

**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 were limited at that time to participation in four case studies. By a notice of determination dated 19 August 2016, the Panel and I have now designated Stanhope Castle as an additional case study for the Accountability and Reparations investigation.
2. An application was made by Stanhope Castle Survivor Group (“SCSG”) for Stanhope Castle Approved School to be designated as a case study for this investigation, for core participant status to be granted as the survivor group and for the individual members of that group to also be designated in the Accountability and Reparations investigation. On 20 July 2016 the former Chair and Panel provisionally declined the application for Stanhope Castle Approved School to be designated as a case study for this investigation. On that same date, the former Chair also declined the application for core participant status to be granted as the survivor group and for the individual members of that group.
3. Oral submissions to renew the application were made at the preliminary hearing for this investigation on 29 July 2016. The former Chair and Panel, of which I was one, heard those submissions. Since my appointment as Chair I have considered the renewed application and submissions made in support of it. This notice sets out my determination of his application.
4. 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.

5. A 'person' for the purposes of Rule 5 includes "a body of persons, incorporate or unincorporate" (as defined by the Interpretation Act 1978 (per section 5 and schedule 1 (Words and Expressions Defined))).
6. SCSG is an unincorporated survivor representative group. There are nine individuals who describe themselves as "open" members of the group, in that they are prepared to allow their names to go forward. These nine individuals have also made individual applications for core participant status which I have granted. However, I am informed that there is a very substantial number of other survivors from Stanhope Castle Approved School who stand behind SCSG and who wish to remain anonymous at this time.
7. I understand SCSG may be able to assist the inquiry in a direct way about the institutional response to information that children were or may have been sexually abused within such homes. As an unincorporated group, SCSG may be designated as a core participant if it satisfies the Rule 5(2) criteria. In determining the application, the matters listed in Rule 5(2) must be considered, but the list is not exhaustive and other relevant matters can also be taken into account.

8. Having regard to the provisions of Rule 5(2), for the following reasons I am satisfied that SCSG be designated a core participant in this investigation. As part of this investigation, the Inquiry will consider the experiences of individuals placed in Stanhope Castle 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.
9. Any victims and survivors of child sexual abuse who are members of SCSG (and any member who witnessed child sexual abuse) will be central to issues which this investigation will consider. I am therefore satisfied (for the purposes of Rule 5(2)(a)) that SCSG, as an organisation whose purpose is to represent the victims and survivors of child sexual abuse and whose members may have been subject to or witnessed child sexual abuse, is an organisation with a direct and significant role in relation to matters under investigation. I am further satisfied, for the same reason, that SCSG has a significant interest (for the purposes of Rule 5(2)(b)) in an important aspect of the matters under investigation.
10. 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.
11. 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.

12. I am satisfied that SCSG has appointed David Enright of Howe+Co as their qualified lawyer in relation to this investigation. I therefore designate Mr Enright as the recognised legal representative for SCSG in accordance with Rule 6(1) as I am required by that rule to do.

13. I take this opportunity to draw SCSG's attention to the directions issued at the preliminary hearing held in relation to the Accountability and Reparations investigation on 29 July 2016, in particular the direction that any application made by SCSG or on its behalf for an award of legal expenses under section 40 of the Inquiries Act 2005 by made by 4pm on 8 September 2016, such application to address the matters set out in paragraph 12 of the Inquiry's cost protocol which is

available on the Inquiry's website. In light of the renewal and reconsideration of SCSSG's application for core participant status I am happy to extend the time for it to submit any application under section 40 of the Inquiries Act to 4pm on 22 September 2016. I would also direct SCSSG's attention to the other directions made at the preliminary hearing on 29 July 2016.

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

19 August 2016