



# INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

## NOTICE OF DETERMINATION CORE PARTICIPANT APPLICATION

1. On 30 August 2017 the Inquiry invited anyone who wished to be designated as a core participant in the Westminster investigation to make an application to the Solicitor to the Inquiry by 27 October 2017. A number of applications were received and determined. Two preliminary hearings have been held, the first on 31 January 2018 and the second on 30 October 2018. Substantive hearings are due to take place over three weeks in March 2019.
2. On 19 November 2018, the Inquiry received applications made on behalf of the National Police Chiefs' Council ('the NPCC') for core participant status in several of the Inquiry's investigations, including the Westminster investigation. This determination only addresses the NPCC's application for core participant status in the Westminster investigation.
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 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.
5. As will be apparent from the chronology given above, the NPCC's application was lodged more than a year 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. It appears from correspondence received from the NPCC that the delay in making this application is largely the result of the NPCC's developing understanding of the Inquiry's work, combined with a more recent delay in obtaining internal authorisation for the application. Although I do not regard these explanations as entirely satisfactory, I do not consider that the delay has caused any prejudice to the work of the Inquiry, and I have not therefore taken it into account in reaching my decision.
7. The NPCC's application explains that it is a body that represents the 43 police chief officer teams across England and Wales. The NPCC was established in 2015 as the replacement organisation for the Association of Chief Police Officers. Its key functions include (a) the coordination of national operations, including the police response to national emergencies and mobilisation of resources internationally; (b) command and delivery of counter-terrorist policing; and (c) the implementation of standards and policy as set by the College of Policing and the Government. It works closely with the College of Policing to develop national strategies in areas such as criminal justice, performance management and human resources including misconduct and discipline.
8. The application refers to the Definition of Scope of the Westminster investigation, and highlights those elements of it that concern police conduct. The application asserts that
  1. *Police forces across the country play a significant role in investigating allegations of child sexual abuse in these circumstances and play a key role in safeguarding.*
  2. *A number of police forces have been responsible for the investigation of allegations made against prominent people associated with*



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*Westminster.*

3. *These investigations have come under significant scrutiny and as a consequence have impacted upon NPCC policy.”*

9. As to the particular interest that the NPCC has in the Westminster investigation, the application states as follows:

*“The NPCC has a variety of interests that arise out of the inquiry, which will consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with recommendations.*

...

*The NPCC (through Operation Hydrant and its access to the 43 forces of England and Wales) is likely to be able to assist the Inquiry in its understanding of the approach of the police service to the investigation of child sexual abuse and exploitation. Although the NPCC has not played a direct role in past events, the NPCC is able to make significant contributions on issues of policy and strategy, for example by providing expert evidence and/or examples of good practice and policy in relation to policing. As the Inquiry looks to identify recommendations for the future protection of children, the Inquiry will advise on further action needed to address any institutional protection gaps within current child protection systems on the basis of the findings and lessons learnt from this specific investigation. This will necessitate a review of current standards of police investigation and professional practice. Through its role in implementing standards and policy, the NPCC is keen to play an active role in discussions prior to any recommendations being made by the Inquiry.”*

10. The question that I must resolve on this application is whether the NPCC has a sufficient interest in the Westminster investigation to warrant the grant of core participant status. I make the following observations in that regard.
11. First, the Westminster investigation is well progressed. It has been assisted considerably in its work by Operation Hydrant, in particular in contacting and making disclosure requests to the 43 police forces. The investigation is unlikely to require any further practical assistance from the NPCC, and even if it did this would not be a factor that was relevant to the grant of core participant status.



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12. Second, there is no current intention that the Westminster investigation should hear expert evidence relating to good practice or policy in relation to policing of the type mentioned in the NPCC's application. Nor is it intended, as part of this investigation, to conduct what the NPCC describes as "*a review of current standards of police investigation and professional practice.*"
13. Third, as will be apparent from the submissions of Counsel to the Inquiry at the two preliminary hearings, the evidence that the investigation will hear relating to possible police failings will focus on discrete allegations, most relating to events 20 or 30 years ago. The NPCC did not play any part in these events and there is clearly no prospect of it being the subject of any criticism. Most of the allegations relate to the conduct of the Metropolitan Police, which has been granted core participant status, as has Wiltshire Police.
14. Finally, I note that, in addition to the Metropolitan Police and Wiltshire Police, the Inquiry has available to it the assistance of the Home Office, the IOPC and the CPS, which have all been granted core participant status in the Westminster investigation.
15. On 7 December 2018, I indicated to the NPCC that I was minded to refuse the application and that if it wished to renew this it should do so by 20 December 2018. The Inquiry received no representations in response and accordingly I now make my final determination of this application.
16. I have considered this application with care. However, for the reasons set out above I am not satisfied that the NPCC has a sufficient interest in the Westminster investigation to warrant the granting of core participant status. I have therefore decided not to designate it as a core participant in this investigation.
17. I will keep the scope of the investigation and the designation of core participants under review as the Inquiry progresses and further invitations to apply for core participant status may be made as the investigation proceeds. My decision not to designate the NPCC as a core participant in this investigation does not preclude it from making a future application in respect of other investigations. I will consider any future application which the NPCC wishes to make on its merits.



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**21 January 2019**

**Professor Alexis Jay OBE**

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