



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - COVID-19 BEREAVED FAMILIES FOR JUSTICE CYMRU

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 23 September 2022 the Inquiry received an application from Covid-19 Bereaved Families for Justice Cymru (the "**Applicant Group**") for Core Participant status in Module 2C.
4. I made a provisional decision not to designate the Applicant Group as a Core Participant in Module 2C, thereby declining the Applicant Group's application, on 13 October 2022. The Applicant Group was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. The Applicant Group 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 Group 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 Applicant Group is a group of individuals who represent families in Wales who have been bereaved by Covid-19. The Applicant Group applies to be a Core Participant in Module 2C and states that there is merit in comparing the different

approaches of the devolved administrations and also in seeking to understand how they communicated with each other.

Decision for the Applicant Group

10. I have considered with great care everything that is said in the Applicant Group's application. Having done so, in my discretion, I consider that the Applicant Group does 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 Applicant Group as a Core Participant in Module 2C.
11. The Applicant Group is principally concerned with decision making in Wales as opposed to Northern Ireland. It did not play a direct and significant role in relation to the matters to which Module 2C relates, in accordance with Rule 5(2)(a) of the Inquiry Rules 2006 and it does not have a significant interest in decision-making in Northern Ireland (Rule 5(2)(b)). The fact that the Applicant Group has an interest in the comparative analysis of decisions made in Northern Ireland and those made in Wales does not seem to me to take the application over the threshold. The ability to compare does not require Core Participant status. Further, the Applicant Group is a branch of the wider UK group Covid-19 Bereaved Families for Justice ("**CBFJ**") and has been granted Core Participant status in Module 2B.
12. The Northern Ireland branch of CBFJ has applied to be a Core Participant in Module 2C. I consider the Northern Ireland branch of CBFJ to have the level of interest required in order for an organisation to be designated a Core Participant.
13. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant Group 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.
14. 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 Applicant Group and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

15. For all of those reasons, having considered all of the information provided by the Applicant Group, in light of the Provisional Outline of Scope for Module 2C, I consider that the Applicant Group did not play a direct and significant role in relation to the matters sought to be investigated in Module 2C, nor does the Applicant Group have a significant interest in an important aspect of the matters to which Module 2C relates. I have therefore decided that the Applicant Group should not be designated as a Core Participant in Module 2C and I confirm that this is my final decision.

16. I will keep the scope of Module 2C under review. My decision not to designate the Applicant Group as Core Participant in Module 2C does not preclude it from making any further applications in respect of any later modules. The Applicant Group 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 Applicant Group 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