

NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION – REVEREND NATHAN WARD

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 Reverend Nathan Ward for Core Participant status dated 18 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 by Rev. Ward, he states that:

“I have first-hand experience of the G4S complaints system, senior management team and the management of the healthcare contract. I attended the Home Office contract meetings too.

I was involved/appeared on Panorama, gave evidence to the Home Affairs Select Committee. I was employed by G4S as a senior manager and was a Duty Director at Brook House IRC”.

5. The application seeks the granting of core participant status under Rule 5(2)(a) and (b) 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 Reverend Ward meets the requirements of Rule 5 for the following reasons:

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

7. Rev. Ward was employed by G4S at Brook House during the relevant period. As indicated in his application, Rev. Ward has direct experience in a number of areas that I referred to specifically in my opening statement of 21 April 2020. These include potential direct experience in relation to the following:
 - A. Direct management and leadership at Brook House;
 - B. Staff and management culture;
 - C. Management of healthcare staff;
 - D. Procedures for detainees to make complaints and the response to any such complaints;
 - E. Home Office monitoring and oversight of Brook House;
 - F. Adequacy of the contractual framework for identifying and responding to mistreatment; and
 - G. Information mechanisms for raising concerns, including the role of the Chaplaincy.
8. I therefore find that the application meets the criteria in Rule 5(2)(a) of the Inquiry Rules.

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

9. I consider that Rev. Ward's significant interest in the matters to which the Inquiry relates is clear. Following an assessment of the extent and nature of the mistreatment at Brook House, the Inquiry will turn to the question of the degree to which policies, practices and systems 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. Given Rev. Ward's role and position within G4S, I consider that for the purposes of Rule 5(2)(b) of the Inquiry Rules, he

has a significant interest in several important aspects of the Inquiry's focus, specifically in relation to the below elements of its terms of reference:

1. *Whether methods, policies, practices and management arrangements (both of the Home Office and its contractors) caused or contributed to any identified mistreatment;*
2. *Whether any changes to these methods, policies, practices and management arrangements would help to prevent a recurrence of any identified mistreatment;*
3. *Whether any clinical care issues caused or contributed to any identified mistreatment;*
4. *Whether any changes to clinical care would help to prevent a recurrence of any identified mistreatment.*

Conclusion

10. I have considered the statutory tests and determined that Reverend Ward'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 grant Reverend Ward status as a Core Participant to the Brook House Inquiry.

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 Reverend Ward has appointed Mr Lewis Kett of Duncan Lewis Solicitors as his qualified lawyer, I designate Mr Kett as Reverend Ward's recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.
13. Any application for an award under section 40(1)(b) of the Inquiries Act 2005 for expenses to be incurred in respect of legal representation or other relevant expenses under section 40 of the 2005 Act must be filed **within 14 days** of the date of this letter. The application must address the matters set out in paragraph 13 of the Inquiry's Costs Protocol which can be found on the Inquiry's website. Any such application received will be determined in accordance with the Inquiry's Cost Protocol on Legal Representation at Public Expense.

Kate Eves

Chair to the Brook House Inquiry

06 August 2020