IICSA INDEPENDENT INQUIRY INTO CHILD SEXUAL ABUSE

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

1. On 3 June 2016 the Inquiry invited anyone who wished to be designated as a core participant in the Accountability and Reparations investigation to make an application to the Solicitor to the Inquiry by 1 July 2016. Such applications are currently limited to participation in the four case studies.

2. An application was made by the Chief Constable of Merseyside Police for core participant status in the Accountability and Reparations 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. 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 the Chief Constable of Merseyside Police has played a direct and significant role in relation to matters under investigation and/or has a significant interest in an important aspect of the matters under investigation.

6. As part of this investigation, the Inquiry will consider the experiences of individuals placed in St Vincent's children's home (formerly an approved school) in order to investigate general issues of accountability and reparation for victims and survivors, including the extent to which this can be achieved through the existing processes of civil litigation, criminal compensation and support services.

7. Merseyside Police investigated allegations of abuse at St Vincent's under the auspices of Operation Van Gogh. This operation later formed part of a larger investigation named Operation Care.

8. In addition to the criminal investigations, the Chief Constable states that Merseyside Police engaged with the Criminal Injuries Compensation Board and believes that it may have engaged with other bodies in the civil litigation process. The Chief Constable submits that he does not yet know whether Merseyside Police may be the subject of explicit or significant criticism. The Inquiry is unable to confirm at this stage, whether it may be subject to explicit or significant criticism. However, for the reasons already given, I am satisfied that the Chief Constable of Merseyside Police should be designated a Core Participant in relation to this case studies investigation.

9. 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.

10. I am satisfied that the Chief Constable of Merseyside Police has appointed Caroline Ashcroft, Force Solicitor as his qualified lawyer in relation to this investigation. I therefore designate Ms Ashcroft as the recognised legal representative for the Chief Constable of Merseyside Police in accordance with Rule 6(1) as I am required by that rule to do.

11. 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 **20 July 2016**

Chair, Independent Inquiry into Child Sexual Abuse