

**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 Middlesbrough Borough Council for core participant status in the Accountability and Reparations investigation. 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.*

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. Having regard to the provisions of Rule 5(2), I am satisfied that Middlesbrough Borough Council has played a direct and significant role in relation to matters under investigation and/or has a significant interest in an important aspect of the matters under investigation.
6. 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.
7. Middlesbrough Borough Council has assumed liabilities arising from the operation of Stanhope Castle Approved School. These liabilities rest with Middlesbrough Borough Council as a result of responsibility for approved schools being transferred from the Home Office to predecessor Local Authorities in the 1970s which were then subsequently abolished. These liabilities are undertaken on behalf of four unitary authorities (Middlesbrough Borough Council, Redcar and Cleveland Borough Council, Stockton on Tees Borough Council and Hartlepool Borough Council).
8. Further, Middlesbrough Borough Council is involved in civil litigation in relation to the Stanhope Castle Approved School. Middlesbrough Borough Council also submits that it is foreseeable that it may be the subject of criticism during the Inquiry proceedings as the investigation addresses the handling of claims and the conduct of litigation.
9. I am therefore satisfied that Middlesbrough Borough Council should be designated a core participant in relation to this case studies 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.*
- (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. I am satisfied that Middlesbrough Borough Council has appointed Henry Bermingham of BLM, as their qualified lawyer in relation to this investigation. I therefore designate Mr Bermingham as the recognised legal representative for Middlesbrough Borough Council in accordance with Rule 6(1) as I am required by that rule to do.

12. I draw Middlesbrough Borough Council's attention to the transcript of the preliminary hearing in this investigation held on 29 July 2016 and the subsequent directions insofar as they are relevant to them as a core participant.

**Professor Alexis Jay OBE**

**10 November**

**2016**

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