

NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION – G4S HEALTH SERVICES (UK) LIMITED ('G4S HEALTH')

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 G4S Health Services (UK) Limited ('G4S Health') for Core Participant status dated 20 October 2020. I have been given an explanation for the late application. It appears that G4S Care and Justice Services (UK) Limited ('G4S Care and Justice'), which applied for Core Participant status on 12 May 2020, initially took the view that it could represent the interests of G4S Health. I granted Core Participant status to G4S Care and Justice on 6 August 2020. The two companies have now reconsidered the situation and reached the view that separate Core Participant status for each would be more appropriate. They are both, however, represented by the same legal team.
3. I have given careful consideration to the application and I have decided to grant the application, for the reasons set out in detail below.

Application

4. 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.”

5. In the application now submitted on behalf of G4S Health, the applicant’s role is stated as the following: *“The [Core Participant] Applicant was and remains responsible for responsible for the provision of healthcare services at Brook House.”*
6. The application seeks the granting of core participant status and indicates that Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006 may apply.

Decision

7. I have considered the application in line with my approach as set out below. I have concluded that G4S Health meets the requirements of Rule 5(2)(a), (b) and (c) 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

8. It is clear that, for the purposes of Rule 5(2)(a), as a healthcare provider operating within Brook House at the relevant time, G4S Health 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. In addition, for the purposes of Rule 5(2)(b), G4S Health's significant interest in the matters to which this Inquiry relates is also clear.

The test under Rule 5(2)(c): The potential for explicit or significant criticism

9. I turn now to the possibility that G4S Health, or individual G4S Health members of staff, may face explicit or significant criticism during the Inquiry's proceedings or in its reports. As the organisation operating Brook House and therefore employing staff shown in the Panorama programme, it is reasonable to consider that there may be explicit or significant criticism of G4S Health throughout the Inquiry's proceedings and therefore the requirement under Rule 5(2)(c) is also met.

Conclusion

10. I have not inquired into the reasons for which G4S Health has decided at this stage that it should seek core participant status in its own right. It seems to me that it was for the two G4S companies to decide whether representation of G4S Health by G4S Care and Justice was appropriate. The late application has not caused the Inquiry to incur unnecessary cost, and granting the application would not lead to delay in the Inquiry's work or to unreasonable cost to the public purse.

11. I have considered the statutory tests and determined that the application submitted on behalf of G4S Health provides sufficient evidence of its direct and significant role and significant interest in the specific events at Brook House in the relevant period. I also consider that there are reasonable grounds to believe that the organisation, or its members, may be subject to criticism during the course of the Inquiry.
12. I therefore grant G4S Health status as a Core Participant to the Brook House Inquiry.

Legal Representative

13. Applications for designation as the recognised legal representative of a core participant are governed in relevant respects by Rule 6 of the Inquiry Rules 2006, which provides 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.

14. Accordingly, as I am satisfied that G4S Health has appointed Ms Naomi McMaster of DWF as its qualified lawyer, I designate Ms McMaster as G4S Health's recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.

Kate Eves
Chair to the Brook House Inquiry
21 October 2020