



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - THE RIGHT HONOURABLE DAME ARLENE FOSTER DBE PC

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 12 August 2022 the Inquiry received an application from Dame Arlene ("the Applicant") for Core Participant status in Module 1.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 1, thereby declining the application ("the Provisional Decision"), on 7 September 2022. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
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 of Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

Summary of Application

8. The application is put on the basis that Dame Arlene was involved at various stages and in various ways in the government of Northern Ireland, including as First Minister of Northern Ireland from 11 January 2016 to 10 January 2017 and 11 January 2020 to 14 June 2021, Minister for Finance and Personnel from 11 May 2015 to 12 January 2016, Minister for Enterprise, Trade and Investment from 9 June 2008 to 4 May 2011 and 16 May 2011 to 11 May 2015, Minister for Environment from 8 May 2007 to 9 June 2008



and Member of the Ad Hoc Committee on the COVID-19 Response from 31 March 2020 to 6 October 2021.

9. The application stated that given the breadth of the scope of the Inquiry and the likelihood that a wide range of government departments would have been required to take steps to prepare for a pandemic, Dame Arlene played, or may have played, a direct and significant role in relation to the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(a). The application also suggested that Dame Arlene satisfies Rule 5(2)(a) on the basis that, following the return of the Northern Ireland Executive after a three year hiatus in January 2020, she will have played a significant role in assessing and addressing the state of preparedness of her respective Department. Her role in discussions and decision-making about whether and when the Executive would return was also cited as relevant to the application.

10. Furthermore, reliance is placed on the fact that Ministers overseeing Departments in which key decisions on preparedness may have been made prior to 2020 may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report, for Module 1 for the purposes of satisfying Rule 5(2)(c).

Decision for the Applicant

11. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, not to designate Dame Arlene as a Core Participant in Module 1. Whilst I appreciate that Dame Arlene has had various roles in the government of Northern Ireland, there are a number of departments of the Northern Ireland Executive which will have had a more significant institutional involvement in relation to the matters to which the Outline of Scope for Module 1 relates and to whom I have granted Core Participant status. Furthermore, some of Dame Arlene's roles commenced from 11 January 2020 onwards, whereas the focus of



Module 1 is on the resilience and preparedness of the UK, including Northern Ireland, before that time. I therefore do not consider that Dame Arlene's application meets the criteria set out in Rule 5 for designation as a Core Participant in Module 1.

12. In my Opening Statement I noted that I will publish more information about the issues intended to be covered by later modules in the coming months. Dame Arlene may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with Northern Ireland's response to the Covid-19 pandemic.
13. It is also 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 the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
14. For all of those reasons, having considered all of the information provided by Dame Arlene in light of the Provisional Outline of Scope for Module 1, I consider that Dame Arlene did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does Dame Arlene have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that Dame Arlene should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision.
15. I will keep the scope of Module 1 under review. My decision not to designate Dame Arlene as a Core Participant in this Module does not preclude Dame Arlene from making a further application in respect of a later module. I will consider any future application Dame Arlene may wish to make on its merits.



Rt Hon Baroness (Heather) Hallett DBE
Chair of the UK Covid-19 Inquiry
29 September 2022