



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3**

Dr Mark Faghy, Dr Ruth Ashton, Dr David Strain, Dr Binita Kane, Dr Fauzia Bagum, Ms Lindsay Skipper, and Mrs Sarah Barely-McMullen on behalf of: COVID-19, Long Covid Research HUB, University of Derby, University of Exeter, Manchester University Foundation NHS Trust, Royal Derby, and Burton Hospitals Trust and our Patient and Public Involvement and Engagement Representatives

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 5 December 2022 the Inquiry received an application from Dr Mark Faghy, Dr Ruth Ashton, Dr David Strain, Dr Binita Kane, Dr Fauzia Bagum, Ms Lindsay Skipper, and Mrs Sarah Barely-McMullen on behalf of: COVID-19, Long Covid Research HUB, University of Derby, University of Exeter, Manchester University Foundation NHS Trust, Royal Derby, and Burton Hospitals Trust and our Patient and Public Involvement and Engagement Representatives ("the Applicants") for Core Participant status in Module 3 together with associated documents.

4. The application and associated documents exceed the number of pages permitted by the Inquiry's Core Participant Protocol. Accordingly, only the application has been considered and not the associated documents. This Notice sets out my determination of the application on this basis.
5. I made a provisional decision dated 16 January 2023 not to designate the Applicants as Core Participants in Module 3, thereby declining the application ("the Provisional Decision"). The Applicants were provided with an opportunity to renew the application for Core Participant status in Module 3 in writing by 4pm on 23 January 2023.
6. The Applicants did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.

Application

7. 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.*

8. 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

9. The application is put on the basis that the Applicants have been working collaboratively and represent a common interest in supporting long Covid patients and their families. The Applicants are said to represent a cohort of academic researchers, healthcare professionals and patients with lived experiences that have been actively involved in the design, delivery, and dissemination of national and international research trials, acute treatment and management of Covid-19, service design and delivery whilst facilitating increased public awareness of the long-term health impacts of Covid-19 and long Covid.

10. The application sets out that the Applicants have gathered a significant amount of quantitative and qualitative data from research projects that includes surveys and patient diaries said to capture and explore patients' lived experiences of accessing healthcare services since April 2020. The application states that data collected to date has been implemented within local NHS trusts and established long Covid centres to improve diagnostic and treatment processes specifically to enhance patient experience and outcomes. The Applicants are said to have assisted the NHS Taskforce for Long Covid, the All-Party Parliamentary Group Long Covid and the Science and Technology Select Committee by providing evidence and research. The application states that they are well placed to assist the Inquiry with evidence on the systemic issues arising in the impact on healthcare as it relates to long Covid. It is submitted that the application should be granted on the basis of the Applicants meeting the criteria in Rules 5(2)(a) and (b) of the Inquiry Rules 2006.

Decision for the Applicants

11. I have considered everything that is said in the application with great care. While I recognise the important work the Applicants are said to have done during the Covid-19 pandemic, I have decided not to designate them as Core Participants for the purposes of 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 advanced both on the basis that the Applicants played a direct and significant role in the matters to which Module 3 relates, pursuant to Rule 5(2)(a), and/or that they have a significant interest in an important aspect of the matters to which Module 3 relates (Rule 5(2)(b)).
14. The Applicants may have played a part in the development of the understanding of long Covid and I note that the application highlights how the Applicants have contributed to wider research projects about the condition. However, I do not consider, on the basis of the application, that the role that the Applicants have played, separately or together, is one that constitutes a direct and significant role in relation to the impact of Covid-19 upon healthcare systems, so as to meet the criteria under Rule 5(2)(a).
15. I do accept that the Applicants have a significant interest in Module 3 as envisaged by Rule 5(2)(b), by virtue of their interest in long Covid. However, while I am bound to consider the factors in Rule 5(2), it is also open to me to take into account other relevant matters. 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 in the UK could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
16. The points raised within the application in relation to long Covid and its effects are of significant importance to Module 3. With this in mind, and having regard to my duty to act with fairness and the need to avoid any unnecessary cost to public funds, I have

designated Core Participant status to a group application made on behalf of Long Covid Kids, Long Covid Physio, Long Covid SOS and Long Covid Support. At this stage, I consider that issues relating to long Covid in Module 3 are sufficiently addressed through the designation of the aforementioned groups as Core Participants.

17. I also bear in mind that the Applicants have placed emphasis on the matters about which they would like to provide the Inquiry with evidence. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. 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.
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
14 February 2023