



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - THE MOTHERHOOD PLAN AND BIRTHRIGHTS

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 2 December 2022 the Inquiry received an application from The Motherhood Plan (also known as Pregnant Then Screwed) and Birthrights ("the Applicants") for Core Participant status in Module 3.
4. I made a provisional decision dated 16 January 2023 not to designate the Applicants as a Core Participant in Module 3, thereby declining the Applicants' application ("the Provisional Decision"). The Applicants were provided with an opportunity to renew the application in writing by 4pm on 23 January 2023.
5. The Applicants 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 identifies the Applicants as organisations at the forefront of national advice, research and campaigning for the rights of pregnant, birthing and post-natal women during the Covid-19 pandemic. The application is made under Rule 5(2)(b).
9. The application states that Pregnant Then Screwed is a charity working to end the motherhood penalty: the systematic disadvantage experienced by mothers in the workplace in terms of pay, perceived competence and benefits.

10. The application is put on the basis that Birthrights is the UK-wide charity dedicated to improving women and birthing people's experience of pregnancy and childbirth by promoting respect for human rights and that, during the pandemic, Birthrights worked hard to protect the rights of people accessing maternity services, advising 2,255 service users, as well as healthcare professionals. The application states that Birthrights engaged with national and local NHS policy makers to advocate for the rights of people accessing maternity services, directly influencing pandemic policy making.

11. The application is put on the basis that women accessing maternity services were affected by some of the strictest Covid-19 pandemic restrictions at an incredibly important and vulnerable time in their lives. Restrictions on visitors led to women hearing devastating news alone with no support from family/friends, giving birth alone, parents being separated from newborn babies in neonatal intensive care units despite testing negative for Covid-19, women left in degrading conditions on postnatal wards, and severe limitations on birth choices. The application is further put on the basis that healthcare outcomes for pregnant women were particularly poor, their unique needs were not sufficiently considered in national, regional and local decision making and that Module 3 offers an opportunity to consider these issues in depth and learn important lessons about management of maternity services in a pandemic.

Decision for the Applicant

12. I have considered with great care everything that is said in the application. Having done so, I consider that the Applicants do 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 Applicants as a Core Participant in Module 3.

13. Module 3 will consider the impact of the 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.

14. The application is put on the basis that the Applicants were organisations at the forefront of national advice, research and campaigning for the rights of pregnant, birthing and post-natal women during the Covid-19 pandemic and thus Rule 5(2)(b) applies.
15. While I recognise that the Applicants and their members will have an interest in healthcare systems, that interest is not a “significant” interest in 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 have regard in particular to the need to manage the Inquiry effectively and efficiently. 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.
16. I also note that Pregnant Then Screwed is focused on workplace inequalities for pregnant women, as opposed to healthcare, albeit it undertook a wider role during the Covid-19 pandemic. In terms of the issues raised within the application about vaccination, there will be a separate Module later in the Inquiry that will focus on vaccinations. Given the significance of the pandemic to pregnant women and the impact that it had at all stages of pregnancy, including the ability to have birth partners present, Module 3 will consider these issues. A consortium of 13 pregnancy, parenting and baby charities and organisations covering a wide spectrum of those areas and with a number of specialisms have been granted Core Participant status to assist with this. I consider that issues relating to the matters raised in the application are sufficiently addressed through the designation of the aforementioned groups as a Core Participant.
17. I am determined to run the Inquiry and Module 3 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. It is not necessary for an individual or

organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants outline that they have relevant information to give in relation to matters being examined by Module 3 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 Module and, where appropriate, make requests for witness statements and documents.

18. For all of those reasons, having considered all of the information provided by the Applicants, in light of the Provisional Outline of Scope for Module 3, I have decided that the Applicants should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.

19. I will keep the scope of Module 3 under review. My decision not to designate the Applicants as a Core Participant in Module 3 does not preclude them from making any further applications in respect of any later modules. I will consider any future applications the Applicants 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