



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2A - TRADES UNION CONGRESS**

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 31 August 2022, the Inquiry opened Module 2A 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 23 September 2022.
2. On 23 September 2022 the Inquiry received an application from the Trades Union Congress (“TUC”) for Core Participant status in Module 2A. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope for Module 2A](#), which states that this module will examine the decision-making by the Scottish Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

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 2A.

Summary of Application

6. The TUC represents 5.5 million working people and 48-member unions. The application is made on behalf of England / Wales / Scotland / Northern Ireland TUCs. The Scottish Trades Union Congress branch ("STUC") represents 560,000 workers across 38 affiliated trade unions. The application to Module 2A is made on the basis that they repeat their submissions made for Module 2 and additionally, they submit that the STUC had a significant influence in shaping Scottish Government ("SG") policy and response, as they met with the SG regularly throughout the pandemic, including twice weekly planning meetings, as well as lobbying, particularly about lockdown and PPE. The STUC note this was a greater level of engagement than the TUC had with the UK Government ("UKG"). The different approaches by STUC and the SG, and the TUC and UKG, is said to offer a unique opportunity for learning.

Decision for the Applicant

7. I have considered with great care everything that is said in the application made by the TUC. I note that the TUC application is representative of the STUC and that by the application the TUC is representing affiliated membership in Scotland. Having done so, I have decided, in my discretion, to designate the TUC and in particular the STUC

as a Core Participant in Module 2A. I consider that the TUC, by virtue of its role in representing the interests of workers in Scotland and particularly workers who had front line positions during the pandemic, that it may have played a direct and significant role in relation to the matters to which the Inquiry relates (Rule 5(2)(a) of the Inquiry Rules 2006) or otherwise has a significant interest in an important aspect of the matters to which the inquiry relates (Rule 5(2)(b)). The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. I also consider that the TUC is well placed, within the context of Module 2A, to represent the interests of a cross section of workers and particularly vulnerable workers in Scotland. I anticipate that this may be an important consideration when the Inquiry considers the extent to which equality considerations informed the key decision making.

Legal Representation

8. 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.

9. I am satisfied that the TUC has appointed Gerard Stiliard of Thompsons Solicitors as its qualified lawyer in relation to this Module. I therefore designate Gerard Stiliard as the TUC's recognised legal representative in accordance with Rule 6(1).

10. 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' Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

13 October 2022