



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 – LOCAL GOVERNMENT ASSOCIATION, WELSH LOCAL GOVERNMENT ASSOCIATION AND THE ASSOCIATION OF DIRECTORS OF ADULT SOCIAL SERVICES

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 Local Government Association ("LGA"), the Welsh Local Government Association ("WLGA"), and the Association of Directors of Adult Social Services ("ADASS"), (together, "the Applicants") for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Association of Directors of Adult Social Services ("ADASS") as a Core Participant in Module 2, thereby declining the ADASS's application ("the Provisional Decision"), on 13 October 2022. The ADASS was provided with an opportunity to renew the application in writing by 12pm on 20 October 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 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. This is an application on behalf of the Local Government Association ("LGA"), Welsh Local Government Association ("WLGA") and the Association of Directors of Adult Social Services ("ADASS"). The application states that the LGA is the representative of local authorities in England and all 22 local authorities in Wales are full or associate members of the WLGA, which speaks for them all on relevant local government matters. It also states that the status of the WLGA and ADASS were explained in letters dated 16 August 2022.
10. The application is made on the basis that the Applicants played a role and have a significant interest in the subject matters of the Inquiry, as local authorities in England and Wales were on the forefront of the UK's response to Covid-19 and through their public health functions councils were a key component of the public health system. Councils had a key focus on protecting vulnerable groups and were responsible for enforcing legislation and regulations related to NPIs in the context of businesses.
11. The application explains that LGA and ADASS communicated with government departments, passed information to councils, gave advice on how government policy could be improved and delivered vital support to councils in relation to social care. Welsh local authorities have statutory duties in relation to civil contingencies, public protection and environmental health, adult social services, education and other functions which played significant roles in preparing for and responding to the pandemic. Furthermore WLGA coordinated and facilitated regular dialogue between the Welsh Government and local authority leaders. The application further states that it is possible that local government's response to the pandemic and the LGA's role in informing government policy and communications may be subject to criticism and that WLGA expect that criticisms may be made of councils individually and collectively.

Decision for the Applicant

12. I have considered with great care everything that is said in the Association of Directors of Adult Social Services ("ADASS")'s application. Having done so, in my discretion, I consider that the ADASS does not meet the criteria set out in Rule 5 for designation as

a Core Participant in Module 2 and, therefore, I have decided not to designate the ADASS as a Core Participant in Module 2.

13. I do not consider that ADASS played a direct or significant role in core political and administrative decision-making in the context of Module 2 (Rule 5(2)(a)), instead playing an operational, advisory, liaison and implementation role at local government level. Similarly, while the Applicant has a significant interest, it will be appreciated that many government departments, organisations and individuals share that significant interest. The applicant is not aware of any criticisms of its response to the pandemic and I am satisfied that Rule 5(2)(c) is not made out.
14. Furthermore, I do not consider, in any event, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision making by the UK Government is sufficiently significant as to grant it Core Participant status in this Module. 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.
15. 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 Applicant may wish to consider applying for Core Participant status in relation to future modules which are of relevance to them.
16. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. ADASS 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. For all of those reasons, having considered all of the information provided by ADASS, in light of the Provisional Outline of Scope for Module 2, I consider that ADASS did not

play a direct and significant role in relation to the matters sought to be investigated in Module 2, nor does ADASS have a significant interest in an important aspect of the matters to which Module 2 relates. I have therefore decided that ADASS should not be designated as a Core Participant in Module 2 and I confirm that this is my final decision.

18. I will keep the scope of Module 2 under review. My decision not to designate ADASS as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. ADASS 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 the application. I will consider any future applications ADASS 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

26 October 2022