



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

**MODULE 1 - DISABILITY RIGHTS UK, DISABILITY POSITIVE, INCLUSION LONDON,
DISABILITY PETERBOROUGH, WINVISIBLE, DISABILITY ACTION NORTHERN IRELAND,
BRISTOL RECLAIMING INDEPENDENT LIVING, GREATER MANCHESTER COALITION OF
DISABLED PEOPLE, DISABLED PEOPLE AGAINST CUTS, THE ALLIANCE FOR INCLUSIVE
EDUCATION, CHANGING PERSPECTIVES, INCLUSION SCOTLAND AND DISABILITY
WALES ('THE DISABLED PEOPLE'S REPRESENTATIVE ORGANISATIONS')**

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 an application from Disability Rights UK, Disability Positive, Inclusion London, Disability Peterborough, WinVisible, Disability Action Northern Ireland, Bristol Reclaiming Independent Living, Greater Manchester Coalition of Disabled People, Disabled People Against Cuts, The Alliance for Inclusive Education, Changing Perspectives, Inclusion Scotland and Disability Wales ("the Applicant") for Core Participant status in Module 1.



4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 1, thereby declining the application (“the Provisional Decision”), on 7 September 2022. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.

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 of Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.



Summary of Application

8. The applications, which are made on behalf of all thirteen applicants, describe them collectively as Disabled People's Representative Organisations ("DPOs"), being organisations run by and for disabled people, representing approximately 250,000 individuals. The term 'disabled people' is used in the applications to refer to people facing disabling societal barriers due to their impairments or conditions (regardless of their age) which includes physical impairments, mental health conditions, hearing impairments, deaf people with BSL as their first language, visual impairments, learning difficulties and neurodiverse people. Some of the applicants also explain how they supported bereaved families of disabled people who died during the pandemic. An appendix to the submissions helpfully sets out the background and remit of all thirteen organisations.

9. The applications are made on the basis that it is integral to this Inquiry that disabled people are invited to participate meaningfully in the investigative process, to ensure that their experiences and voices are taken into account by the Inquiry; in particular, the application states that when investigating the planning for a pandemic, the emergency plans that were in place and learning from past investigations, it is important to consider the disproportionate impact of the Covid-19 pandemic on disabled people. The applications also make detailed submissions based on the Inquiry having certain obligations under the Human Rights Act 1998 and the Equality Act 2010, including the duty effectively to investigate issues of discrimination and inequality insofar as they relate to loss of life and significant harm amounting to inhuman and degrading treatment during the pandemic under Articles 2, 3 and 14 of the ECHR.



Decision for the Applicant

10. I wish to extend my deep sympathy to all those represented by the applicants regarding the deaths of their family members, as well as to those who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic.

11. I acknowledge the increased areas of risk to disabled people identified in the applications, in particular, of contracting the disease, of developing a severe case of the disease once contracted and the particular consequences for them of the Covid-19 response, including restrictions on movement during lockdowns. 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.

12. However, having considered with great care everything that is said in the applications I have decided, in my discretion, not to designate the DPOs as Core Participants in Module 1. Whilst I appreciate that the DPOs bring a representative and valuable voice on behalf of disabled people, the focus of Module 1 is on the resilience and preparedness of the UK in advance of the coronavirus pandemic. I do not consider that the DPOs played a direct and significant role in matters to which Module 1 relates.

13. Furthermore, I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that their interest in pandemic planning and preparedness is sufficient to justify granting them Core Participant status in this Module.

14. Insofar as the applications concern bereaved families of disabled people who died during the pandemic, I have, in my discretion, granted Core Participant status in



Module 1 to a number of organised groups representing the interests of large numbers of bereaved family members of people who have died from Covid-19. However, this is because I consider that they 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, having regard in particular to the need to manage the Inquiry effectively and efficiently. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in it. I must therefore assess very carefully whether, in reality, applicants can assist the Inquiry.

15. I appreciate the disappointment that my decision will cause. However, it may be possible for the interests of those represented by the applicants to be represented by one of the organised groups to which I refer above. If this is something that the applicants are interested in, the Solicitor to the Inquiry's Team will be able to pass on the contact details for the appropriate group.
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. The applicants are encouraged to consider making an application for Core Participant status in future modules likely to deal more directly with health inequalities and the impact of Covid-19.
17. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The applicants may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.



18. 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. The applicants have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.
19. For all of those reasons, having considered all of the information provided by the DPOs, in light of the Provisional Outline of Scope for Module 1, I consider that the DPOs did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor do the DPOs have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that the DPOs should not be designated as Core Participants in Module 1 and I confirm that this is my final decision.
20. I will keep the scope of Module 1 under review. My decision not to designate the DPOs as Core Participants in Module 1 does not preclude them from making any further applications in respect of any later modules. I will consider any future applications the DPOs 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

29 September 2022