



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2C - THE NORTHERN IRELAND DEPARTMENT OF COMMUNITIES

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 the Northern Ireland Department of Communities (the "**Applicant**") for Core Participant status in Module 2C.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 2C, thereby declining the Applicant's application), on 13 October 2022. The Applicant was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 20 October 2022, the Applicant informed the Inquiry that it would not be seeking to renew its application. 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 Applicant is the Department for Communities of the Northern Ireland Government. The application states that the Applicant contributed to the Northern Ireland Executive's response to the pandemic, that the Applicant managed key relationships with the Department for Work & Pensions, local government and 18 arms length

bodies and played a key role in ensuring that communities and some of the most vulnerable within them had access to timely and relevant support during the pandemic.

Decision for the Applicant

10. I have considered with great care everything that is said in the application on behalf of the Applicant. Having done so, I am minded, in my discretion, not to designate it as a Core Participant.
11. The focus of Module 2C is on the key decisions which were made by the government in Northern Ireland in response to the Covid-19 Pandemic, with a particular emphasis on non-pharmaceutical interventions. The application does not specify that the Applicant was ultimately responsible for any key decisions which the government made.
12. The application refers to the Applicant having responsibility for providing support to communities and the vulnerable within them. Whilst this was an important role, it does not go to the core of what will be examined in Module 2C, that is, the key, high level decisions which were taken. Module 2C will consider whether and to what extent assessments were made of the likely impact of non-pharmaceutical interventions on at-risk and vulnerable groups.
13. I have noted that the Applicant is responsible for equalities policy in Northern Ireland. However the application provides no detail about this and, in particular, does not explain what role, if any, the Applicant had in ensuring key decision-making had regard to equality considerations.
14. Having regard to the criteria set out in Rule 5 of the Inquiry Rules 2006, whilst the Applicant, as a government department, may have played an important part in the response to the Covid-19 Pandemic, the Applicant has not demonstrated a direct or significant role in the core political and administrative decision-making (Rule 5(2)(a)). The application does not set out for example, the decisions for which the Department was responsible in respect of non-pharmaceutical interventions.

15. Whilst recognising that the Applicant has an interest in the matters to be investigated by virtue of it being a government department, it does not meet the threshold of having a significant interest for the purposes of Rule 5(2)(b). Again, this is because the application does not demonstrate that it was the decision-maker as regards the key decisions. The Applicant has not suggested that it might face explicit or significant criticism by reason of any role which it played in the making of any key decisions (Rule 5(2)(c)).
16. For all of those reasons, having considered all of the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 2C, I consider that the Applicant did not play a direct and significant role in relation to the matters sought to be investigated in Module 2C, nor does the Applicant have a significant interest in an important aspect of the matters to which Module 2C relates. I have therefore decided that the Applicant should not be designated as a Core Participant in Module 2C and I confirm that this is my final decision.
17. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant 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.
18. I will keep the scope of Module 2C under review. My decision not to designate the Applicant as Core Participant in Module 2C does not preclude it from making any further applications in respect of any later modules. The Applicant 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 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