



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - ANN McCONNELL ON BEHALF OF JOHN BURNS (DECEASED) & OTHERS

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 2C 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 2C provides that this module will examine the decision-making by the government in Northern Ireland 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 2 September 2022 the Inquiry received an application from Ann McConnell on behalf of John Burns (deceased) & others (the **"Applicants"**) for Core Participant status in Module 2C.
4. I made a provisional decision not to designate the Applicants as a Core Participants in Module 2C, thereby declining the Applicants' application, on 13 October 2022. The Applicants were provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. The Applicants 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 2C.
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 Applicants are bereaved family members. The Applicants set out a number of areas of concern within their application, including: the rate of deaths in care homes, visiting restrictions, suspension of care home inspection visits, the implementation and monitoring of policies, regulations and guidance, hospital acquired Covid-19 deaths,

PPE, staffing, testing, transfers and discharge and the regulation of care homes during the pandemic. All of the concerns expressed in the application relate to Care Homes.

Decision for the Applicant

10. 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 a Core Participant in Module 2C and, therefore, I have decided not to designate the Applicants as a Core Participants in Module 2C.
11. The application is understandably focused upon issues which relate to care homes. The way in which care homes were operated is undoubtedly a very important aspect of the response to the Covid-19 Pandemic, but the focus of Module 2C is on the the very high level decision-making by the government in Northern Ireland encompassing, for example, the implementation of non-pharmaceutical interventions across society. I therefore find that the Applicants did not play a direct and significant role in relation to the matters to which Module 2C relates (i.e. the high level, strategic decision-making under consideration), in accordance with Rule 5(2)(a) of the Inquiry Rules 2006.
12. Furthermore, I do not consider, in any event, having regard in particular to the need to manage the Inquiry effectively and efficiently, that the Applicants' interests in decision making by the government in Northern Ireland are sufficiently significant as to grant 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.
13. 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 applying for Core Participant status in relation to future modules which are of relevance to them.

14. 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.
15. 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 Applicants will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.
16. For all of those reasons, having considered all of the information provided by the Applicants, in light of the Provisional Outline of Scope for Module 2C, I consider that the Applicants did not play a direct and significant role in relation to the matters sought to be investigated in Module 2C, nor do the Applicants have a significant interest in an important aspect of the matters to which Module 2C relates. I have therefore decided that the Applicants should not be designated as Core Participants in Module 2C and I confirm that this is my final decision.
17. I will keep the scope of Module 2C under review. My decision not to designate the Applicants as Core Participants in Module 2C does not preclude them from making any further applications in respect of any later modules. The Applicants 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 the Applicants 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