



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 3 - CARDIFF & VALE UNIVERSITY HEALTH BOARD**

**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 8 November 2022, the Inquiry opened Module 3 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 5 December 2022
2. The Inquiry has published the Provisional Outline of Scope for Module 3, which states that this Module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. Further Modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 1 December 2022 the Inquiry received an application from Cardiff & Vale University Health Board ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 12 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining the application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 19 January 2023.
5. The Applicant 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 3.

## Summary of Application

8. The Applicant states that it has been responsible for the provision of primary and secondary healthcare in Cardiff and the Vale of Glamorgan and related healthcare services since 2009. It provides healthcare for a population of approximately 445,000 and oversees 17 health centres. Its hospitals include University Hospital of Wales ("UHW"), which is Wales' largest hospital and the third largest university hospital in the UK. Its treatment centre deals with all major trauma cases throughout South and West Wales and it operates the only dedicated children's hospital in Wales. UHW was responsible for a temporary Nightingale hospital and provides a range of public health and community and specialist services for the whole of Wales.

9. The application notes that the scope of the Module has yet to be finalised and it is said that the Inquiry may decide to use case studies or that particular topics, geographical areas or levels of government might be selected for detailed investigation in due course. It notes that the Inquiry may wish to examine the Applicant's role when considering the impact of the pandemic on healthcare systems in Wales.
10. The Applicant states that each of the 12 topics set out in the Provisional Outline of Scope for Module 3 are relevant to it and identifies particular areas where it considers it is uniquely placed insofar as the population of Cardiff and the Vale of Glamorgan are concerned. It states that it is the primary provider of healthcare in the capital city of Wales and an intrinsic part of the healthcare system in Wales and shares working relationships with healthcare centres in England.

### **Decision for the Applicant**

11. I have considered with great care everything that is said in the application. Having done so, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 3 and, therefore, I have decided not to designate the Applicant as a Core Participant in Module 3.
12. Module 3 will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This will include consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people's experience of healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated Module.
13. The application is put on the basis that the Applicant played a direct and significant role in the matters to which Module 3 relates (Rule 5(2)(a)) and has a significant interest in an important aspect of those matters (Rule 5(2)(b)) and that there is a possibility that it may be subject to explicit or significant criticism (Rule 5(2)(c)).

14. I do not consider the Applicant played a direct and significant role in the matters to which Module 3 relates. The Applicant did play a direct role in the matters that are relevant to Module 3 as a provider of primary and secondary healthcare and related healthcare services in Cardiff and the Vale of Glamorgan. However, as an individual board, its role is not “significant” such that it ought to be granted Core Participant status under Rule 5(2)(a), as opposed to any other individual trust or board of its type. That is notwithstanding its large size and range of services. I also do not consider the Applicant to have a significant interest in those matters for the reasons set out above and so in my view, Rule 5(2)(b) is also not met.
  
15. While the Applicant states there may be the potential for it to be criticised, it is too early at this stage in the Inquiry for me to determine whether any criticism will be made, particularly whether it might amount to explicit or significant criticism and so Rule 5(2)(c) is not met at this stage. Even if this were not the case, and having regard in particular to the need to manage the Inquiry efficiently and effectively, in my discretion I would decline to designate the Applicant as a Core Participant in Module 3. 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 factors. I am not obliged to designate any particular person or organisation as a Core Participant. 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. Not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
  
16. This will be kept under review and in due course it may be that the operational response of individual healthcare boards or trusts will be examined as case studies as part of Module 3 and the Applicant may be identified in that regard. Whether they should then be designated as an individual Core Participant could be revisited.
  
17. Paragraph 8 of the Inquiry’s Core Participant Protocol sets out my invitation for groups of organisations with similar interests to submit an application for Core Participant status. The Applicant has not identified a reason why it could not form part of the group of Welsh boards and trusts that applied for and have been granted Core Participant status in this Module. The Applicant may wish to approach this group

directly, or the Solicitor to the Inquiry will be able to pass on the contact details for the group.

18. 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 it is likely that the Inquiry will in due course seek information from a range of individuals, organisations and bodies who may have information relevant to the issues raised in the Modules and, where appropriate, make requests for witness statements and documents.
19. 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 3, I have decided that the Applicant should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.
20. I will keep the scope of Module 3 under review. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude it from making any further applications in respect of any later modules. 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**  
**13 February 2023**