



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

**MODULE 2B - RELATIVES AND 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 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 a joint application from the Relatives and Residents Association (“R&RA”) and John’s Campaign (“JC”) (“the Applicants”) for Core Participant status in Module 2B. This Notice sets out my determination of 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. R&RA is the national charity for older people needing care and the relatives and friends who help them cope. JC was established in 2014 to advocate and campaign for the right of people with dementia to be supported by their family carers. The application is put on the basis that the applicants played a direct and significant role in relation to matters to which Module 2B relates and that they have a significant interest in an important aspect of the matters to which Module 2B relates. The application is supported by three other organisations: Rights for Residents, the British Institute of Human Rights and the Patients Association.
7. The application explains that the Applicants act on behalf of a large number of individuals who have suffered and/or lost their lives/a loved one as a result of Covid-19 and/or the decisions made by the government in response to the pandemic. The application emphasises the disproportionate impact of the pandemic upon older people and disabled people who require care and support and states that it is vital that their perspective is considered as part of modules 2 and 2B.
8. The application states that the organisations have separately and jointly played a fundamental role in collating and presenting evidence of the impact of Government

guidance and advice to health and social care providers, non pharmaceutical interventions in health and care settings and the proportionality of public health and coronavirus legislation and regulations on those in health and care settings in light of their existing health conditions and vulnerabilities.

9. The application also provides examples of how the organisations have used the evidence they have gathered to lobby for change and to ensure the rights of people needing care and support are upheld (for example through judicial review proceedings, and through successfully lobbying DHSC for changes to COVID-19 guidance).

### **Decision for the Applicant**

10. I acknowledge the specific impact of the Covid-19 pandemic on those individuals with existing health inequalities, protected characteristics and those either in care homes or receiving care. 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 and 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 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.
11. Having considered with great care everything that is said in the applications, I am minded, in my discretion, to designate the Applicants as Core Participants in Module 2B. This is on the basis of a joint grant, noting that the organisations have adopted joint working and will be jointly represented. For a number of reasons, I consider that the Applicants jointly are well placed to assist the Inquiry in Module 2B as to whether those whose interests they represent, including those requiring care and those providing such care, were considered as part of the process of core political and administrative decision-making in response to Covid-19.

## Legal Representation

12. 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—  
their interests in the outcome of the inquiry are similar;  
the facts they are likely to rely on in the course of the inquiry are similar; and  
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.*

13. I am satisfied that the Applicant has appointed Emma Jones of Leigh Day as its qualified lawyers in relation to this Module. I therefore designate Emma Jones as the Applicant's recognised legal representative in accordance with Rule 6(1).

14. 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](#).

**Rt Hon Baroness Heather Hallett DBE**

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

**13 October 2022**