



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

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.

Application by the CPS

2. During the public hearing on 4 October 2018 the account of a complainant core participant known to the Inquiry as D26 was read into the transcript. The police and the CPS raised concerns shortly after that the information related to an ongoing police investigation. The Inquiry therefore redacted the account of D26 from the transcript pending consideration of a restriction order application.
3. On 17 October 2018 the CPS submitted an application for a restriction order pursuant to section 19(1)(b) of the Inquiries Act 2005. The application states that the account of D26 which was read into the transcript on 4 October 2018, and the account of Q1 which is contained in the summary table INQ002574, both relate to an active police investigation and a live case for the purposes of the CPS. The application explains that the CPS seeks a restriction order to prevent the disclosure or publication of the information provided in respect of the live case until such time as the criminal justice process into the same has concluded in order to reduce the potential of any prejudice to the ongoing criminal proceedings. The closed section of the CPS' application provides further specific detail regarding the nature of the risk of prejudice in this case.

Provisional Determination



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4. 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 considered the CPS' application, and that they considered the restriction order sought was necessary in the public interest and that the proposed restrictions went no further than is necessary in the public interest.
5. 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

6. 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.
7. 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;*



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(b) by being specified in an order (a “restriction order”) made by the chairman during the course of the inquiry.

8. 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;
 - 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).
9. Having carefully considered section 19 of the Inquiries Act 2005 and the CPS’ 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 specific passages of D26’s account in the transcript of the hearing on 4 October 2018 and Q1’s account in the



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summary table INQ002574 which relate to a live case. The closed section of the CPS' application is also covered by the restriction order;

b. The information covered by the restriction order is not to be published and is not to be disclosed to any core participant.

10. Pursuant to section 20(4), I may vary or revoke this restriction order by making a further order in the course of the Inquiry.

11. Any person affected by this restriction order may apply in accordance with section 20 to vary its terms.

12. 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