

Core Participant Applicants Funding for Legal Representation

Introduction

1. Section 17 (1) of the Inquiries Act 2005 provides that the procedure and conduct of the Inquiry are to be such as the Chair of the Inquiry may direct, subject to the provisions of the Act and the Inquiry Rules 2006.

Funding for applications for Core Participant status

2. In line with the Inquiry Costs Protocol, I am today publishing further guidance in relation to funding for legal representation that is available for Core Participant applicants who may be seeking the assistance of a legal representative to complete a Core Participant questionnaire.

Individuals

3. Funding for legal representation for Core Participant applicants will be available where the applicant is an individual, and the application is considered to be reasonable. Reasonableness of an application will be assessed in line with the Inquiry Core Participant Protocol and Rule 5 of the Inquiry Rules 2006.
4. The Inquiry has devised a questionnaire to be completed by applicants for Core Participant status. It is available on the Inquiry's website, and should be completed by all such applicants. No further submissions are

required at that initial stage; if the Inquiry requires further information in order to progress an application, it will request it, and may at that stage authorise funding for any additional work that the Inquiry believes the applicant's legal representative will need to undertake in order to provide the necessary information.

5. I take the view that it should not be necessary for those advising potential applicants to undertake a large amount of work before submitting the questionnaire. I am therefore authorising the following expenditure, to be incurred by a legal representative instructed to assist an individual to complete a Core Participant application to cover the following matters:-

- i. Taking initial instructions to ascertain suitability of the client to be a core participant and/or witness, by reference to relevance to the Inquiry terms of reference, and such work to be limited to a maximum cap of three hours per client.
- ii. For clients assessed as suitable – the submission of a completed core participant questionnaire to the Solicitor to the Inquiry, such work to be limited to a maximum cap of two hours per client.

6. This authorisation is subject to the following qualifications:

- i. If the legal representative has less than four years' post qualification experience, the hourly rate of the legal representative will be £100 per hour;
- ii. a more senior legal representative may do the work, but the hourly rate for any legal representative of more than four years' experience will be capped at £125 per hour.

NGOs and other entities

7. Funding may be granted to cover the costs of applying for Core Participant status where the applicant is a corporate or non-corporate group of persons. Funding is not, in general terms, likely to be granted to bodies with resources available to them to fund an application. Bearing in mind the very limited work that will be involved in completing the questionnaire, I would not anticipate that many groups will be awarded funding. However, I will consider any request for funding on a case-by-case basis, such a request to be accompanied by a brief explanation of the applicant's financial position and the reason for which the entity cannot be expected to fund the cost of the application from its own resources.
8. The Inquiry will not meet the costs of drafting a request for funding for such an application for Core Participant status from a corporate or non-corporate body or group, or its lawyers. The costs of such a request must be borne by the applicant.
9. Any application by a group for Core Participant status should be made using the Inquiry's Core Participant questionnaire. If the Inquiry, on receipt of a questionnaire, requires additional information, it will request it, and will consider any request for funding to meet the cost of the work involved in providing this information.

Kate Eves
Chair to the Brook House Inquiry
27 April 2020