



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULES 2A, 2B AND 2C - COVID-19 BEREAVED FAMILIES FOR JUSTICE GROUP

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 Modules 2, 2A, 2B and 2C 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. The Provisional Outlines of Scope for Modules 2A, 2B and 2C provides that those modules will examine the decision-making by the Scottish Government, the Welsh Government and the government in Northern Ireland respectively, 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.
3. On 23 September 2022 the Inquiry received an application from the Covid-19 Bereaved Families for Justice Group (the "Applicant Group") for Core Participant status in Modules 2A, 2B and 2C.
4. I made a provisional decision not to designate the Applicant Group as a Core Participant in Modules 2A, 2B and 2C, thereby declining the Applicant Group's application ("the Provisional Decision"), on 14 October 2022. The Applicant Group was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 20 October 2022, the Applicant Group submitted a renewed application for Core Participant status in Modules 2A, 2B and 2C. This notice sets out my determination of

the Applicant Group's application for Core Participant status in Modules 2A, 2B and 2C.

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 set out in Rule 5(2) in relation to the issues set out in the Provisional Outlines of Scope for Modules 2A, 2B and 2C.

8. I have taken into account all of the information upon which the Applicant Group has relied. In making this determination, the fact that I have not referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

Summary of Application

9. The Applicant Group's original application stated that the Applicant Group is a UK-wide campaign group representing the interests of over 1500 bereaved family members of individuals who died from Covid-19. The Applicant Group has campaigned on a number of Covid-19-related issues, including on establishing a public inquiry concerning the Covid-19 pandemic.
10. In its renewed application, the Applicant Group states that it has membership from across all four nations of the UK and that if it does not have Core Participant status for Modules 2A - C, its members will receive only partial disclosure based upon where their loved ones died. The renewed application is made on slightly different grounds in respect of Modules 2A and 2B and 2C.
11. The application states that in respect of Modules 2A and 2B, some bereaved families have a difference in opinion regarding the way in which to approach the Inquiry. Some Scottish and Welsh families wish to be represented by the Applicant Group, whereas some wish to be represented by the autonomous devolved groups (Covid-19 Bereaved Families for Justice (Cymru) and Scottish Covid-19 Bereaved Families for Justice). The application states that the wider Applicant Group's Scottish and Welsh members will therefore be excluded from those parts of the Inquiry which will most directly affect them, firstly by not having representation in Modules 2A and 2B and secondly by not receiving disclosure from those modules.
12. The application states that in respect of Module 2C, by contrast, there is a collaborative working arrangement between the Applicant Group and Northern Ireland Covid-19 Bereaved Families for Justice which means that the Northern Ireland legal team will undertake most of the work in Module 2C, but will work in collaboration with the central Applicant Group's team. However, such a relationship will be unworkable if the Applicant Group and its central team is excluded from Module 2C and again its Northern Ireland members will not receive disclosure from Module 2C.
13. The Applicant Group states that its intention is to have a central legal team and three devolved teams that will work cooperatively to represent the interests of all of its members. It states that it will only seek such resources in Module 2C as is necessary

to make the arrangements of the central and devolved teams work effectively. In respect of Modules 2A and B, it will attempt to determine how far the Applicant Group can work with the devolved teams in an attempt to limit duplication of efforts. The application states that this is not four separate inquiries but rather a UK-wide inquiry that will look at the interactions between the UK Government and the devolved nations.

14. The application is supported by a letter from the Applicant Group's Directors, which sets out the Applicant Group's approach, structure and membership across the UK.

Decision for the Applicants

15. I have considered with great care everything that is said in the Applicant Group'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, in my discretion I have decided not to designate the Applicant Group as a Core Participant in Modules 2A, 2B and 2C.
16. I appreciate the work that has been undertaken by the Applicant Group to date and the work it will continue to do to help the Inquiry to achieve its aims. I also understand that as a result of my determination, its Scottish, Welsh, and Northern Irish members will not receive disclosure from the Modules in which they may have the most interest. I have already taken the decision to grant Core Participant status to Scottish Covid-19 Bereaved Families for Justice, Bereaved Families for Justice (Cymru), and Northern Ireland Covid-19 Bereaved Families for Justice in Modules 2A, 2B and 2C respectively. I also note as regards Northern Ireland that there continues to be a co-operative working relationship between the Applicant Group and the Northern Irish Group. I have also designated the Applicant Group as a Core Participant in Module 2. As I have said on previous occasions, I have at the forefront of my mind the interests of bereaved families and it is vital that their views be represented in this Inquiry. I fully accept that bereaved families have a significant interest in Modules 2A, 2B and 2C.
17. However, it is not the purpose of this Inquiry, including Modules 2A, 2B and 2C, to examine individual deaths or the experiences of individual bereaved families. Whilst I appreciate that the wider Applicant Group also represents the interests of bereaved

families in the devolved nations, I am of the view that the interests of the bereaved generally in Scotland, Wales and Northern Ireland can be sufficiently represented by granting Core Participant status to the devolved bereaved groups, given that they also represent bereaved families from the respective devolved nations.

18. In exercising my discretion, I am satisfied that the devolved bereaved family groups are best placed to assist the Inquiry and represent the significant interests of bereaved families in Modules 2A, 2B and 2C. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
19. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant Group 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.
20. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. The Applicant Group and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.
21. For all of those reasons, having considered all of the information provided by the Applicant Group, in light of the Provisional Outline of Scope for Modules 2A, 2B and 2C, I have decided that the Applicant Group should not be designated as a Core Participant in Modules 2A, 2B and 2C and I confirm that this is my final decision.

22. My decision not to designate the Applicant Group as Core Participants in Modules 2A, 2B and 2C does not preclude it from making any further applications in respect of any later modules. The Applicant Group may wish to consider applying for Core Participant status in relation to future modules. I will consider any future applications the Applicant Group 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

25 October 2022