

**NOTICE OF DETERMINATION**

**CORE PARTICIPANT APPLICATION – G4S CARE & JUSTICE SERVICES (UK) LTD ('G4S')**

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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 Care and Justice Services (UK) Ltd ('G4S') for Core Participant status dated 12 May 2020. 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. In the application submitted on behalf of G4S, the applicant’s role is stated as the following: *“The [Core Participant] Applicant was responsible for the operation of Brook House at the material time.”*
5. 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**

6. I have considered the application in line with my approach as set out below. I have concluded that G4S 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

7. It is clear that, for the purposes of Rule 5(2)(a), as the service provider with operational control at the time, G4S 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’ 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

8. I turn now to the possibility that G4S, or individual G4S 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 throughout the Inquiry's proceedings and therefore the requirement under Rule 5(2)(c) is also met.

### Conclusion

9. I have considered the statutory tests and determined that the application submitted on behalf of G4S 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. I therefore grant G4S status as a Core Participant to the Brook House Inquiry.

### Legal Representative

10. 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.*

11. Accordingly, as I am satisfied that G4S has appointed Ms Naomi McMaster of DWF as its qualified lawyer, I designate Ms McMaster as G4S’ 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**