



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - LEUKAEMIA CARE**

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 Leukaemia Care ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 13 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 20 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 application is in the form of an email in which the Applicant identifies itself as the UK's leading leukaemia charity. The application states that leukaemia is a cancer of white blood cells, cells that would normally contribute to the immune response to viruses such as Covid-19. The application is put on the basis that leukaemia patients were shown to be amongst the most vulnerable patients at the start of the Covid-19 pandemic, as well as amongst those least likely to respond well to vaccination. Throughout the pandemic, the Applicant is said to have provided support to those affected by leukaemia. The application states that shielding was taken very seriously by those affected by leukaemia and that a significant number of patients continue to regulate their interactions with the outside world. It is said that this is made worse by

the fact that treatment is no longer routinely commissioned for those who are exposed to Covid-19.

9. The application is put on the basis that, should the Applicant be unsuccessful in its application for Core Participant status in Module 3, the Chair should consider appointing a representative of the Blood Cancer Alliance instead. The Blood Cancer Alliance is a membership organisation of 15 blood cancer charities including the Applicant and, it is said, would give a view that reflects the needs of the different blood cancer patients, from all the charities collectively, being able to demonstrate any nuances between organisations. However, the Blood Cancer Alliance has not applied to Module 3 for Core Participant status.
10. The application does not expressly identify the specific grounds within Rule 5(2) of the Inquiry Rules 2006 on which it is put or how the Applicant meets that criteria.

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 is the UK's leading leukaemia charity, which provided support to those affected by leukaemia throughout the

Covid-19 pandemic. While the application does not explicitly refer to Rule 5(2), I have considered whether the Applicant does meet any of the limbs of that Rule.

14. I do not consider that the Applicant meets the criteria within Rule 5(2)(a) for the purposes of Module 3. This is because the majority of the work that the Applicant is said to have done is one step removed from healthcare systems, such as its work supporting those affected by leukaemia and related blood cancer types. The focus of this Module is healthcare systems themselves and not all of those who interacted with healthcare systems can be considered to have played a direct and significant role.
15. Furthermore, while I recognise that the Applicant and those to whom it provides support will have an interest in healthcare systems, I do not consider that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates, within the meaning of Rule 5(2)(b). 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. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in the UK could potentially have an interest in the Inquiry and not everyone can be granted Core Participant status for the purpose of the Inquiry hearings. Insofar as the issue of clinical vulnerability is concerned, that will be addressed by other organisations that I have designated as Core Participants who cover a broader range of patients considered to be clinically vulnerable and/or required to shield.
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 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.
17. 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