



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2B - INTENSIVE CARE NATIONAL AUDIT AND RESEARCH CENTRE

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 2B 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 2B provides that this module will examine the decision-making by the Welsh 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 the Intensive Care National Audit and Research Centre for Core Participant status in Module 2B.
4. I made a provisional decision not to designate the Intensive Care National Audit and Research Centre as a Core Participant in Module 2B, thereby declining the Intensive Care National Audit and Research Centre's application ("the Provisional Decision"), on 13 October 2022. The Intensive Care National Audit and Research Centre was provided with an opportunity to renew the application in writing by 12pm 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 2B.
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. The ICNARC is a not-for-profit organisation which provided data analysis to key policy makers in Wales in relation to numbers, characteristics and potential outcomes of all adult patients critically ill with Covid-19. The application states that the Applicant

played a direct and significant role in relation to matters in Module 2B as its data reporting and analysis contributed to national decision-making.

Decision for the Applicant

10. I have considered with great care everything that is said in the Intensive Care National Audit and Research Centre's application. Having done so, in my discretion, I consider that the Intensive Care National Audit and Research Centre does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2B and, therefore, I have decided not to designate the Intensive Care National Audit and Research Centre as a Core Participant in Module 2B.
11. The focus of Module 2B is high-level decision-making by the Welsh Government rather than inquiring into the information that was provided to those decision-makers. The application is made on the basis that the Applicant provided advice and was not involved in decision-making. I therefore do not consider that the Applicant meets the criteria set out in Rule 5 for designation as a Core Participant in Module 2B. Having regard to the criteria set out in Rule 5 of the Inquiry Rules 2006, the Applicant may have played a part in the response to the Covid-19 Pandemic but it did not have a direct or significant role in the core political and administrative decision-making (Rule 5(2)(a)). Whilst recognising that the Applicant has an interest in the matters to be inquired into, it does not meet the threshold of having a significant interest for the purposes of Rule 5(2)(b)). The application does not demonstrate that it was a key decision-maker but acted in an advisory capacity.
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 Welsh 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. The Intensive Care National Audit and Research Centre 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. For all of those reasons, having considered all of the information provided by the Intensive Care National Audit and Research Centre, in light of the Provisional Outline of Scope for Module 2B, I consider that the Intensive Care National Audit and Research Centre did not play a direct and significant role in relation to the matters sought to be investigated in Module 2B, nor does the Intensive Care National Audit and Research Centre have a significant interest in an important aspect of the matters to which Module 2B relates. I have therefore decided that the Intensive Care National Audit and Research Centre should not be designated as a Core Participant in Module 2B and I confirm that this is my final decision.
16. I will keep the scope of Module 2B under review. My decision not to designate the Intensive Care National Audit and Research Centre as Core Participants in Module 2B does not preclude it from making any further applications in respect of any later modules. I will consider any future applications the Intensive Care National Audit and Research Centre 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