

**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

1. On 27 May 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Roman Catholic Church investigation to make an application to the Solicitor to the Inquiry by 24 June 2016.
2. On 19 April 2018, an application was made on behalf of F53 for core participant status. 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 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 nearly 2 years 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 states that having had discussions with a friend of his who is already a core participant within this investigation, F53 learnt of the Inquiry and promptly instructed Howe & Co to pursue this application on his behalf.
7. In the circumstances I am satisfied that the delay should not stand in the way of my considering his application.
8. Having regard to the provisions of Rule 5(2), I am satisfied that F53 should be designated as a core participant.
9. The application states that F53 was sexually abused whilst he was at St Joseph's School, near Worcester. F53 says the abuse took place when he was aged approximately 12-15 years old. F53 also says that he made attempts to bring the abuse to the attention of the Mother Superior but was threatened with purgatory if he ever mentioned the abuse again. St Joseph's School was run by the Archdiocese of Birmingham. The school closed in 1979.
10. As part of this investigation, the Inquiry will consider the nature and extent of any failures by the Roman Catholic Church and other institutions to protect children from sexual abuse. One of the case studies through which the Inquiry will do so concerns the response of the Archdiocese of Birmingham and other institutions to allegations

of sexual abuse against children. I therefore consider that F53 has a significant interest in the matters under investigation within the Roman Catholic Church investigation, and that his designation as a core participant is justified with regard to 5(2)(b).

11. I note within paragraph 5 of the application it states “the Inquiry has confirmed that it will examine allegations of child sexual abuse within schools controlled by the Archdiocese of Birmingham”. No decision has in fact been made about the matters that will be examined within the Archdiocese of Birmingham case study. The Inquiry is currently considering the matters that are to be the focus of the hearing in November this year in relation to the Archdiocese of Birmingham. I should also 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 or the institutions to which they relate. Designation as a core participant will give the individual access to documentary material obtained by the Inquiry but 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.

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. The application submitted on F53's behalf requests that David Enright of Howe and Co solicitors is designated as his legal representative in accordance with Rule 6. Mr Enright is already the recognised legal representative of a number of complainant core participants in this investigation and one survivor group. Accordingly I designate Mr Enright of Howe and Co solicitors as the recognised legal representative of F53.

14. If F53 wishes 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 at the forthcoming public hearing, he should submit an application by no later than 4pm on 9 May 2018. Any application made will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.