



# INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

## NOTICE OF DETERMINATION

### RECOGNISED LEGAL REPRESENTATIVE

1. On 2 May 2018 I designated F54 as a core participant in the investigation into the institutional responses to allegations of child sexual abuse involving the late Lord Janner of Braunstone QC.
2. F54 applied for Howe and Co solicitors be appointed as his recognised legal representative in respect of the Inquiry's proceedings. In my determination of that application, I noted that I had already designated three other solicitors firms as recognised legal representatives of complainant core participants in this investigation. I invited further written submissions from Howe and Co solicitors on behalf of F54 addressing the question of whether and why separate legal representation is necessary.
3. Howe and Co have made further submissions to the Inquiry on this issue, which I have considered carefully. In particular, I note that Howe and Co have acted for F54 for a considerable period of time in relation to both the Inquiry and other matters. It is said that as a result he has developed trust and confidence in them as his legal representatives. It is further submitted that F54 does not wish to go through the process of disclosing his experiences again to a new solicitor that he has no relationship with and has indicated that if he were not permitted to be represented by Howe and Co he would withdraw from the Inquiry.
4. I accept that as Howe and Co have acted for F54 for a period of time in relation to the Inquiry and other matters related to his allegations, and in light of the nature of the allegations he has shared with them, he is likely to have established a relationship of trust with them. In the circumstances, I do not consider that it would appropriate under Rule 7(1)(c) for me to direct that F54 should be represented by one of the other legal firms acting for complainant core participants in this investigation.



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5. Accordingly, I designate David Enright of Howe and Co as F54's recognised legal representative for the purposes of the Inquiry's proceedings.
6. However, I have obligations under section 17(3) of the Inquiries Act 2005 to act with fairness and with regard to the need to avoid any unnecessary costs. This includes exercising my direction under section 40 to make an award in respect of legal representation in a manner which is proportionate and focussed. There are a range of ways in which I may take steps to comply with my section 17(3) duty under the Inquiries Act and the Inquiry Rules 2006. This includes exercising my powers under Rules 20 to 34 in relation to any applications for awards under section 40 in a manner which ensures that any funding is provided in a proportionate way.
7. I consider it essential that the designated legal representatives of complainant core participants, whose interests in the Inquiry are similar, adopt collaborative ways of working in order to avoid unnecessary costs being incurred in accordance with the requirements of section 17(3). This approach ensures that the complainant core participants concerned have the benefit of a designated legal representative with whom they have established a relationship of trust, whilst also ensuring that any legal expenses incurred for which complainant core participants seek reimbursement by an award made under section 40 remain proportionate and focussed.
8. Accordingly, if F54 wishes to apply for funding under section 40 of the Inquiries Act 2005, I would expect Howe and Co to put forward carefully considered submissions as to how they can work with other firms representing complainant core participants in this investigation to manage costs so that they are proportionate and effective.
9. If F54 wishes to make an application for an award for expenses to be incurred in respect of legal representation under section 40 of the Inquiries Act 2005 it must be submitted by 12 July 2018. Any such application will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.



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**Professor Alexis Jay OBE**

**Chair, Independent Inquiry into Child Sexual Abuse**

**28 June 2018**