



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

**MODULE 3 - LONG COVID KIDS, LONG COVID PHYSIO, LONG COVID SOS AND LONG  
COVID SUPPORT**

**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 Long Covid Kids, Long Covid Physio, Long Covid SOS and Long Covid Support ("the Applicants") for Core Participant status in Module 3. This Notice sets out my determination of the application.

**Application**

4. 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.*

5. 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**

6. The Applicants represent the collective interests of surviving victims of Covid-19; the patients and healthcare workers who have suffered life changing illness and/or disability as a consequence of infection from Covid-19. The Applicants are support and advocacy organisations established to fill gaps in the understanding of, the treatment of and assistance needed for people with long Covid. They are said to have direct experience of the healthcare systems' response to the pandemic.
7. It is said that the application engages Rules 5(2)(a) and 5(2)(b). The application sets out numerous ways in which the Applicants have played a direct role in characterisation, diagnosis and treatment of long Covid. The application sets out a number of ways in which this is said to have impacted core decision making within healthcare systems and the nature of treatment to be provided to patients with Covid-19. This includes providing central government and public health services with evidence and concerns about the risk of long Covid, participating in monthly Ministerial Round Tables chaired by the Under Secretary of State for Health and Social Care, participating in the NHSE Long Covid Taskforce, advocating and providing evidence relevant to the establishment and functioning of long Covid clinics and working with international

bodies such as the World Health Organisation leading to the public recognition of long Covid in August 2020 and the formation of the Long Covid Forum in December 2020.

8. In terms of its significant interest, it is said that long Covid's relevance is not merely confined to paragraph 12 of the Provisional Outline of Scope for Module 3 but forms a central threat to the overall assessment of the healthcare consequences of how the Government and public services responded to the pandemic. The Applicants' sufficient interest is said to arise as a victim cohort that has suffered physical harm and interference with bodily integrity sufficient to engage Article 3 of the European Convention on Human Rights. The Applicants also state they will be able to assist with contributing illustrative accounts of long Covid sufferers' experience.

### **Decision for the Applicant**

9. I have considered with great care everything that is said in the application. Having done so, I have decided to designate the Applicants as a Core Participant in Module 3.
10. 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.
11. The application is put on the basis that the Applicants have played a direct and significant role in the matters to which Module 3 relates (Rule 5(2)(a)) and that the Applicants have a significant interest in an important aspect of the matters to which Module 3 relates (Rule 5(2)(b)).
12. I recognise the specific impact of the pandemic on those suffering with long Covid as a consequence of infection by Covid-19. For a number of reasons I consider that the Applicants are well placed to assist the Inquiry to achieve its aims in Module 3, having

regard to the need to manage the Inquiry effectively and efficiently. This is because they can assist the Inquiry in understanding the experiences and perspectives of those suffering from long Covid in the UK, as well as the response of healthcare systems in characterising, diagnosing and treating the condition.

## **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 Applicants have appointed Jane Ryan of Bhatt Murphy Solicitors as its qualified lawyer in relation to this Module. I therefore designate Jane Ryan 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 January 2023**