



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 3 - THE REGULATION AND QUALITY IMPROVEMENT AUTHORITY**

**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 the Regulation and Quality Improvement Authority ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 16 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining its application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 23 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 describes the Applicant as an arm's length body of the Department of Health in Northern Ireland ("the Department"). Its general duties, as set out in *The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003*, are said to be: (a) keeping the Department informed about the provision of services and in particular about their availability and quality and (b) encouraging improvement in the quality of services. The application explains that the Applicant discharges these duties through its statutory functions, which include: conducting reviews of, and making reports on, arrangements by statutory bodies in order to monitor and improve the quality of health and personal social services for which the bodies have responsibility, carrying out investigations and inspections in

relation to such statutory bodies and recommending that the Department take special measures in relation to specific bodies or service providers.

9. The application states that as the designated independent body with regulatory oversight across the health and social care sector within Northern Ireland and having regard to its core functions, in particular keeping the Department informed about the provision of services, the Applicant considers that the requirement set out in Rule 5(2)(a), that it played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates is met given the Applicant has a material role in such matters.
10. The Applicant also asserts that it has a significant interest in an important aspect of the matters to which the Inquiry relates (Rule 5(2)(b)), including in relation to the experience of healthcare and core decision-making and leadership within healthcare systems during the Covid-19 pandemic. The Applicant explains its independence and its role in keeping the Department informed about the availability and quality of such services, by regulating service providers, and monitoring and reporting to the Department on the quality and availability of services. The application states that any determination of such issues is an important aspect of the matters integral to the role of the Applicant and it is said to have a significant interest in them.
11. The application also notes that the Applicant will be able to assist the Inquiry by providing detailed knowledge and information in relation to matters such as the legal and regulatory framework, adequacy of methods available to communicate concerns and the issue of physical inspection of services.

### **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 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 it as a Core Participant in Module 3.
13. 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.

14. 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)). It is also put on the basis that there is a possibility that the Applicant may be subject to explicit or significant criticism (Rule 5(2)(c)).
  
15. I do not consider the Applicant played a direct and significant role in the matters to which Module 3 relates. The Applicant's role as a designated independent body with regulatory oversight across the health and social care sector within Northern Ireland is one step removed from the operation of healthcare systems and the impact of the Covid-19 pandemic on those systems and patients, groups and services. Accordingly, I consider that the Applicant did not play a direct and significant role in the matters to which Module 3 relates and so Rule 5(2)(a) is not met. While the Applicant could be said to have a broad interest in such matters, this does not amount to a significant interest in an important aspect of the matters to which Module 3 relates in accordance with Rule 5(2)(b). 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 I do not consider Rule 5(2)(c) is met at this stage.
  
16. 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.

17. I also bear in mind that the Applicant has placed emphasis on the matters about which it would like to provide the Inquiry with evidence. However, 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 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.
  
19. 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**  
**14 February 2023**