

**FINAL DETERMINATION
RESTRICTION ORDER APPLICATION**

Introduction

1. On 1 October 2018 the Inquiry commenced its public hearing in the investigation into the extent of any institutional failures to protect children in the care of Nottingham City and Nottinghamshire Councils from sexual abuse and exploitation. In connection with this investigation, the Inquiry has gathered evidence from a range of individuals and organisations, including complainant core participants.

Application on behalf of the Chief Constable of Nottinghamshire Police (the ‘Chief Constable’)

2. During the first week of the public hearing, the Inquiry heard evidence from a range of complainant core participants. On 5 October 2018, the Inquiry was due to hear evidence from a complainant core participant referred to in the Inquiry’s proceedings as P16. On the same day, the Chief Constable’s legal representatives raised concerns that P16’s proposed evidence related to an ongoing police investigation. The Inquiry therefore took action to remove access for core participants to P16’s witness statement on the Inquiry’s evidence management system pending consideration of a restriction order application and P16 did not give evidence to the Inquiry that day.
3. On 23 October 2018 the Chief Constable submitted an application for a restriction order pursuant to section 19(1)(b) of the Inquiries Act 2005. The application states that the witness statement and exhibits of P16 (also referred to in this investigation as NO-A40) contain information which relates to an ongoing police investigation. The specific documents to which the application relates are set out in Annex A which is attached to the open application. The closed section of the application ‘Annex B’ comprises schedules which identify the sensitive information and explain why the information is considered sensitive. The application makes clear that the restriction



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order is sought to cover only those parts of the documents that are considered necessary in the public interest. The Chief Constable considers that disclosure or publication of the information will risk prejudice to the course or outcome of criminal investigations or prosecutions such that a restriction order should be made in the public interest. I understand that the Chief Constable's legal representatives have discussed the specific redactions sought in the documents referred to in Annex B with P16's legal representatives who have raised no objections to the restriction sought.

4. The application states that the Chief Constable does not seek for the restriction order to apply to Nottinghamshire County Council, Nottingham City Council or the Crown Prosecution Service (CPS) because those organisations have ongoing duties with regard to safeguarding and pursuing investigations and prosecutions.

Provisional Determination

5. On 24 October 2018 the application was circulated to core participants in this investigation, together with my provisional determination indicating that I was minded to grant the application. In my provisional determination I noted that counsel to this investigation had liaised with the Chief Constable's legal representatives prior to submission of the application to ensure that as much information as possible can be disclosed and published. Counsel to the investigation indicated that they considered the restriction order sought is necessary in the public interest and that the proposed restrictions go no further than is necessary in the public interest.
6. Core participants were invited to make written submissions as soon as possible and by 4pm on 25 October 2018. Enquiries were made with media representatives to find out if they wished to make submissions. The Inquiry has received no submissions in response. Accordingly, I set out below my final decision on the application.

Final decision on application



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7. There is a presumption that the Inquiry's proceedings will be conducted in public. Section 18 of the Inquiries Act 2005 provides that, subject to one matter, I must take reasonable steps to ensure that members of the public can attend the Inquiry or see and hear a simultaneous transmission of the proceedings and can obtain or view a record of the evidence and documents given. However, where it is necessary in the public interest to do so, I may make a restriction order under section 19 of the Inquiries Act 2005 preventing disclosure or publication.
8. Section 19 of the Inquiries Act 2005 provides as follows:
 - (1) *Restrictions may, in accordance with this section, be imposed on -*
 - (a) *attendance at an inquiry, or at any particular part of an inquiry;*
 - (b) *disclosure or publication of any evidence or documents given, produced or provided to an inquiry.*
 - (2) *Restrictions may be imposed in either or both of the following ways -*
 - (a) *by being specified in a notice (a "restriction notice") given by the Minister to the chairman at any time before the end of the inquiry;*
 - (b) *by being specified in an order (a "restriction order") made by the chairman during the course of the inquiry.*
9. Section 19(3) makes it clear that a restriction order must specify only such restrictions as I consider to be conducive to the Inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard in particular to the matters mentioned in section 19(4). Those matters are as follows:
 - a. The extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
 - b. Any risk of harm or damage that could be avoided or reduced by any such restriction. Harm or damage includes death or injury and damage to national security or international relations;



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- c. Any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the Inquiry;
 - d. The extent to which not imposing any particular restriction would be likely
 - i. to cause delay or to impair the efficiency or effectiveness of the inquiry, or
 - ii. otherwise to result in additional cost (whether to public funds or to witnesses or others).
10. Having carefully considered section 19 of the Inquiries Act 2005 and the Chief Constable's application, I am satisfied that a restriction order is necessary in the public interest and I make the following decisions pursuant to sections 19(1) and (2)(b) in respect of this investigation.
- a. A restriction order is granted to cover the information identified in Annex B. Annex B itself is also covered by the restriction order;
 - b. The material covered by the restriction order is not to be published and is not to be disclosed to any core participant other than Nottinghamshire County Council, Nottingham City Council and the CPS.
11. Pursuant to section 20(4), I may vary or revoke this restriction order by making a further order in the course of the Inquiry.
12. Any person affected by this restriction order may apply in accordance with section 20 to vary its terms.
13. This restriction order continues in force indefinitely, unless the order is varied or revoked pursuant to section 20.

**Professor Alexis Jay OBE
Chair, Independent Inquiry Child Sexual Abuse**

26 October 2018