

NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION – ‘MA’

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 MA for Core Participant status dated 2 December 2019. I gave careful consideration to the application and on 17 December 2019 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 on behalf of MA, he is described as *“the primary victim of the incidents that were shown on the Panorama documentary and as one of the Claimants in MA & BB v SSHD [2019] EWHC 1523 (Admin)”*.
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 MA meets the requirements of Rule 5(2)(a) and (b) for the following reasons:

The test under Rule 5(2)(a): a direct and significant role

7. MA’s experiences at Brook House are clearly of relevance to the first question that this Inquiry will address: the prevalence and severity of any mistreatment taking place at Brook House from 1 April 2017 to 31 August 2017.

The test under Rule 5(2)(b): a significant interest in an important aspect

8. Following an assessment of the extent and nature of any mistreatment at Brook House, the Inquiry will turn to the question of the degree to which policies, practices and systems may have caused or contributed to it. It is then my intention to focus on the question of the adequacy of the safeguards designed to detect mistreatment. Finally, I will address the issue of whether the broadcast of the Panorama programme resulted in any changes and, crucially, whether those changes were adequate.
9. It is clear that MA will have significant interest in many of the important aspects of the Inquiry's remit. He is one of two former detainees who have played a central role in seeking public scrutiny of the events at Brook House in 2017 and is therefore significantly interested in the matters to which this Inquiry relates.

Conclusion

10. I considered the statutory tests and determined that MA's application provides sufficient evidence of his direct and significant role and significant interest in the specific events at Brook House in the relevant period. I therefore designated MA as a Core Participant to the Brook House Inquiry on 17 December 2019.

Legal Representative

11. 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.

12. Accordingly, as I am satisfied that MA has appointed Mr Lewis Kett of Duncan Lewis Solicitors as his qualified lawyer, I designate Mr Kett as MA's recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.
13. I also decided, in principle, on 17 December 2019 that MA's legal expenses should be funded by the Inquiry (subject to the terms of the costs protocol).

Kate Eves
Chair to the Brook House Inquiry
06 August 2020