



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULES 2 AND 2A - COVID-19 AIRBORNE TRANSMISSION ALLIANCE**

**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 31 August 2022, the Inquiry opened Modules 2 and 2A 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 23 September 2022.
2. The Provisional Outlines of Scope for Modules 2 and 2A provide that those modules will examine the decision-making by the UK Government and the Scottish Government respectively during the 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 23 September 2022 the Inquiry received an application from the Covid-19 Airborne Transmission Alliance ("CATA") for Core Participant status in Modules 2 and 2A.
4. I made a provisional decision not to designate CATA as a Core Participant in Modules 2 and 2A, thereby declining CATA's application ("the Provisional Decision"), on 13 October 2022. CATA was provided with an opportunity to renew the application in writing by 12 noon on 20 October 2022.
5. On 20 October 2022, CATA submitted a renewed application for Core Participant status in Modules 2 and 2A. This notice sets out my determination of CATA's application for Core Participant status in Modules 2 and 2A.

## 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 Outlines of Scope for Modules 2 and 2A.

## Summary of Application

8. CATA's original application stated that CATA is a multidisciplinary consortium of individuals and organisations in the health and social care sectors across the UK with a common concern that the airborne route of transmission for Covid-19 should be addressed in the Inquiry. The Applicant represents over 65,000 members from a diverse range of backgrounds. The application states that CATA has campaigned since March 2020 for the recognition of the transmission of Covid-19 by aerosols and a precautionary approach to infection control guidance and challenged inadequate protections for healthcare workers. In addition to campaigning, its members have

identified scientific evidence and good practice and provided clear professional guidance for healthcare workers. CATA asserts it played a direct and significant role and has a direct and significant interest in matters to which Modules 2 and 2A relate. This relates to its engagement with both the UK and Scottish government decision-making regarding the key questions referred to in Module 2 and 2A. Regarding Scotland, the application states that a CATA member had two meetings with the First Minister and two meetings with the Chief Medical Officer to discuss decisions of the Scottish Government related to the transmission of Covid-19. CATA states that they represent a critical and independent non-governmental perspective that is needed in Modules 2 and 2A.

9. In its renewed application, CATA states that the reasons I gave for my provisional decisions made in respect of Module 2 and 2A not to grant Core Participant status were “*flawed and unsustainable*”. They make that claim on the basis that, despite finding that CATA has a “*significant interest*” to be a Core Participant, I decided “*nevertheless that a more restrictive engagement for CATA’s members as witnesses at hearings in the module would be more appropriate.*” Additionally, the Applicant states that I did not pay sufficient regard to the nature and importance of CATA’s proposed engagements as Core Participant in the matters under investigation .
10. The Applicant acknowledges that I have broad discretion, that I am well placed to identify what is relevant in the circumstances of the Inquiry and to identify what weight should be given to different issues investigated by the Inquiry. CATA argues, however, that I have made an irrational decision in not granting CATA Core Participant status.
11. CATA submits that their broad interests for engagement with Module 2 in the inquiry will not likely be met by limiting its contribution to its members merely being engaged as witnesses. It is stated that my assertion that CATA members are of more value to the inquiry’s investigation as witnesses is “*simply wrong*”.
12. The Applicant further submits that as a consortium of non-governmental interests, representing over 65,000 members with a range of medical and health and safety expertise, it is especially important that CATA is in a position to suggest questions for witnesses and lines of enquiry. Further, CATA states it is particularly important in Module 2 to demonstrate a reasonable level of balance and diversity in the range of

involvement of Core Participants. It is submitted that CATA's involvement as a CP in Module 2 would add considerable value to the investigation and advances the critical public function of ensuring a full and effective investigation. As an "*important non-governmental outfit with a direct and significant interest*", the balance of favour in the exercise of discretion should weigh in designating CATA as Core Participant.

13. The Applicant reiterated the critical role of the UK's political and administrative decision making to CATA's core agitation in this inquiry, and therefore states it is entirely appropriate that CATA is able to engage in both Modules 2 and 3 and any further modules yet to be announced.

### **Decision for the Applicant**

14. I have considered with great care everything that is said in CATA's 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. Having done so, in my discretion, I consider that CATA does not meet the criteria set out in Rule 5 for designation as a Core Participant in Modules 2 and 2A and, therefore, I have decided to not to designate CATA as a Core Participant in Modules 2 and 2A.
15. I stated in my provisional decision that the purpose of Module 2 and Module 2A is to examine the high level decision-making of the government in the UK and in Scotland respectively in response to the Covid-19 pandemic. The focus will be on the key decisions made by the Governments. It is anticipated that the Inquiry will hear evidence from the experts who provided advice to the Governments at the time and be in a position to consider counter arguments on a variety of issues. Having regard to the ambit of Module 2 and Module 2A, I have appointed a number of representative organisations generally to represent the interests of all bereaved persons, as well as representatives of frontline workers and those in the medical and health and safety fields. Whilst I appreciate the role that CATA has played in responding to the pandemic and the work it has undertaken and the fact that it may be able to provide useful insight and evidence to the Inquiry, I am satisfied that it played no significant role in core political and administrative decision-making (Rule 5(2)(a)). The Applicant is unlikely to face explicit or significant criticism (Rule 5(2)(c)). I have accepted that the

Applicant had a significant interest, under Rule 5(2)(b). However, having regard to the need to manage the Inquiry effectively and efficiently, I have decided that its interest in decision making by the UK Government and the Scottish Government is not sufficiently significant as to grant it Core Participant status in these Modules. I am doing so in the exercise of my discretion which the Applicant has accepted is broad. 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 and organisations in this country could potentially have an interest in it, and a significant interest at that, and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

16. I note the assistance the Applicant believes it can provide. I repeat it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. CATA 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.
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 on those who come forward to be used as evidence during the Inquiry's module hearings. The Applicant and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.
18. For all of those reasons, having considered all of the information provided by CATA, in light of the Provisional Outlines of Scope for Modules 2 and 2A, I consider that CATA did not play a direct and significant role in relation to the matters sought to be investigated in Modules 2 and 2A, and whilst CATA may have a significant interest in an important aspect of the matters to which Modules 2 and 2A relate, in my discretion,

I have decided that CATA should not be designated as a Core Participant in Modules 2 and 2A. I confirm that this is my final decision.

19. I will keep the scope of Modules 2 and 2A under review. My decision not to designate CATA as a Core Participant in Modules 2 and 2A does not preclude it from making any further applications in respect of any later modules. There is no inconsistency in granting or declining to designate Core Participant status in different modules, which invariably have differences in scope, considerations and relevant factors and will be considered on their individual merits. CATA may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in both the original application and the renewed application. I will consider any future applications CATA 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**

**25 October 2022**