

NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION – PPG

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. An initial deadline for applications was set for 19 May 2020 but I committed to consider any application I received as the Inquiry progressed.
2. I received a written application from Practice Plus Group ('PPG') for Core Participant status dated 8 November 2021. 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

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. The application to designate PPG as a Core Participant can be summarised as follows. PPG submits that it meets the criteria provided by Rule 5(2)(a), (b) and (c) because it played a direct and significant role in relation to the matters to which the inquiry relates; it has a significant interest in an important aspect of the matters to which the inquiry relates; and it employs all but one of the members of healthcare staff who were employed by G4S in 2017 and [its' staff] may be subject to explicit or significant criticism.

5. In the application submitted on behalf of PPG, the organisation is described as follows:

'PPG the current operator of the primary care services for Brook House and employs all but one of the staff who were previously employed by G4S in 2017. Our staff therefore played a role in relation to the matters to which the inquiry relates and may face criticism in relation to those roles. I also note the Chair's intention to consider current practice, police and procedures in IRCs which is of direct relevance and significance to PPG.'

6. In respect of Rule 5(2)(a) and (b), PPG submits that it *'.....we also note that the Inquiry will be examining clinical matters which are now the responsibility of PPG, and that it will be looking at whether changes to clinical care (and wider policies and practices) could prevent recurrence. Related to this, the Inquiry Chair has stated that it will be important to consider the current practice, policies and procedures which operate in IRCs now'*.

7. Regarding Rule 5(2)(c), PPG submits that it employs '*...all but one of the staff who were previously employed by G4S in 2017. Our staff therefore played a role in relation to the matters to which the inquiry relates and may face criticism in relation to these roles.*'

Decision

8. I have considered the application in line with my approach as set out below and have decided to grant the application for the following reasons.

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

9. It is clear that, for the purposes of Rule 5(2)(a), as a healthcare provider operating within Brook House now and employing staff from the relevant time, PPG have a direct and significant role in relation to the matters to which the inquiry relates.

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

10. In relation to clinical issues that may relate to the mistreatment at Brook House, I accept that PPG is likely to have a significant interest in two specific aspects of the Inquiry's terms of reference:

1. Whether any clinical care issues caused or contributed to any identified mistreatment;
2. Whether any changes to clinical care would help to prevent a recurrence of any identified mistreatment.

11. I have concluded that the organisation's role as a provider of primary care services is likely to result in PPG having a significant interest in an important aspect of the matters to which the Inquiry relates.

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

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

Conclusion

13. I have considered the statutory tests and have taken account in particular of PPG's unique role as the current provider of primary care services at Brook House. I therefore grant the application.

Legal Representative

14. Applicants 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.

15. Accordingly, I designate Mr James Lawford Davies of Hill Dickinson LLP as PPG's recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.

Kate Eves

Chair to the Brook House Inquiry

12 November 2021