



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 3 - DENTAL ALLIANCE**

**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 4 December 2022 the Inquiry received an application from Dental Alliance ("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 Dental Alliance's application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 19 January 2023.
5. On 19 January 2023 the Applicant submitted a renewed application for Core Participant status in Module 3. This notice sets out my final determination of the Applicant's application for Core Participant status in Module 3.

## 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 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 represents the largest body of dental practitioners both from the NHS and private sectors in the UK and that it can assist the Inquiry by representing the collective interests of a broad spectrum of dental practitioners. The Applicant considers that healthcare referred to in Module 3 must include dental health services. The Applicant states that it has a significant interest in decision-making and the consequences to patient care and safety by the imposition of regulations and restrictions, including the failure to consult and communicate. The Applicant is also said to have a significant interest not only in respect of staffing levels, critical care capacity and allocation of resources that led to a lack of dental care but also the impact of the pandemic on dental practitioners pursuant to Rule 5(2)(b).

9. The Applicant's renewed application provides helpful further information, which I have considered and have summarised below.

### **Decision for the Applicant**

10. I have considered with great care everything that is said in the Applicant's renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole. Having done so, I remain of the view that the Applicant does not meet the criteria set out in Rule 5(2). I have therefore decided not to designate the Applicant as a Core Participant in Module 3.
11. I am grateful to the Applicant for taking care to set out more detail in their renewed application. I note the points made by the Applicant with respect to its significant interest in matters related to dentistry. The renewed application is put on the basis that the Applicant satisfies the criteria in Rule 5(2)(b) of the Inquiry Rules 2006, as it has a significant interest in an important aspect of the matters set out in the Provisional Outline of scope for Module 3. The Applicant contends that this is on the grounds of its significant interest in matters relating to dentistry. The application states that the Applicant's members were intrinsically and directly affected by the core decision making in relation to the response to the pandemic on dental practitioners. However, Module 3 will examine healthcare systems as a whole, not the detail of decision-making within dental healthcare.
12. The renewed application also appears to be put on the basis that Rule 5(2)(a) applies because it asserts that the Applicant "played a direct and significant role in decision making within dental healthcare systems during the pandemic", in particular in relation to determining staffing levels, critical care capacity and allocation of resources. In this respect, the Applicant appears to have misconstrued the reference to "critical care capacity" in the Provisional Outline of Scope for Module 3 to relate to dental care, rather than critical care units (sometimes referred to as "intensive care units") in acute hospitals.
13. While it may be that the Applicant's members played a direct role in dental healthcare systems during the pandemic, and have a significant interest in the same, the dental healthcare sector is not a key focus of Module 3, which will examine the impact of the Covid-19 pandemic across primary, secondary and tertiary care within the healthcare

systems in England, Wales, Scotland and Northern Ireland. The Provisional Outline of Scope for Module 3 sets out in detail the aspects of the healthcare systems of the United Kingdom which will be examined. The significant interest of the Applicant is in dental healthcare systems, which are part of the healthcare systems of the United Kingdom, but are not an important aspect of the matters within the scope of Module 3.

14. Therefore, in my view, the Applicant has not played a direct and significant role in the matters to be examined in Module 3, nor has it demonstrated that its members have a significant interest in an important aspect of those matters, as set out in the Module 3 Provisional Outline of Scope.
15. Even if that were not the case, in the exercise of my discretion, and having regard in particular to the need to manage the Inquiry effectively and efficiently, I would decline to designate the Applicant as a Core Participant in relation to Module 3. 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 this country could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purpose of the Inquiry hearings.
16. I have granted Core Participant status in Module 3 to the Academy of Medical Royal Colleges ("the Academy"). The Academy will represent the interests of its member organisations, one of which is the Faculty of Dental Surgery and will be able to provide further assistance to the Inquiry, if required, on the aspects of dentistry and dental healthcare within their knowledge. The Applicant asserts that due to its wider membership it is better placed than the Academy to represent the views of frontline dentistry. However, I consider that the designation of the Academy as a Core Participant is sufficient to enable consideration of dental healthcare within the context of those matters which are to be examined within the scope of Module 3.
17. I have taken into account the fact that there are a number of ways in which the Applicant can participate in Module 3 without being a Core Participant, many of which have been recognised as adequate alternatives to Core Participant status in a number of other recent statutory inquiries. For example, as I noted in my Provisional Decision,

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, in due course, the Inquiry will seek information from a range of individuals, organisations and bodies to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.

18. More generally, and to the extent that the issues the Applicant raised are intended to be addressed by Module 3, I have every confidence in the independent legal team whom I have appointed specifically for the purpose of pursuing all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands.
19. Therefore, having considered all of the information the Applicant provided in light of the Provisional Outline of Scope for Module 3, I remain of the view that the Applicant does not meet the criteria set out in Rule 5 for designation as Core Participants in Module 3. I have decided that the Dental Alliance should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.
20. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude the Applicant 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**  
**16 February 2023**