



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 2 - LONG COVID PHYSIO**

**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 2 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 Outline of Scope for Module 2 provides that this module will examine the decision-making by the UK 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.
3. On 23 September 2022 the Inquiry received an application from Long COVID Physio ("the Applicant") for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 2, thereby declining the Applicant's application ("the Provisional Decision"), on 13 October 2022. The Applicant was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 20 October 2022, the Applicant submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicant's application for Core Participant status in Module 2.

## 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 Outline of Scope for Module 2.
8. I have taken into account all of the information upon which the Applicant has relied. The fact that I have not, in making this determination, 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 was part of an application made on behalf of four organisations which are representative bodies providing support for, and advocacy on behalf of, thousands of people suffering from Long Covid. The original application explains that those represented by the Applicants have suffered life changing illness and/or disability as a

consequence of infection from Covid-19: such that whilst they have survived infection, they remain victims of the virus as they suffered/continue to suffer chronic illness and/or disability following infection.

10. The Applicant's original application stated that they are an international peer support, education and advocacy, patient-led association of Physiotherapists living with Long Covid. It is involved in a number of initiatives relating to Long Covid. Further detail in support of Long Covid Physio's submissions that they played a direct and significant role and that they have a significant interest in Module 2 was set out in the Statement of Darren Brown, chair of Long Covid Physio dated 14 September 2022.
11. In my initial determination, I considered that Long Covid Support, Long Covid SOS and Long Covid Children were well placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2. I indicated that I did not consider that Long Covid Physio was sufficiently representative to meet those aims.
12. In its renewed application, the Applicant welcomed the fact that I have recognised Long Covid Kids, Long Covid SOS and Long Covid Support have a significant interest in proceedings, but expressed disappointment that this recognition has not been provisionally extended to their organisation, Long Covid Physio. Darren Brown provided a statement dated 18 October 2022 explaining their reasons. .
13. The application states that Long Covid Physio is a peer-support organisation whose members have Long Covid and who have been engaging in advocacy to support the interests of their members and the wider community of people suffering from Long Covid and accessing physiotherapy as a form of rehabilitation. In the absence of any 'cure' for Long Covid, the UK's Long Covid clinics' primary advice to sufferers relates to rehabilitation.
14. The Applicant states their organisation is distinct from other Long Covid groups. In addition to being sufferers of Long Covid, their members' professional expertise in rehabilitation means the organisation has particular insight into the experience of those living with Long Covid who experience disability and access rehabilitation. This

unique position has informed their advocacy for improvements in the UK Government's political and administrative decision-making in relation to the Covid-19 pandemic through the specific lens of advocating for access to safe and effective rehabilitation.

15. The applicant submits that their participation in Module 2 would assist the Inquiry to ensure that it receives a balanced picture of the events under investigation in this Module and that adequate consideration of Long Covid under the terms of Module 2 should extend to the decision-making on recognising rehabilitation as a treatment method, its availability and accessibility and the establishment of Long Covid clinics.

### **Decision for the Applicants**

16. As I indicated in my initial determination, I acknowledge the impact of the pandemic on those suffering with Long Covid as a consequence of infection by Covid-19. Inequalities will continue to be at the forefront of the Inquiry's investigations and it will focus on the disparities evident in the impact of the pandemic on different categories of people.
17. I have considered with great care everything that is said in the Applicant's renewed application and further statement. I have also reminded myself of what was said in the original application to enable me to assess the merits of the entire application for Core Participant status. Having done so, in my discretion, I consider that although the Applicant has a significant interest (Rule 5(2)(b)), that interest is not sufficient to warrant designation as a Core Participant in circumstances where I consider there are more representative organisations to advance and ensure consideration of that interest in Module 2. I have noted with care, the valuable work the Applicant has undertaken in this field. However, in the context of the provisional scope of Module 2, I am satisfied that the Applicant did not have a direct or significant role in core political and administrative decision-making (Rule 5(2)(a)).
18. In my original determination, I accepted that each Applicant has a significant interest (Rule 5(2)(b)), and this included Long Covid Physio. The Applicant is in error in submitting to the contrary and I hope this clarification brings comfort to the Applicant and its members.

19. As I have previously indicated 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 am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
20. My designation of Core Participant status to other Long Covid organisations is to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. Whilst recognising the important work the Applicant has and continues to undertake, this work has a focus on rehabilitation. The recognition of rehabilitation as a treatment method, its availability and accessibility and the establishment of Long Covid clinics are matters that are outside the provisional scope of Module 2 which concerns core political and administrative decision-making and in particular decisions taken by the Prime Minister and the Cabinet. I shall, however, keep the scope under review.
21. For those reasons, I have therefore decided not to designate the Applicant as a Core Participant in Module 2. I confirm that this is my final decision.
22. As I have indicated before, it is 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.
23. 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 and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

24. My decision not to designate the Applicant as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. The Applicant may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in both the original application and the renewed application. I will consider any future applications the Applicant 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**