



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

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 Mind ("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 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 23 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 Applicant identifies itself as the leading national mental health charity in England and Wales, providing information and support to people who experience mental health problems and campaigning for accessible, effective and accountable public services across England and Wales. It is said to have approximately 500 staff as well as a network of 110 affiliated local Mind associations across England and Wales. In 2020 and 2021, the Applicant conducted research into the impact of the Covid-19 pandemic on people's mental health. The application states that, in addition to the disproportionate impact of the Covid-19 pandemic on people already experiencing mental health problems, huge numbers of people experienced significant mental health problems for the first time. It is said they did not get the help and support they

needed. The application states that as of November 2022, there were 1.8 million people on NHS waiting lists for mental health support and approximately 8 million people could benefit from mental health support and treatment but are not deemed ill enough to be referred to mental health services. The application was put on the basis of meeting the criteria within both Rule 5(2)(a) and 5(2)(b).

9. The Applicant's renewed application provides helpful further information, which I have considered with care. In summary, the Applicant restates that it considers that it has a significant interest in Module 3. It emphasises that its perspective is different, if not unique in this Inquiry, compared to other Core Participants, as the largest mental health charity in England and Wales. The Applicant states that it represents and advocates for people with mental health problems. It also provides front-line services at national and local level, the majority of which are funded by NHS organisations and local authorities. It is suggested that it is unlikely that other service providers will focus on the harm that was done to individuals who were left without community care, treatment and medication or the consequential effect that had on other health services. It is said that the Applicant has evidence to bring from its experience of being a health service provider throughout its federation of 110 affiliated local Mind associations, 'Minds'. Further, while acknowledging that it is a member of the Disability Charities Consortium ("DCC"), the Applicant states it is important to recognise the need for a very specific focus on mental health. The Applicant submits that the impact of Covid-19 on the nation's mental health, including on children and young people, falls outside the DCC's overall brief.

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 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. Taking everything that is said on the Applicant's behalf into account, I am of the view that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates. In reaching my decision, I have had particular regard to the

mental health services directly provided by the Applicant and the extent of its knowledge and experience on matters pertaining to mental health. I recognise the unique nature of the Applicant's interest and have come to the view that it is sufficiently distinct from other members of the DCC, so as to warrant designation as a separate Core Participant, taking account of the considerations to which I must have regard in managing this Inquiry efficiently and effectively.

12. I consider that the Applicant is well placed to assist the Inquiry to achieve its aims through its depth of knowledge and understanding of a range of issues relating to mental health, such as the impact of the Covid-19 pandemic on those suffering with enduring mental health conditions and on the provision of mental health services across primary, secondary and tertiary healthcare sectors.

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 Applicant has appointed Rheian Davies of Mind's Legal Department as its qualified lawyer in relation to this Module. I, therefore, designate Rheian Davies as the Applicant'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