



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - COVID AID

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 2 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 2 provides that this module will examine the decision-making by the UK Government during the Coronavirus pandemic. Modules 2A, 2B and 2C will examine the decision-making by the Government in Scotland, Wales and Northern Ireland respectively 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 30 November 2022 the Inquiry received an out of time application from Covid Aid ("the Applicant") for Core Participant status in Module 2. This Notice sets out my final 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. Applications for Core Participant status made outside of the Inquiry's timescales are considered in line with paragraph 10 of the Inquiry's [Core Participant Protocol](#) which provides:

When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside the timelines given by the Inquiry. 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.

6. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the Applicant has 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 2.

Summary of Application

7. The application states that Covid Aid launched in 2021 and is the UK's leading Covid-19 charity, having supported and provided a voice to more than 225,000 people

across the country affected by Long Covid, grief and bereavement, pandemic-related trauma and other life-changing issues. The application describes how Covid Aid has designed its “*Support Community*” as a fully inclusive space to service the needs of all who have suffered, with a focus on those affected by Long Covid (said to number 2.3 million) and those who have lost a loved one to coronavirus. The Support Community is described as having more than 1,200 members. The application explains how the Applicant provides dedicated one-to-one listening support, professional counselling, self-management courses, expert Q&As, tailored peer groups, resource packs, advice and information articles, among other services.

8. Covid Aid is also described as a platform for other charities, healthcare providers, grassroots groups, and other organisations, informing, boosting and promoting advice and services.
9. It has been nominated for multiple awards including at the Third Sector Awards, Scottish Charity Awards, and StartUp Awards National Series, in categories including Charity of the Year and Rising Star. In addition to the information contained within the application, Covid Aid has also provided its Annual Report and latest Charity Summary which I have considered.
10. The application is made on the basis that members of Covid Aid, and those whom Covid Aid have supported and represented, have a significant interest in matters to which the Inquiry relates generally and specifically Module 2. They contend that as the only charity representing people who have experienced life-changing issues as a result of Covid-19, they represent a diverse group of people including those affected by Long Covid, bereavement, trauma, and those who work in a variety of professions including the healthcare sector, as well as those absent from employment due to long-term disability. The Applicant submits that Covid Aid would be able to play a positive and collaborative role in ensuring the Inquiry can reach a successful outcome which will be of importance to those whom they support. The application also notes that they have a diverse membership and audience who were impacted by the core decision-making and political governance relating to the Covid-19 pandemic. They contend that their diverse membership and audience may be able to assist in looking at these issues.

11. With regard to the failure to apply for Core Participant status within the timescales set by the Inquiry, the Applicant apologises and states that as a small charity, they were not made aware until November of the opportunity to be a Core Participant. At this point they immediately looked to submit an application and prioritised this amongst their existing workload of providing support, advice and information for their Support Community as well as their wider audience.

Decision for the Applicant

Whether the application should be considered out of time

12. As is acknowledged by the Applicant, the deadline for applications for Core Participant Status in Module 2 was 23 September 2022, meaning that this application dated 30 November 2022 was received 61 days after the deadline expired and beyond the period when the preliminary hearing took place (31 October 2022).
13. 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."
14. The aim of this Inquiry is to enquire into the matters set out within the Terms of Reference and ensure that by identifying any lessons learned from the pandemic, that recommendations for change are able to be made swiftly. To achieve that aim, I must impose firm deadlines at different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also have to 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 that there is no unfair advantage obtained by a late application.
15. I therefore have to first consider whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed for renewal.

16. The application window was open from 31 August 2022 to 5pm on 23 September 2022. The application was therefore received over eight weeks after the closure of the application window, which had itself been open for over three weeks.
17. There is no explanation of any specific issue that prevented an application being made at an earlier stage other than the Applicant's lack of awareness of the opportunity to apply for Core Participant status in Module 1, which in my view does not amount to an acceptable explanation.
18. The work of the Inquiry, and the opportunity to apply for Core Participant status in Module 2, have been highlighted on the Inquiry website, social media and, more generally, the Inquiry has been the subject of media attention and reporting. Whilst I accept that the Applicant is a "*small charity*", it is in my view, an unacceptable explanation of why they were not aware of 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.
19. Accordingly, I do not consider that the Applicant has 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 in Module 2.
20. I also bear in mind that simply because an Applicant has been refused Core Participant status in Module 2 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.
21. For completeness, I will also go on to provide my conclusion on the merits of the application for Core Participant status in Module 2.

The substance of the application

22. I wish to extend my deep sympathy to all those represented by the Applicant regarding the deaths of their family members and loved ones, as well as to those who have suffered, and continue to suffer, from adverse health, illness, disability and other matters as a result of the Covid-19 pandemic. I repeat my ongoing commitment, as set out in the Terms of Reference and again, in my Opening Statement, 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 including those with pre-existing health conditions and wider inequalities.
23. I have considered with great care everything that is said in the Applicant's application. Having done so, in my discretion, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2 and, therefore, even if I had accepted that there had been an acceptable explanation for the delay in making the application, my decision would have been not to designate the Applicant as a Core Participant in Module 2.
24. The Applicant does not contend that they played any role in core political and administrative decision making and similarly, they do not suggest that they may be subject to significant criticism. I am satisfied that the Applicants did not have a direct or significant role in core political and administrative decision making in the UK or the Devolved Nations (Rule 5(2)(a)) or may be subject to such criticism (Rule 5(2)(c)).
25. The Application is based on having a significant interest in matters to which Module 2 relates (Rule 5(2)(b)). I accept that the Applicant has a significant interest. However, 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. I am 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.
26. 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.

27. I consider that the interest of the Applicant is sufficiently represented by other organisations which have been designated Core Participant status – for example, organisations representing the bereaved across the United Kingdom, including the devolved nations, Long Covid and other groups disproportionately impacted by the pandemic.
28. I am confident that the blend of the existing Core Participants, Counsel to the Inquiry and the gathering of relevant evidence will ensure that the interests represented by the Applicant are properly taken into account when considering the issues for Module 2.
29. I appreciate the disappointment that my decision will cause. However, and notwithstanding the fact that the Applicant's application has been declined due to its lateness, it may be possible for the interests of those represented by the Applicant to be represented by one of the organised groups to which I refer above. If this is something that the applicants are interested in, the Solicitor to the Inquiry's Team will be able to pass on the contact details for the appropriate group.
30. As I have indicated 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 in due course be in contact with 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.
31. 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 and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

32. I will keep the scope of Module 2 under review. My decision not to designate the Applicant as a Core Participant in this module does not preclude the Applicant from making any further applications in respect of any later modules. I note that there is also an application for Module 3 and will consider this and 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

16 December 2022