

NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION – THE HOME OFFICE

1. The Brook House Inquiry was announced by the Secretary of State for the Home Department on 5 November 2019. In my opening statement on 21 April 2020, I formally invited those who wished to be considered for Core Participant status to submit a written application. A deadline was set for 19 May 2020.
2. I received a written application from the Home Office for Core Participant status dated 27 February 2020. I gave careful consideration to the application and on 7 April 2020 granted the application, for the reasons set out in detail below.

Application

3. The designation of individuals or organisations as Core Participants ('CPs') in an Inquiries Act inquiry is governed by Rule 5 of the Inquiry Rules 2006. The relevant paragraphs provide:

"Core participants

5.—(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.”

4. In the application submitted by the Home Office, the applicant’s role is stated as the following: *“The Home Office was responsible for the running of Brook House at the relevant time and it therefore played, or may have played, a direct and significant role in relation to the matters to which the Inquiry relates and has a significant interest in an important aspect of these matters”*.
5. The application seeks the granting of core participant status under Rule 5(2)(a) and (b) of the Inquiry Rules 2006.

Decision

6. I have considered the application in line with my approach as set out below. I have concluded that the Home Office meets the requirements of Rule 5(2)(a) and (b) for the following reasons:

The tests under Rule 5(2)(a): a direct and significant role and Rule 5(2)(b): a significant interest in an important aspect

7. It is clear that, being the government department responsible for the running of Brook House at the relevant time, the Home Office had a direct and significant role in events at Brook House in 2017 and into any changes that may have followed the broadcast of the

Panorama documentary. Their significant interest in the matters to which this Inquiry relates is clear, for the same reason.

Conclusion

8. I considered the statutory tests and determined that the application submitted on behalf of the Home Office's provides sufficient evidence of its direct and significant role and significant interest in the specific events at Brook House in the relevant period. I therefore designated the Home Office as a Core Participant to the Brook House Inquiry on 7 April 2020.

Legal Representative

9. 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.

10. Accordingly, as I am satisfied that the Home Office has appointed Mr Francis Milivojevic of the Government Legal Department as its qualified lawyer, I designate Mr Milivojevic as the Home Office's recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.

Kate Eves

Chair to the Brook House Inquiry

06 August 2020