



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - MS YVONNE MACNAMARA AND THE TRAVELLER MOVEMENT**

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a 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 9 November 2022 the Inquiry received an out of time application from Yvonne MacNamara and the Traveller Movement ("the Applicants") for Core Participant status in Module 1. This notice sets out my decision on the application.

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 have considered whether the Applicants have provided an acceptable explanation as to why they did not submit their application within the relevant timeframe and 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 1.

Summary of Application

6. The application states that the Traveller Movement (TM) gained charitable status in 2003 and is the largest representative body engaging with national and local government for and on behalf of GTR (Gypsy, Traveller and Roma) communities in the UK. Yvonne McNamara is the Chief Executive Officer of TM and applies jointly with TM for Core Participant status. The Applicants have provided a letter dated 2 November 2022 from Mary Foy MP, the co-Chair of the All-Party Parliamentary Group (APPG) on Gypsies, Travellers and Roma, in support of their application for Core Participant status.

7. The application is made on the basis that both Applicants played, or may have played, a direct and significant role in relation to the matters to which the Inquiry relates. However, it provides no specific detail of the direct and significant role that it is said to



have played in relation to the preparedness and resilience of the United Kingdom for an event such as the Covid-19 pandemic.

8. The application is further made on the basis that both Applicants have a significant interest in an important aspect of the matters to which the Inquiry relates. The application is based on the unequal impact experienced by the GTR community across the UK during the course of the pandemic as a consequence of lack of resilience and lack of preparedness. Examples of the unequal impact given in the application include hate speech and discrimination, infection risk, health, hygiene, education and employment. The Applicants contend that the UK was not prepared for the Covid-19 Pandemic and that this lack of resilience and preparedness acutely affected and impacted on GTR groups in various ways, for example in access to primary health care and GPs. The Applicants emphasise that this is a group which has always been disadvantaged in relation to access to healthcare. The Applicants hope that lessons are learned from our investigation into the preparations for and response to the Covid-19 pandemic in the UK, to ensure that GTR are not subjected to the same unequal impact and detrimental treatment in future pandemics.

9. The Applicants' explanation for making their application outside the Inquiry's timescales is that on 12 October 2022 they received an enquiry from the Policy and Public Affairs Officer at the Parliamentary and Health Services Ombudsman about the adverse experiences of GTR during the Covid-19 pandemic and that this correspondence highlighted the work of the Inquiry to the Applicants and prompted their application for Core Participant status. The Applicants also cite the many calls on their resources and their limited means as further reasons for why their application has been made out of time. Further delay was then caused by the need to consult the Applicants' board about applying for Core Participant status.



Decision for the Applicants

Whether the application should be considered out of time

10. As is acknowledged by the Applicants, the deadline for applications for Core Participant Status in Module 1 was 16 August 2022, meaning that this application was received 85 days after the deadline expired.
11. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states: *"...The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe"*.
12. My aim in conducting this Inquiry is to provide prompt and useful reports and recommendations. To do that I must impose firm deadlines for different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also consider the need to be fair to all applicants who have made their application for Core Participant status within the time period available and more generally the need to ensure there is no unfair advantage obtained by a late application.
13. I have therefore first considered whether the Applicants have provided an acceptable explanation for the failure to comply with the deadline imposed for renewal.
14. I note that the application was received 85 days after the deadline. The application window was open from 21 July 2022 to 5pm on 16 August 2022. The application was therefore received over 12 weeks after the closure of the application window, which had itself been open for over three weeks.



15. Further, the application identifies that the enquiry from the Ombudsman was on 12 October 2022. It took nearly a full month before an application was lodged with the Inquiry with the result that it post dated the preliminary hearings in Module 1.

16. No specific issue has been identified that prevented an application being made at an earlier stage. The application does not expressly state that the Applicants were not aware of the existence of Module 1 after it opened on 16 August 2022; however, in any event ignorance would not amount to an acceptable explanation. These are events that have been highlighted on the Inquiry Website, social media and more generally the Inquiry has been the subject of press attention and reporting. Reference to “*calls on TM's resources are many, and its means are very limited*” is, in my view, an unacceptable explanation for why the Applicants either were not aware of, or did not engage with, the window for applying for Core Participant status. If I accepted the reason given as an acceptable explanation then, in effect, the deadline would have no force. I also bear in mind that this is not a situation in which material identified in the course of the Inquiry has come to light or circumstances have changed so it is appropriate for an application to be made outside the initial window.

17. Accordingly, I do not consider that the Applicants have provided an acceptable explanation as to why they did not submit their application within the relevant timeframe. I therefore decline to consider the application at this time and so decline the application for Core Participant status.

18. I also bear in mind that simply because an applicant has been refused Core Participant status that does not bar them from applying or being granted Core Participant status in a later module or from providing relevant evidence to the Inquiry.



19. For completeness, I will also provide my conclusions on whether the Applicants should have been granted Core Participant status in Module 1, had their application been received during the application window.

The substance of the application

20. I acknowledge the specific impact of the Covid-19 pandemic on vulnerable and minority groups facing inequalities. I wish to reaffirm my commitment 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.

21. I have considered with great care everything that is said in the Applicants' application. Having done so, in my discretion, I consider that the Applicants do not meet the criteria set out in Rule 5 for designation as Core Participants in Module 1 and, therefore, even if the application had been made in time, my decision would have been not to designate the Applicants as Core Participants in Module 1.

22. The application provides no specific detail in respect of the direct and significant role that the Applicants say they played in relation to the matters to which Module 1 relates. I have noted with care how the Applicants bring a representative and valuable voice on behalf of the GTR community. However, the focus of Module 1 is on the resilience and preparedness of the UK in advance of the coronavirus pandemic.

23. In particular, Module 1 is primarily concerned with the core systems and structures within the UK for preparedness and resilience for an event such as the Covid-19 pandemic and with high-level pandemic resilience, preparedness and planning. It will examine whether the correct structures, bodies, procedures and policies were in place at UK and at regional and national levels and look at their history, development, co-operation and performance. In terms of inquiring into pandemic planning, this will include examination of the forecasting processes, the extent to which lessons were



learned from knowledge of actual events and simulated exercises, the degree of readiness preparation and the general resources that were available. The Module is therefore concerned with how the relevant entities prepared and whether they were ready by way of general response. In the context of the provisional scope of Module 1, I am satisfied that the Applicants did not play a direct and significant role in relation to the matters to which Module 1 relates for the purposes of Rule 5(2)(a).

24. Furthermore, I do not consider, having regard to the need to manage the Inquiry effectively and efficiently, that the Applicants' interests in pandemic planning and preparedness are sufficiently significant to justify granting them 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.

25. 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 Applicants may wish to consider making an application for Core Participant status in future modules likely to deal more directly with inequalities and the impact on areas such as education, healthcare systems, and public services. I consider that those later modules are likely to be more suitable for consideration of the issues raised in the application.

26. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants 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.



27. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered ill-health, 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 Applicants, and those they represent, will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose to do so.

28. Finally, I am not persuaded that Ms MacNamara's role as CEO of TM justifies the granting of Core Participant status to her as an individual. Even if I had granted Core Participant status to TM, I would have declined Core Participant status to Ms MacNamara solely on this basis.

29. As already noted above, my decision not to designate the Applicants as Core Participants in Module 1 does not preclude them from making any further applications in respect of any later modules. I will consider any future applications the Applicants 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

17 November 2022