally Mr Stevenson should be so appointed in a representative capacity). 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.
9. As part of its investigation the Inquiry will consider the experiences of victims and survivors of child sexual abuse while in the care of Lambeth Council. In so doing, the Inquiry will examine the nature and extent of sexual abuse of children in the care of Lambeth Council; the nature and extent of the failings of Lambeth Council to protect

such children from sexual abuse; the appropriateness of the response of the Council, law enforcement agencies, prosecuting authorities, and other public authorities or statutory agencies to reports of child sexual abuse involving children cared for by Lambeth Council, and/or reports of child sexual abuse by individuals, who were employed by or contracted by Lambeth Council. The investigation will also consider the extent to which children who were sexually abused may have had special educational needs and/or any other form of special need or vulnerability and whether that may have made them more vulnerable to sexual abuse.

10. Specific matters to be considered within this investigation also include a consideration of child sexual abuse which took place at Angell Road, Monkton Street, Ivy House, South Vale, and Shirley Oaks Children's Homes; and allegations that individuals with information about the sexual abuse of children in the care of the Council were the subject of intimidation and potentially lethal violence.
11. Any victims and survivors of child sexual abuse who are members of SOSA (and any member who witnessed child sexual abuse) will be central to issues which this investigation will consider. I am therefore satisfied (for the purposes of Rule 5(2)(a) that SOSA, as an organisation whose purpose is to represent the victims and survivors of child sexual abuse and whose members may have been subject to or witnessed child sexual abuse, is an organisation with a direct and significant role in relation to matters under investigation. I am further satisfied, for the same reason, that SOSA has a significant interest (for the purposes of Rule 5(2)(b)) in an important aspect of the matters under investigation.
12. I also intend for present purposes to designate as a core participant, an individual who will act on behalf of SOSA and who shares the same interest as SOSA. There should be one person representing the group who can, where applicable, give instructions to a legal representative or communicate with the Inquiry on the group's behalf. Mr Raymond Stevenson has made the application on behalf of SOSA and has given his consent to being the person representing SOSA for the purposes of the Inquiry. I have also assumed that the membership of SOSA is content with this course. If there is any individual who is a member of SOSA and considers that they have additional interests or interests which cannot be represented by the organisation, they ought to contact the Inquiry so this can be considered further.

13. 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.

14. At this time, SOSA has not appointed a qualified lawyer to act on its behalf and does not seek to be legally represented. I am not therefore required to make any designation under Rule 6(1). SOSA is at any time entitled to appoint a qualified lawyer to act on its behalf and to seek designation of that lawyer as its recognised legal representative in respect of the Inquiry's proceedings. I would encourage SOSA to appoint a legal representative to assist it in connection with the Inquiry.

15. 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