



PROVISIONAL NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2B - LGA, WLGA AND ADASS

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 2B 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. On 23 September 2022 the Inquiry received an application from the Local Government Association (“LGA”), Welsh LGA (“WLGA”) and the Association for Directors of Social Services (“ADASS”) for joint Core Participant status in Module 2B. This Notice sets out my provisional decision on the application.
3. The Inquiry has published the Provisional Outline of Scope for Module 2B, which states that this module will examine the decision-making by the Welsh 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.

Application

4. 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.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I 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 2B.

Summary of Application

6. The LGA is the national membership representative body for local authorities in England. All but three English councils are members of the LGA. It works on a cross-party basis to support, improve, and represent local government.
7. The 22 Welsh unitary councils are in LGA membership via the WLGA. The LGA also represents them on non-devolved matters and works closely with the WLGA on non-devolved and common matters.
8. The ADASS is a charity whose objectives include: furthering comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time; furthering the interests of those who need social care services, regardless of their backgrounds and status and promoting high standards of social care services.

Provisional Decision for LGA and ADASS

9. I have considered with great care everything that is said in the application in respect of the LGA. Having done so, I am minded, in my discretion, not to designate the LGA

as a Core Participant in Module 2B. The focus of Module 2B is key decision-making in response to Covid-19 in Wales. The LGA was not involved directly in decision-making or the governance structure in Wales. An application by the WGLA has been granted (see below). I therefore do not consider that the LGA meets the criteria set out in Rule 5(2)(a) or 5(2)(b) for designation as a Core Participant in Module 2B.

10. I have also considered with great care everything that is said on behalf of ADASS but I am minded, in my discretion, not to designate it as a Core Participant in Module 2B. 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. The Association states that it provided information and advice to the Department of Health and Social Care, Westminster Select Committees and to senior civil servants within central government. It was not involved directly in decision-making or the governance structure in Wales. I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its role is sufficiently significant as to grant it Core Participant status in this Module. It may be that the Association has relevant information to give to the Inquiry in later modules and further updates about the Inquiry's programme of work will be shared in due course.
11. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. They may have relevant information to give in relation to the 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 perspectives on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.

Decision for the WLGA

12. I have considered with great care everything that is said in the application in respect of the WLGA. Having done so, I have decided, in my discretion, to designate the WLGA as a Core Participant in Module 2B. I consider that the WLGA played, or may have played, a direct and significant role in relation to the key political and administrative decisions by the Welsh Government in response to the Covid-19 pandemic and that it has a significant interest in Module 2B of the Inquiry.

Legal Representation

13. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

15. I am satisfied that WLGA has appointed Thelma Stober of the Local Government Association as its qualified lawyer in relation to this Module. I therefore designate Thelma Stober as WLGA's recognised legal representative in accordance with Rule 6(1).

16. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the Prime Minister's determination under section 40(4) and the Inquiry' Costs Protocol.

17. As I am minded to decline the application in respect of the LGA and ADASS, I will offer them an opportunity to renew the application. If they wish to renew the application, they must do so in writing to the Solicitor to the Inquiry by **12pm on Thursday 20 October 2022**. Renewed applications should not repeat information provided in the original application but should provide any additional information that may assist me in considering the renewed application. I intend to determine any applications on paper without oral submissions, other than in exceptional circumstances. If the application is not renewed, I will confirm this Provisional Decision has become final.
18. I will keep the scope of Module 2B and the designation of Core Participants under review. My decision not to designate the LGA and ADASS as Core Participants in Module 2B does not preclude them from making a further application in respect of any later modules. I will consider any future applications they may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
13 October 2022