



INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

1. On 25 January 2016 the Inquiry invited anyone who wished to be designated as a core participant in the investigation into institutional responses to allegations of child sexual abuse involving the late Lord Janner of Braunstone QC (“this investigation”) to make an application to the Solicitor to the Inquiry by 22 February 2016. For brevity, in the rest of this determination, I will refer to the late Lord Janner of Braunstone QC as “Lord Janner”. No discourtesy is intended by this.
2. On 13 March 2018 an application for core participant status was made by Howe and Co solicitors on behalf of F54 and 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.



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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. This application has been lodged over two years after the deadline for core participant applications in this investigation. Notwithstanding the delay, I have a discretion pursuant to Rule 5(1) to designate a core participant "at any time" during the course of the Inquiry.
6. I understand that the reason for the delay in submitting an application in this investigation is that F54 initially applied for core participant status in the Inquiry's Westminster investigation, which has only recently invited applications for core participant status. I explained in my determination of that application (in which F54 was given the cipher WM-A4) that I was not satisfied that F54 fulfilled the criteria in Rule 5(2) of the Inquiry Rules 2006, or that there was any other good reasons to designate him as a core participant in the Westminster investigation. I noted however that F54 may wish to consider making an application for core participant status in this investigation. In these circumstances, I am satisfied that the delay should not stand in the way of my considering F54's application.
7. In the application submitted on his behalf, F54 alleges that he was raped at Dolphin Square whilst in the care of social services by a person he subsequently believes to have been Lord Janner. He also alleges that he was abused by a housemother whilst in care and that Hackney Social Services had been aware of this abuse.
8. Having regard to the provisions of Rule 5(2), I am satisfied that F54 has a significant interest in the matters under investigation. In particular, I am satisfied that he has an interest in the adequacy and propriety of law enforcement investigations and prosecutorial decisions relating to allegations against Lord Janner, the extent to which various institutions were aware of the allegations and, if they were, the adequacy of their response and whether and to what extent there were failings of



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institutions to protect children from sexual abuse. I am therefore satisfied that F54 should be designated a core participant in this investigation.

9. 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. Although designation as a core participant will mean that the individual or organisation will have access to documentary material obtained by the Inquiry (subject to having provided a confidentiality undertaking), it is likely that the Inquiry will limit such disclosure to material that relates to their specific interest in this investigation.

10. 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.



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(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.

11. It is requested that Howe and Co solicitors are appointed as F54's recognised legal representative in respect of the Inquiry's proceedings, although no specific qualified lawyer at Howe and Co solicitors is proposed.
12. In this investigation, I have already designated Kim Harrison of Slater and Gordon solicitors, Peter Garsden of Simpson Millar LLP and Nicola Kitchener of Affinity Law solicitors as the recognised legal representatives of their respective complainant core participant clients.
13. Rule 17(3) of the Inquiries Act 2005 requires that in making any decision as to the procedure or conduct of an inquiry, I must act with fairness and with regard to the need to avoid any unnecessary costs (whether to public funds or to witnesses or others). Rule 7 of the Inquiry Rules 2006 provides a process for managing legal representation, and thereby any associated legal costs, of core participants whose interests in the outcome of the inquiry are similar, who are likely to rely on similar facts in the course of the Inquiry, and in relation to whom it would be fair and proper for them to be jointly represented.
14. If I am satisfied that the criteria of Rule 7 are met in respect of any core participants, I must direct that those core participants are represented by a single legal representative.
15. In light of the issues in relation to possible joint representation with other complainant core participants, it is necessary that I consider whether I should direct F54 to be represented by one of the three other legal representatives acting on behalf of



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complainant core participants in this investigation. I therefore invite further written submissions from Howe and Co solicitors addressing the question of whether and why separate legal representation is necessary and reserve my determination on this issue.

16. 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 and focussed way. Therefore, if it is submitted that it is necessary for F54 to have separate legal representation, proposals should be put forward about working collaboratively with other designated legal representatives of complainant core participants to ensure that costs are managed effectively. This includes exploring the possibility of instructing the same Counsel to act on their behalf.

17. Please ensure that submissions on the issue of separate legal representation are provided **by no later than Friday 25 May 2018**.

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

2 May 2018