



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - JUSTICE 4 BEREAVED FAMILIES OF COVID-19**

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 15 August 2022 the Inquiry received an application from Duncan Lewis for Core Participant status in Module 1.
4. I made a provisional decision not to grant Duncan Lewis' application for Core Participant in Module 1 ("the Provisional Decision"), on 7 September 2022. Duncan Lewis was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. On 13 September 2022 Duncan Lewis submitted a renewed application for Core Participant status in Module 1 on behalf of 'Justice 4 Bereaved Families of Covid-19' ("the Applicant") This notice sets out my determination of their 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. The initial application was made on behalf of:
- (a) bereaved families, by way of the Applicant,
 - (b) care home establishments and
 - (c) individuals who work in the criminal justice system.



9. The application is renewed only on behalf of the Applicant. In respect of the Applicant, the original application, which was framed as an application for funding, outlines the various ways in which Duncan Lewis has supported the needs of their clients in relation to other public inquiries. The application outlines that as a result of the firm's passion for justice and fairness, they were motivated to form 'Justice 4 Bereaved Families', the Applicant, which is a Facebook group which has reached out to over 1,200 people affected by the pandemic. The application outlines how Duncan Lewis has met with a number of people who have shared their stories and asked Duncan Lewis to represent them. Further, the original application states that Duncan Lewis can represent the interests of the group they represent, as 'one voice' through a 'streamlined approach' so that families affected by preparedness 'can feel central to the process'.

10. The renewed application states again, that the Facebook group has reached out to some 1,200 followers and that bereaved families must be kept at the heart of the Inquiry process and have some autonomy over their choice of representation. The renewed application outlines how Duncan Lewis operated during the Grenfell Tower Inquiry and suggests that a similar approach could be taken where law firms work collectively. The renewed application also states that the disproportionate losses within BAME communities must be considered at every stage of the Inquiry and that issues must be examined in the context of the Equality Act 2010 and whether adequate consideration was given to any potential discrimination of protected groups in the UK's approach to resilience and preparedness.

Decision for the Applicant

11. I have considered with great care everything that is said in the renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole. However, having done so, I consider that the Applicant 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 the Applicants as a Core Participant in Module 1. Whilst I wish to extend my deep sympathy to each of the bereaved families, I consider that the link between any potential failings in the UK's resilience and preparedness for the Covid-19 pandemic is too far removed from the particular circumstances of the deaths of their relatives and it is not the purpose of the Inquiry of Module 1 to explore individual deaths.

12. I note what is said in the renewed application that the bereaved must be at the heart of the Inquiry process. With that in mind, I do intend, in my discretion, to grant Core Participant status in Module 1 to a number of other organised groups representing the interests of large numbers of bereaved family members of people who have died from Covid-19. This is because I consider that, based on the material before me, these groups are better placed to help the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those bereaved by Covid-19. This includes, but is not limited to, the significant role and direct input that these groups had whilst the Inquiry was being constituted.
13. I note what is suggested in the renewed application about a number of law firms working collectively to represent the interests of the bereaved. However, for the reasons above and based upon the information provided in the application, I do not grant this application for Core Participant status and therefore do not need to consider issues of legal representation at this stage.
14. I appreciate the disappointment that my decision will cause. However, it may be possible for the applicants' interests to be represented by one of the organised groups to which I refer above. If this is something that the members of the applicant group are interested in, the Solicitor to the Inquiry's team will be able to pass on the contact details for the appropriate group.



15. I also have considered at length the issues raised in the renewed application about the Equality Act 2010 and whether adequate consideration was given to any potential discrimination of protected groups in the UK's approach to resilience and preparedness. I acknowledge that people from particular ethnic backgrounds may have been disproportionately impacted by the pandemic. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of the pandemic on different categories of people. I have every confidence in the 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.

16. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant 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.

17. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic to be used as evidence during the Inquiry's module hearings. Members of Justice 4 Bereaved Families of Covid-19 have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

18. I will keep the scope of Module 1 under review. My decision not to designate the Applicant as a Core Participant in Module 1 does not preclude the Applicant from



making any further applications in respect of any later modules. I will consider any future applications the Applicant 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