



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - MS YVONNE STEWART**

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 25 July 2022 the Inquiry received an application from Ms Yvonne Stewart ("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 applicant's father, John Fleming, was admitted to the Craigavon Area Hospital in Northern Ireland. That hospital is part of the Southern Trust. He was aged 79. On admission he was tested for Covid-19 and the test was negative. Mr Fleming was due for discharge, but there was a covid outbreak within the haematology ward where he was located. Mr Fleming then became infected with the virus and died on 3 September 2020 from Coronavirus disease (though I note that a solicitor's letter of 26



November 2020 to the Chief Medical Officer states that he died on 4 September 2020).

9. The application expresses concern about a number of matters including the conduct of the Southern Trust and the Coroner in relation to the circumstances of Mr Fleming's death, the way in which his death was investigated and the way it was recorded on his death certificate.

10. The applicant argues that she can play a direct and significant role in relation to the matters to which the Inquiry relates and can assist it with its work and many of the issues that it will deal with. The applicant and her solicitor (who has written the application) fully accept that Mr Fleming's death is only one of many thousands but suggest that the circumstances surrounding and after his death, particularly in relation to the interplay between the Trust and the family, the Coroner's Office, and Chief Medical Officer will be of assistance and interest to the Inquiry and the public. The applicant says that she has a sense of justice and hope from reading my statement and genuinely feels that, by participating in the Inquiry, it is something that her father would have wanted and is the most respectful, appropriate, and dignified way to honour his memory. She argues that many of the matters referred to for Module 1 have a direct application as to what happened in her father's case because a perceived lack of preparedness on the part of the UK led to her father's death.

Decision for the Applicant

11. I wish to extend my deep sympathy to the applicant regarding the death of her father and for her loss.

12. I have considered with great care everything that has been said in the application, in particular the points that I have set out immediately above. Additionally, I have had regard to my duty under section 17(3) of the 2005 Act to act with fairness and with regard also to the need to avoid any unnecessary cost to public funds. I have



concluded that the application does not meet the criteria set out in Rule 5(2)(a) or (b) for Ms Stewart's designation as a core participant in Module 1 of the Inquiry.

13. I am not persuaded that she played, or may have played, a direct and significant role in relation to the matters to which Module 1 relates or that she has a significant interest in an important aspect of the matters to which Module 1 relates. Ms Stewart wishes essentially to explain to the Inquiry the circumstances of her own father's tragic death and the perceived failings of the Trust, the Coroner and the Chief Medical Officer. However, it forms no part of the purpose of the Inquiry, including Module 1, to examine the circumstances of any particular death, however untimely, terrible or wrongly brought about. Furthermore, arguable failings in the UK's resilience and preparedness for the Covid-19 pandemic - the subject of Module 1 - are too far removed from the particular circumstances of Mr Fleming's death. Putting it another way, Ms Stewart has played no direct and significant role in relation to the UK's resilience and preparedness for the pandemic and has no significant interest in any important aspect of such matters. That is not, of course, to diminish in any way the significance or impact of her father's death; it is a reflection, instead, of the fact that she has no proper legal interest in the subject matter of Module 1.

14. 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 and not everyone can be granted Core



Participant status for the purposes of the Inquiry hearings. 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 applicant's interests to be represented by one of the organised groups to which I refer above. If this is something in which the applicant is interested, the Solicitor to the Inquiry's team will be able to pass on the contact details for the appropriate group.
16. 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, in the course of 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 Inquiry will publish further details about how the applicant will be able to participate in this way in due course.
17. For all of those reasons, having considered all of the information provided by Ms Stewart, in light of the Provisional Outline of Scope for Module 1, I consider that Ms Stewart did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does Ms Stewart have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that Ms Stewart should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision.
18. I will keep the scope of Module 1 under review. My decision not to designate Ms Stewart as a Core Participant in Module 1 does not preclude her from making any further applications in respect of any later modules. I will consider any future applications Ms Stewart 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