

## **Core Participant Status - Frequently Asked Questions**

### **1. What is a core participant**

A core participant is an individual, organisation or institution that has a specific interest in the work of the Inquiry, and has a formal role as defined by legislation. Core participants have special rights in the Inquiry process. These include receiving disclosure of documentation, being represented and making legal submissions, suggesting questions and receiving advance notice of the Inquiry's report. It is not necessary to be a core participant in order to provide evidence to the Inquiry.

### **2. Who decides whether I am a “core participant”?**

The Chair, The Hon. Lowell Goddard DNZM, decides whether applicants will be designated as a core participant.. She will consider the matters set out at Rule 5(2) of the Inquiries Act 2005, which can be found within the [guidance for potential core participants](#).

The Chair does not have to designate a person or organisation as a core participant simply because they meet the criteria set out in Rule 5 of the Inquiry Rules. The Chair may also take into account other relevant matters and she has a wide discretion that she will exercise fairly and consistently.

### **3. What is the difference between a core participant and witness**

#### *(a) Core Participant*

Broadly speaking a core participant is an individual or an institution that played, or may have played a direct or significant role in relation to the matters to which the Inquiry relates; has a significant interest in an important matter to which the Inquiry relates; or may be subject to explicit or significant criticism during the Inquiry proceedings or in a report prepared by the Inquiry.

Core participants can also provide the Inquiry with evidence. In summary, the difference between a core participant and a witness is that core participants will also:

- a. be provided with electronic disclosure of evidence, subject to any restrictions made under section 19 of the Inquiries Act 2005 and subject to a formal promise to keep the evidence confidential until it is used in any public hearing;
- b. be able to make opening and closing statements at any hearing;
- c. be able to suggest lines of questioning to be pursued by Counsel to the Inquiry;
- d. be able to apply to the Inquiry Panel to ask questions of witnesses during a hearing.

*(b) Witness*

A witness is someone who provides evidence to the Inquiry. For example, a witness may provide the Inquiry with a witness statement or documents. Witnesses may also be asked to attend to give oral evidence during a public hearing. It is not necessary to be a core participant in order to provide evidence to the Inquiry.

Witnesses may be legally represented if they wish and section 40 of the Inquiries Act 2005 gives the Chair the power to award expenses and legal costs to those who provide the Inquiry with evidence, whether they are core participants or not (further information on legal costs will be provided on the Inquiry website).

**5. I am attending the Truth Project, should I apply to be a core participant?**

The Inquiry will not make individual factual finding on the basis of what is said during the private Truth Project Hearings. They will however enable the Inquiry to piece together a broader picture of the scale and nature of institutional child sexual abuse in England and Wales. Because of the informal nature of the the Truth Project it is not necessary for victims and survivors who attend a Truth Project session to apply to be designated as a core participant.

**6. How and when should I apply**

On 5 January 2016 the Inquiry will open the application process for a number of its investigations. Please do not submit applications before the Inquiry provides further details on this date. Further information will be provided on the News [\[link\]](#) and Investigations [\[link\]](#) pages of the website.

When the Inquiry invites applications, individuals or institutions who are thinking of applying to be designated as a core participant should read the [guidance](#) for potential core participants [\[hyperlink\]](#) before deciding whether to apply .

**7. If designated, would I be a core participant for all parts of the Inquiry?**

There will be very few, if any, core participants that are designated for all of the Inquiry's investigations. Core participant applications will only be granted in relation to particular investigations in which the applicant has a specific interest.

**8. Is a core participant entitled to legal representation?**

Anyone designated as a core participant is entitled to appoint a legal representative if they wish. Whether the Inquiry will fund legal costs and, if so, to what extent, is a separate issue (see below).

A core participant's recognised legal representative is a lawyer acknowledged by the Inquiry as acting on their behalf. They have a recognised role within the Inquiry proceedings. Amongst other things, at hearings, recognised legal representatives can make opening and closing statements and can apply to the Inquiry Panel to ask questions of witnesses. In practice most of the questioning will be undertaken by counsel to the inquiry.

Where the Chair considers that two or more core participants have similar interests, she will expect them to be jointly represented, if it is fair and proper for them to be. If the joint core participants do not agree about appointing a lawyer, the Chair may appoint one for them.

### **9. Can I get funding for my legal expenses and am I automatically entitled to that?**

Decisions about the Inquiry paying for expenses, including legal costs are made on a case by case basis and in accordance with the Costs Protocol [link]. Under section 40 of the Inquiries Act 2005, the Chair has the power to make awards to cover expenses, including reasonable legal costs to those who give evidence to the Inquiry. This includes witnesses, as well as core participants.

Core participants (or witnesses) are not automatically entitled to have their legal costs paid. As the Chair explained in her opening statement [hyperlink], she would ordinarily expect major institutions and organisations to be able to fund their own legal costs. Anyone who is designated as a core participant can apply for funding; guidance on that will be provided on the Inquiry's website .

As with all matters relating to the procedure and conduct of the Inquiry, when considering whether to make awards for expenses the Chair has a legal obligation to avoid any unnecessary cost.

#### **Useful links are as follows:**

- [Core participant protocol](#)
- [Inquiries Act 2005](#)
- [Inquiry Rules 2006](#)
- [Costs protocol and Section 40 determination](#)