

NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION – MR CHARLIE FRANCIS

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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. 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 Mr Charlie Francis for Core Participant status dated 21 February 2022. I have given careful consideration to the application and letter 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 Mr Francis, it is stated that:

*“Mr Francis worked as a Detention Custody Officer from in or around 2013 until his suspension and his dismissal in 2017, as a direct consequence of the Panorama programme’s findings. Mr Francis was involved in the management of ‘E Wing’, where detained people requiring the most care were housed. In particular, Mr Francis was present during in the incident on 25 April 2017, during which D1527 was restrained. Additionally, Mr Francis was present during the incident on 6 July 2017 of alleged verbal abuse against D728. These two events were covered extensively on the Panorama programme.”*

And:

*Given the matters under investigation and Mr Francis’s direct role in those matters, it is highly likely that he may be subjected to criticism by witnesses and core participants, but also potentially within the Inquiry’s proceedings and final report. We note that in order to be granted core participant status, Mr Francis does not need to demonstrate that he **would** be likely or certain to be the subject of criticism; he need only demonstrate that he “**may** be subject to explicit or significant criticism during the inquiry proceedings or in the report”.*

*Given Mr Francis's involvement as a Detention Custody Officer during the relevant period, and in particular his direct involvement in the two incidents detailed above which the Inquiry is investigating, he plainly satisfies the requirement of Rule 5(c) insofar as he demonstrably is a person who "may be subject to explicit or significant criticism during the inquiry proceedings or in the report". Mr Francis's actions, inactions and/or behavior may be the subject of explicit or significant criticism, as an individual who was involved in important matters to which the Inquiry relates."*

5. The application seeks the granting of Core Participant status under Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006.

### **Decision**

6. I have considered the application in line with my approach as set out below. I have concluded that Mr Francis meets the requirements of Rule 5(2)(a), (b) and (c) for the following reasons:

#### **The test under Rule 5(2)(a): a direct and significant role**

7. Mr Francis was employed by G4S as a Detention Custody Officer at Brook House during the relevant period. As indicated in his application, Mr Francis was present during events covered on the Panorama programme. He is likely to have been involved in, or been a witness to, events that relate to issues that I referred to specifically in my opening statement of 21 April 2020. These include potential direct experience in relation to the following:
  - A. Staff and management culture;
  - B. Staffing levels;

- C. Staff and management training, induction and support;
- D. Prevalence of racist attitudes / behaviours and measures for addressing such attitudes / behaviours;
- E. The use of control and restraint techniques, including pain compliance;
- F. The availability of other methods for encouraging good order and discipline and dealing with non-compliance;
- G. The control of drug availability and use;
- H. Response to bullying or intimidation of detainees;
- I. The co-location of Time Served Foreign National Offenders (TSFNOs) and asylum seekers;
- J. Whistleblowing procedures and protections for staff.

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 Mr Francis has a significant interest in the matters to which the Inquiry relates. 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 Mr Francis' role at Brook House, 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. *The treatment of complainants, including identifying whether there has been mistreatment and identifying responsibility for any mistreatment;*

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

The test under Rule 5(2)(c): explicit or significant criticism during the inquiry proceedings

10. As indicated in the application submitted on his behalf, Mr Francis was present during two events which were covered extensively on the Panorama programme. The application asserts that:

“Given Mr Francis’s involvement as a Detention Custody Officer during the relevant period, and in particular his direct involvement in the two incidents detailed above which the Inquiry is investigating, he *“may be subject to explicit or significant criticism during the inquiry proceedings or in the report”*. Mr Francis’s actions, inactions and/or behavior may be the subject of explicit or significant criticism, as an individual who was involved in important matters to which the Inquiry relates.”

11. While I do not at this point reach any final view on whether such evidence will result in specific criticism of Mr Francis, as I am satisfied that he may be subject to criticism and therefore the requirements of Rule 5(2)(c) are met.

Conclusion

12. I have considered the statutory tests and determined that Mr Francis’ 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 Mr Francis 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 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.*

14. In the application submitted on behalf of Mr Francis it is confirmed that he has appointed Mr Martin Howe of Howe + Co to act of his behalf. The application notes my obligation under Rule 7 of the Inquiry Rules 2006 as set out above and states that Mr Francis' interests are likely to be in conflict with other G4S employees or former employees now or as the Inquiry progresses. It is asserted that it would therefore be unfair and improper to direct him to be jointly represented by the recognised legal representatives acting for those individuals. I have considered Mr Francis' concerns and am satisfied that it is fair and proper for him to appoint a separate qualified lawyer as his recognised legal representative. Accordingly, I designate Mr Martin Howe of Howe + Co as Mr Francis' recognised legal representative in accordance with Rule 6(1) of the Inquiry Rules 2006.

**Kate Eves**

**Chair to the Brook House Inquiry**

**2 March 2022**