



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - ASSOCIATION OF DIRECTORS OF ADULT SOCIAL SERVICES

Introduction

1. In my [Opening Statement](#) on 21 July 2022, I explained that Modules would be announced and opened in sequence, with those wishing to take a formal role in the Inquiry invited to apply to become Core Participants for each module. On the same day, the Inquiry opened Module 1 and invited anyone who wished to be considered as a Core Participant to that Module to submit an application in writing to the Solicitor to the Inquiry by 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 16 August 2022 the Inquiry received a joint application from the Local Government Association ("LGA"), the Welsh Local Government Association ("Welsh LGA") and the Association of Directors of Adult Social Services ("ADASS") for Core Participant status in Module 1.
4. I have granted Core Participant status to the LGA and the Welsh LGA in Module 1. However, I made a provisional decision not to designate ADASS as a Core Participant in Module 1, thereby declining its application ("the Provisional Decision"), on 7 September 2022. ADASS was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.



5. On 16 September 2022 ADASS submitted a renewed application for Core Participant status in Module 1. This notice sets out my determination of ADASS's application for Core Participant status in Module 1.

Application

6. Applications for Core Participant status are considered in accordance with Rule 5 of the Inquiry Rules 2006, which provides:

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.*

(3) A person ceases to be a core participant on—

- (a) the date specified by the chairman in writing; or*
- (b) the end of the inquiry.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the application fulfils the requirements set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

Summary of Application

8. As already noted above, the original application was made jointly between the LGA, the Welsh LGA and ADASS. The LGA is the national membership representative body



for local authorities in England. The Welsh LGA provides the basis for twenty-two Welsh unitary councils to be in the LGA's membership. The renewed application is made by ADASS.

9. The original application states that ADASS is a charity whose objectives include: furthering comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time; furthering the interests of those who need social care services, regardless of their background and status; and promoting high standards of social care services. The original application states that ADASS was commissioned by the Department for Health and Social Care, in 2017, to provide expertise in relation to social care for pandemic flu planning. It also states that ADASS was aware of the national planning and exercises undertaken by the government before 2020 such as Operation Cygnus.
10. The renewed application states that ADASS should be designated as a Core Participant for three principal reasons. First, ADASS's members have a responsibility for securing the resilience and preparedness for the effects of a pandemic on a large number of vulnerable people of England, in that it has a statutory duty for service continuity and safeguarding. Secondly, ADASS and its members worked very closely with the LGA in protecting and caring for people during the pandemic. Thirdly, the grant of Core Participant Status to ADASS would materially assist in coordinating the contribution that all three bodies will make by enabling them to work within a single circle of confidentiality.

Decision for the Applicant

11. I have considered with great care everything that is said in ADASS's renewed application. I have also reminded myself of what was said in the original application to enable me to assess the application for Core Participant status as a whole.



12. I am grateful to ADASS for taking care to set out more detail in its renewed application.

I appreciate that ADASS wishes to contribute to the Inquiry's understanding of the state of preparedness in the context of social care, given that its members, including Directors of Adult Social Services, have been involved with planning for social care needs in an emergency, including being involved with Local Resilience Fora. I do not doubt that ADASS is an organisation with a deep and genuine concern about what it describes as an "*increasingly fragile*" social care system, before the pandemic, and the wider impact that it states that ineffective social care services have had on a number of communities. I further acknowledge that the renewed application raises ADASS's concerns about social care being "*under-recognised*" in early pandemic responses as an "*afterthought*" to health care and the economy. I welcome ADASS sharing its views and concerns with the Inquiry.

13. However, Module 1 is primarily concerned with the core systems and structures within the United Kingdom for preparedness and resilience for an event such as the Covid-19 pandemic and with high-level pandemic resilience, preparedness and planning. It will examine whether the correct structures, bodies, procedures and policies were in place at UK and at regional and national levels, and look at their history, development, co-operation, and performance. In terms of inquiring into pandemic planning, this will include examination of the forecasting processes, the extent to which lessons were learned from past knowledge of actual events and simulated exercises, the degree of readiness preparation and the general resources that were available. The Module is therefore concerned with how the relevant entities prepared and whether they were ready by way of general response.

14. In order to manage the investigative work of the Inquiry in as proportionate manner as possible and to ensure the timely publication of my findings, lessons learned and recommendations for the future, it is not possible for Module 1 to consider the state of preparedness by detailed reference to the potential impact of an event such as the Covid-19 pandemic on every sector that might have been and was eventually affected.



15. I will of course keep the Provisional Outline of Scope for Module 1 under review and, as I explained in my Opening Statement, other aspects of the Inquiry's Terms of Reference will be covered in future modules for which Provisional Outlines of Scope will be prepared and published in due course.
16. Further, there are a number of ways in which ADASS can, if necessary, participate in Module 1 without being a Core Participant. For example, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. ADASS may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be seeking evidence in due course from a large number of individuals, organisations and bodies. More generally, I have every confidence in the Inquiry's independent legal team to pursue all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands.
17. I have also considered the third reason advanced in the renewed application that a grant of Core Participant status to ADASS would materially assist in coordinating the contribution of the LGA, the Welsh LGA and ADASS, enabling them to work within a single circle of confidentiality. In my discretion, I do not consider this to be a reason for the grant of Core Participant status.
18. For all of those reasons, having considered all of the information provided by ADASS in light of the Provisional Outline of Scope for Module 1, I consider that ADASS did not play a direct and significant role in relation to the matters to which Module 1 relates, nor does it have a significant interest in an important aspect of the matters to which Module 1 relates. Accordingly, in my discretion, I decline to designate ADASS as a Core Participant in Module 1.



19. My decision not to designate ADASS as a Core Participant in Module 1 does not preclude it from making any further applications in respect of any later modules. ADASS may wish to consider making an application for Core Participant status in a future module more directly dealing with the care sector. I will consider any future applications ADASS may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

28 September 2022