

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 investigation to make an application to the Solicitor to the Inquiry by 24 June 2016.
2. An application for core participant status was made by White Flowers Alba. This notice sets out my determination of their 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. Having regard to the provisions of Rule 5(2), I am satisfied that White Flowers Alba should be designated as a core participant in relation to the Inquiry's investigation into the Roman Catholic Church. I understand from the application submitted on its behalf that White Flowers Alba is a support group of survivors of child sexual abuse, comprising around 30 members and established in 2015. I understand that its members are from, or suffered sexual abuse in, the north of the United Kingdom. A number of individual members of White Flowers Alba have made applications for core participant status. I have granted those individual applications.

6. As part of this investigation, the Inquiry will consider the nature and extent of any failures by the Roman Catholic Church in England and Wales to protect children from sexual abuse. At present, the investigation is focussing on the English Benedictine Congregation and Archdiocese of Birmingham as case studies to assess the safeguarding procedures and practice of the Catholic Church in England and Wales, and the way in which it responded to allegations of sexual abuse against children. The individual members of White Flowers Alba whom I have designated as core participants experienced sexual abuse in Scotland by members of the English Benedictine Congregation, or in one case, by clergy from a Catholic Order whose headquarters is in England. While the individuals experienced sexual abuse in Scotland, which falls outside the Inquiry's terms of reference, the alleged institutional failure relates to an institution based in England and Wales. I am therefore satisfied that White Flowers Alba should be designated as a core participant.

7. 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.

8. Given the specific interest of individual members that I have outlined above, I am satisfied that White Flowers Alba as a group also has a significant interest in the matters under investigation in so far as it represents individuals whose experiences fall within this Inquiry's terms of reference, and that its designation as a core participant is justified with regard to 5(2)(b).

9. 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.

10. 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.

11. I am satisfied that White Flowers Alba has appointed Imran Khan of Imran Khan and Partners Solicitors as his qualified lawyer in relation to this investigation. I therefore designate Mr Khan as the recognised legal representative for White Flowers Alba in accordance with Rule 6(1) as I am required by that rule to do.

12. 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 public 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

15 July 2016