



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 2 - RELATIVES & RESIDENTS ASSOCIATION AND JOHN'S CAMPAIGN**

**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 Module 2 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 Outline of Scope for Module 2 provides that this module will examine the decision-making by the UK Government 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 Applicant for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 2, thereby declining the Applicant's application ("the Provisional Decision"), on 13 October 2022. The Applicant was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 19 October 2022, the Applicant submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicant's application for Core Participant status in Module 2.

## 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 2.
8. I have taken into account all of the information which the Applicant has relied upon. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

## Summary of Application

9. The Applicant's original application stated that the application was made jointly by the Relatives and Residents' Association ('R&RA'), a national charity for older people needing care and the relatives and friends who help them cope and John's Campaign ('JC'), established in 2014 to advocate and campaign for the right of people with

dementia to be supported by their family carers. The application was supported by Rights for Residents, the British Institute of Human Rights, and the Patients Association.

10. The application stated that during the pandemic, the Applicants supported thousands of individuals impacted by government decision making and have an in-depth understanding of the health and social care systems and structures and impact of key decisions on those accessing these services and their friends and family. They have also been involved in judicial reviews, lobbying, meeting with Ministers and campaigning. The application provided further details of the work carried out by the Applicants relevant to the UK's core political and administrative decision-making during Covid-19. The Applicants assert that older people and disabled people who require care and support have been disproportionately impacted by the pandemic and the government's decision-making.
11. In its renewed application, the Applicants state that one particular area of interest for the Applicants includes the effect of enforced separation on vulnerable people in health and care settings – a policy which has caused untold distress, quantifiable harm and which has recently been criticised by the Joint Committee on Human Rights as amounting to a breach of human rights.
12. The Applicants state they have unique expertise in respect of this issue, having collected information from a wide range of affected individuals throughout the pandemic and representing the interests of over 100,000 people. This is to be read together with the initial application which states that between R&RA, JC and the supporting organisations (Rights for Residents, the British Institute of Human Rights and the Patients Association), the estimated reach of members, supporters and followers is over 106,000. It is unclear how many are members/supporters of R&RA and JC directly, as distinct from their supporting organisations.
13. The Applicants wish to appeal the Chair's provisional decline of CP status for Module 2 as they consider that they are uniquely placed to assist the Inquiry both in respect of Module 2 and Module 2B, including for the reasons CP status was granted in respect of Module 2B. The Applicants assert that it is difficult to understand why a more limited body of work in relation to Wales would be considered sufficiently significant to justify

being granted CP status when a far greater interest, amount of work, time and energy was demonstrated in relation to core political and administrative decision making as relevant to Module 2.

14. The Applicants in their detailed submissions conclude that as joint applicants JC and R&RA represent both the views of individuals and of organisations impacted by Covid-19. Aside from the challenges the Applicants made to decisions and guidance, they provided information not only to affected individuals but also to care home providers. JC continued to advocate for people in hospitals, mental health trusts, rehabilitation units and all health and care settings where people were separated from their closest relatives. As the pandemic continued it became increasingly obvious that their advocacy was needed on behalf of young learning disabled people and those with complex needs. The Applicants say therefore that they offer unique knowledge and understanding of the impact of decisions and guidance on individuals, users and providers.

### **Decision for the Applicants**

15. I wish to repeat my ongoing commitment, as previously explained, 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 including those with pre-existing health inequalities and conditions.
16. I have considered with great care everything that is said in the Applicants' 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 although the Applicant has a significant interest (Rule 5(2)(b)), that interest is not sufficient to warrant designation as a Core Participant in circumstances where I consider there are more representative organisations to advance and ensure consideration of that interest in Module 2. I am also mindful of the need to manage the Inquiry effectively and efficiently. I have therefore decided not to designate the Applicants as Core Participants in Module 2.
17. I have noted with care, the valuable work the Applicants have undertaken in this field. However, in the context of the provisional scope of Module 2, I am satisfied that the

Applicants did not have a direct or significant role in core political and administrative decision making (Rule 5(2)(a)).

18. In my original determination, I accepted the Applicants had a significant interest (Rule 5(2)(b)) and I remain of that view. As I have previously indicated, the Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. I am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
  
19. Furthermore, 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.
  
20. I have designated Core Participant status to other organisations that represent the interests of the elderly and those in care homes. This is to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. The Applicants have queried why they have been considered sufficiently representative in relation to those interests for Module 2B but not Module 2. I am happy to provide further reasons to explain the position. Module 2 is a core module with three sub modules 2A, 2B and 2C dealing with Scotland, Wales and Northern Ireland. Numerous applications for Core Participant status have been made, with each module receiving a different number and blend of applications. The

question of how representative an Applicant is of a particular interest group includes a consideration of the other applications received for that module.

21. In my judgement and in the exercise of my discretion, I consider that there are other Applicants that are better placed and sufficiently representative to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2 including the elderly and those in care homes. This is in contrast to Module 2B where there were no other representative applicants able to sufficiently advance the interests of those said to be represented by the Applicants. Further, this is distinct from the issue of whether the Applicants have a significant interest. Although I accept they do, I do not consider that sufficient alone to warrant designation in the context of Module 2. For all these reasons, in the exercise of my discretion, I am satisfied that the Applicants are not sufficiently representative to meet those aims for Module 2, in contrast to Module 2B.
22. As I have previously indicated, 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 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.
23. 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.
24. My decision not to designate the Applicant as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. The Applicant may wish to consider applying for Core Participant status in relation to future

modules likely to deal more directly with the matters which impact the elderly, those with health inequalities and the care sector. I will consider any future applications the Applicant may wish to make on their merits at the time they are made.

25. In the interim, I am confident that the Applicants will make a positive contribution to the Inquiry as Core Participants for Module 2B.

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**25 October 2022**