



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2A - COVID-19 BEREAVED FAMILIES FOR JUSTICE CYMRU

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. The [Provisional Outline of Scope for Module 2A](#) provides 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.
3. On 23 September 2022 the Inquiry received an application from Covid-19 Bereaved Families for Justice Cymru ("CBFJ Cymru" or "the Applicant") for Core Participant status in Module 2A.
4. I made a provisional decision not to designate CBFJ Cymru as a Core Participant in Module 2A, thereby declining CBFJ Cymru's application ("the Provisional Decision"), on 13 October 2022. CBFJ Cymru was provided with an opportunity to renew the application in writing by 12noon on 20 October 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 set out in Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 2A.
8. I have taken into account all of the information which the Applicant has relied upon. 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. CBFJ Cymru is a branch of the wider UK group Covid-19 Bereaved Families for Justice ("CBFJ") and represents bereaved relatives of individuals who died from Covid-19 in Wales. Regarding Module 2A, CBFJ Cymru states that there is merit in comparing the different approaches of the devolved administrations and also in seeking to

understand how they communicated with each other. The application states that CBFJ Cymru has a significant interest in these matters because they are a group comprised of those affected by governmental decision-making and have in-depth knowledge to assist the Inquiry.

Decision for the Applicant

10. I have considered with great care everything that is said in CBFJ Cymru's application. Having done so, in my discretion, I consider that CBFJ Cymru does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2A and, therefore, I have decided not to designate CBFJ Cymru as a Core Participant in Module 2A.
11. I do not consider that the CBFJ Cymru played a direct and significant role in matters to which Module 2A relates, namely decision-making in Scotland. Neither does it have a sufficiently significant interest in Module 2A. Further, the CBFJ Cymru is a branch of the wider UK group CBFJ. The Scottish branch of CBFJ has applied to be a Core Participant in Module 2A. I consider the Scottish branch to have a more significant involvement in relation to the matters to which the Outline of Scope for Module 2A relates and I intend to grant Core Participant status to that branch.
12. Furthermore, I do not consider, in any event, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision making by the Scottish Government is sufficiently significant as to grant it Core Participant status in this Module. 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.
13. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. The Applicant may wish to consider applying for Core Participant status in relation to future modules which are of relevance to them.

14. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. CBFJ Cymru 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.
15. 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.
16. For all of those reasons, having considered all of the information provided by CBFJ Cymru, in light of the Provisional Outline of Scope for Module 2A, I consider that CBFJ Cymru did not play a direct and significant role in relation to the matters sought to be investigated in Module 2A, nor does CBFJ Cymru have a significant interest in an important aspect of the matters to which Module 2A relates. I have therefore decided that CBFJ Cymru should not be designated as a Core Participant in Module 2A and I confirm that this is my final decision.
17. I will keep the scope of Module 2A under review. My decision not to designate CBFJ Cymru as Core Participants in Module 2A does not preclude it from making any further applications in respect of any later modules. CBFJ Cymru 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 the application. I will consider any future applications CBFJ Cymru 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

26 October 2022