

**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 4 February 2016 an application was made by Chris Fay for core participant status in the Children in the Care of Lambeth Council investigation and for Mr Robert Bullock, Barrister, to be their recognised legal representative.
3. I made a provisional ruling declining the application on 29 February 2016. Mr Fay was provided with an opportunity to renew his application at a preliminary hearing on 24 March 2016. Mr Fay did not renew his application. Accordingly, this notice sets out my final determination of the 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 I may also take into account other relevant matters.
6. Having regard to the provisions of Rule 5(2), I am not satisfied that Mr Fay fulfils the criteria in Rule 5(2) or that there are other good reasons to designate Mr Fay as a core participant. In considering this application I recognise that Mr Fay may in due course be identified as a relevant witness for the purposes of the Children in the Care of Lambeth Council investigation. However, for the following reasons, I am not currently minded to designate Mr Fay as a core participant in this investigation.
7. 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.
8. In his application, Mr Fay submits that he is a direct and important witness to institutional responses to the sexual abuse of children in the care of Lambeth Council; that he has collated documentary material and other information relevant to the institutional responses to the sexual abuse of children in the care of Lambeth Council; and that he was the subject of intimidation, interference and threats of violence by law enforcement agents in respect of investigations into relevant institutions.
9. The application does not set out with clarity who Mr Fay is or what his connection is or was to children in the care of the London Borough of Lambeth. The application does not provide details of the context or capacity within which Mr Fay was acting, having regard to his submission that he witnessed the institutional response to the sexual abuse of children in the care of Lambeth Council. Mr Fay's application does not identify the institutions he suggests he is knowledgeable about or his connection to those institutions (within the context of this investigation). Having regard to Mr Fay's submission that he was subject to threats and intimidation, the application does not identify what investigations he participated in, who they were conducted by and the institutions to which they relate.

10. It may be that Mr Fay does have evidence which he can provide to the Inquiry as a witness, however, the application does not provide sufficient detail to enable the Inquiry to be satisfied that Mr Fay played a direct and significant role in relation to the investigation or prevention of the sexual abuse of children in the care of Lambeth Council.
11. In addition, Mr Fay has submitted that, as a consequence of his former role as an advisor to NAYPIC (National Association of Young People in Care) during the 1980s, he has a significant interest in the Lambeth Investigation. The application does not however provide detail, beyond this, as to the scope and extent of his role as an advisor to NAYPIC and, fundamentally, the relevance of this role to this investigation. In addition, the application does not explain NAYPIC's involvement with or specific relevance to allegations of sexual abuse of children in the care of Lambeth Council. I am not therefore satisfied that Mr Fay has demonstrated that he, as an individual, has a significant interest in an important aspect of the matters to which this Inquiry relates.
12. Mr Fay has further submitted that he may be subject to explicit or significant criticism during the Inquiry proceedings or in its report or in any interim report, on the grounds that he has been involved with and has given evidence to a number of inquiries and investigations which are of significant relevance to the Inquiry; that he has been the subject of both negative and positive reporting by the press in respect of his role with regard to the investigation of relevant institutions and he has provided assistance and support to children and young people who were sexually abused while in the care of Lambeth Council.
13. The application does not identify any of the inquiries or investigations that Mr Fay submits he has been involved with. Nor does the application specify the nature of Mr Fay's involvement with those inquiries or investigations. I am not therefore able to identify the relevance or otherwise of those inquiries or investigations to this investigation. The mere fact that an individual has been the subject of comments in the media is not sufficient to demonstrate that an individual may be subject to explicit or significant criticism during the Inquiry proceedings.

14. The application does not provide details of the context in which Mr Fay submits he provided assistance and support to children and young people who were sexually abused while in the care of Lambeth Council, nor the capacity in which it was provided. It is not therefore apparent on what basis Mr Fay submits that he may therefore be subject to explicit or significant criticism within this context.
15. I will keep the scope of the investigation and the designation of core participants under review as the Inquiry progresses and further invitations to apply for core participant status may be made as the investigation proceeds. My decision not to designate Mr Fay as a core participant in this particular investigation does not preclude Mr Fay from making a future application in respect of other investigations. I will consider any future application which Mr Fay wishes to make on its merits.

Hon. Dame Lowell Goddard DNZM
Chair, Independent Inquiry into Child Sexual Abuse

24 March 2016