



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - INDEPENDENT AMBULANCE ASSOCIATION

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 30 November 2022 the Inquiry received an application from the Independent Ambulance Association ("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 the Independent Ambulance Association's application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 23 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 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 original application describes the Applicant as the leading trade association representing UK independent ambulance providers. The Applicant's members are said to provide a range of ambulance services including 999 and high dependency transfers and non-emergency patient transport. Collectively it transports or has contact with approximately 5 million patients a year. The independent ambulance sector is said to have played a crucial role during the Covid-19 pandemic and that, as the Applicant's services were heavily relied upon, many extra resources had to be directed into the response and recovery stages of the pandemic. The application is put on the basis that the Applicant and its members ought to be recognised for their work during the Covid-19 pandemic and that through listening to the Applicant's

experience, lessons can be learned and recommendations made to prevent future losses. The application does not identify in express terms the specific grounds within Rule 5(2) of the Inquiry Rules 2006 on which it is put and how the Applicant meets the criteria set out in the Rules.

9. The Applicant's renewed application provides helpful further information, which I have considered with care. In summary, the renewed application sets out that the Applicant's members provide half of the emergency ambulances and transports more than half of all outpatients in the UK. The Applicant points out that it provides many more ambulances than the voluntary sector and that at the peak of the Covid-19 pandemic the private ambulance sector was operating several thousands of ambulances. The renewed application states that the private ambulance sector has to operate as an integral part of the overall NHS healthcare system and raises issues with lack of planning and coordination between the NHS and independent ambulance sector. It also makes a suggestion of a possible recommendation regarding standardisation of emergency ambulance design and the 'compartmentalisation' of drivers.

Decision for the Applicant

10. I have considered with great care everything that is said in the 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 consider that the Applicant does meet the criteria set out in Rule 5(2) and I have decided 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. Based on the additional information provided by the Applicant in its renewed application, I consider that the Applicant and its members did play, or may have played, a direct and significant role in the response to the Covid-19 pandemic in terms of the delivery of ambulance services and that Rule 5(2)(a) is met. I also consider that, by reason of the direct and significant role the Applicant played, it may also have a significant interest in an important aspect of the matters to which Module 3 relates, namely the delivery of ambulance services.

12. In reaching my decision, I have had particular regard, in the renewed application, to the information provided by the Applicant regarding its role as an integral part of the NHS healthcare system and the high proportion of emergency ambulances in the United Kingdom which are operated by the Applicant.

Legal Representation

13. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

14. I am satisfied that the Independent Ambulance Association has appointed Linda Barker of Duncan Lewis Solicitors as its qualified lawyer in relation to this Module. I, therefore, designate Linda Barker as the Independent Ambulance Association's recognised legal representative in accordance with Rule 6(1).

15. Directions will be given in relation to applications for an award under section 40(1)(b)

of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry's Costs Protocol](#).

Rt Hon Baroness (Heather) Hallett DBE

Chair of the UK Covid-19 Inquiry

16 February 2023