



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 1 - INTENSIVE CARE SOCIETY**

**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 22 September 2022 the Inquiry received an application, out of time, from the Intensive Care Society ("the Society") for Core Participant status in Module 1. This notice sets out my decision on the Society's 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 have 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 1.

### **Summary of Application**

6. The application states that the Society was founded in 1970, is the oldest intensive care professional body and membership organisation in the world, and is a registered charity supporting intensive care research, professional education, standards, guidance, and member support. The application explains in detail how intensive care staff and services were acutely impacted during the Covid-19 pandemic and the centrality to public health decision-making of maintaining adequate Intensive Care Unit (ICU) capacity and business continuity. The application goes on to outline the Society's role as a professional leadership group and strategic network for information-sharing and communication among clinicians during the Covid-19 pandemic, as well as its activities as a key voice in speaking for the ICU community and critically ill patients during the Covid-19 pandemic, supporting public understanding of critical care and capacity issues and interacting extensively with the NHS and DHSC when relevant. In March 2020 the Society also established the National Emergency Critical Care



Committee as a cross-organisational multi professional group to share knowledge, learning and guidance about emerging treatments and research related to Covid-19.

7. The application is made on the basis that the Society considers it has a duty to provide evidence to the Inquiry given its unique position representing the wider multi professional intensive care community during the pandemic, sharing knowledge, and advising numerous different parties, and with UK-wide frontline insight, through its members and networks, into intensive care capacity, staffing and operational continuity. Specifically, the Society considers that its Council and wider members have beneficial experience for the Inquiry to draw upon in relation to: what provision of robust and flexible critical care facilities should look like to maximise future resilience and minimise the impact of future pandemics on public life, health, and the economy; the impact the pandemic has had on the workforce; and the scope of questions which are asked to ensure the UK is better prepared in the future for the next pandemic, particularly in terms of staffing and resources.

### **Decision for the Applicant**

8. As I have already noted above, the deadline for making applications for Core Participant status in Module 1 was 16 August. This application was therefore made 37 days after the deadline expired. The application states that *“We understand that applications for core participant status for \*module 1 may have now closed. We believe that given the relevance to intensive care services, staff and the Society’s response during the pandemic outlined above, it is important that the Society contributes to this module. We do hope you will consider this request favourably”*. Other than asking for me to treat the Society’s request favourably, no explanation has been given as to why this application was made out of time and I can see no good reason for such a significant delay. I would therefore decline the Society’s application on that basis.



9. In any event, on the basis of the information contained in the application, I consider that the Society did not play a direct and significant role in relation to the matters to which Module 1 relates, nor does it have a significant interest in an important aspect of the matters to which Module 1 relates. Therefore, regardless of the lateness of the application, I do not consider that the application meets the criteria set out in Rule 5 for designation as a Core Participant in Module 1, and I would decline to designate it as a Core Participant in Module 1.
10. Whilst the Society states that it had various important roles in relation to the response of critical care health systems to the pandemic, its application is put predominantly in terms of its activities after the Covid-19 pandemic had already started. However, the focus of Module 1 is the resilience and emergency preparedness of the UK in advance of the coronavirus pandemic. Although the Society does assert that it wishes to ask questions to ensure that it is better prepared in the future for the next pandemic, I do not regard this, in my discretion, as being sufficient for the grant of Core Participant status.
11. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Society 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.
12. I will keep the scope of Module 1 under review. I also note from the application that the Society wishes to apply for Core Participant status in Modules 2 and 3, as well as other future modules concerning specific topics. The Society will, in due course, receive my separate decision in respect of its application for Core Participant status in Module 2. As for the Society's applications for future modules, I decline to determine these applications at this stage. The Inquiry has only opened its investigations and published the Provisional Outlines of Scope for Modules 1, 2, 2A, 2B and 2C. Core Participant



applications will be factually sensitive to the Outline of Scope for each specific module. For that reason, I consider that consistency of decision-making and fairness to all applicants for Core Participant status is best served by individual decisions made in respect of each individual module once their investigations have commenced and Provisional Outlines of Scope have been published. As I said in my Opening Statement, the Inquiry will publish more information about the issues intended to be covered by later modules in the coming months.

13. My decision not to designate the Society as a Core Participant in Module 1 does not preclude it from making any further applications in respect of any future modules which it may make as and when the investigations for those modules have commenced. I will consider any such future applications that the Society 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**

**3 October 2022**