



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - 13 PREGNANCY, PARENTING AND
BABY CHARITIES AND ORGANISATIONS

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 8 November 2022, the Inquiry opened Module 3 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 5 December 2022.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 3, which states that this Module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. Further Modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 5 December 2022 the Inquiry received an application from 13 pregnancy, parenting and baby charities and organisations, namely: (1) Aching Arms; (2) Baby Lifeline; (3) Bliss; (4) The Ectopic Pregnancy Trust; (5) Group B Strep Support; (6) ICP Support; (7) The Lullaby Trust; (8) Miscarriage Association; (9) National Childbirth Trust ("NCT"); (10) Pelvic Partnership; (11) Pregnancy Sickness Support; (12) Tommy's; and (13) Twins Trust ("the Applicants") for Core Participant status in Module 3. This Notice sets out my determination of the application.

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 3.

Summary of Application

6. The application is described as a “joint application” made by many key charities and organisations working in the pregnancy, parent support and baby charities sector in order to assist the Chair to fully understand the impact on early pregnancy, antenatal, intrapartum care, postnatal and neonatal services during the Covid-19 pandemic and the ongoing legacy upon those services. The application asks that I consider granting the Applicants Core Participant Status in Module 3 as taken both individually and as a collective, they have a wealth of knowledge and assistance that they can contribute.
7. The application is put on the basis that, during the Covid-19 pandemic, the Applicants experienced unprecedented demand for support and witnessed unimaginable suffering due to the deterioration in person-centred and family-centred care. It is said that individuals and families coming to them for support faced challenges in accessing adequate early pregnancy, antenatal, intrapartum care and postnatal medical and midwifery care, meaning that pregnant women had to attend clinics, scans and

hospital appointments alone, some had to give birth alone or with little support and many received the devastating news that their pregnancy had ended whilst alone.

8. The application identifies the work undertaken by the Applicants during the Covid-19 pandemic in relation to the above and is made on the basis that there are a number of areas of the Provisional Outline of Scope for Module 3 in respect of which the Applicants (and those they represent) will have a significant interest, particularly subparagraphs 1 to 5, 8 and 11.

Decision for the Applicant

9. I have considered carefully everything that is said in the application and I have decided to designate the Applicants as Core Participants in Module 3.
10. Module 3 will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This will include consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people's experience of healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated Module.
11. The application is said to be made pursuant to Rule 5 of the Inquiry Rules 2006 and is put on the basis that the Applicants have a significant interest in various parts of the Provisional Outline of Scope for Module 3 (Rule 5(2)(b)).
12. I recognise that the application brings together 13 pregnancy, parenting and baby charities and organisations who have joint/shared interests and expertise in these areas but who also each bring their own unique insight due to the different issues they each focus upon within that sector. Module 3 will specifically look at the impact on those requiring care for reasons other than Covid-19 and I am conscious that there was a significant impact upon pregnancy related care during the Covid-19 pandemic. I am satisfied that Rule 5(2)(b) is engaged and that the Applicants have a significant

interest in an important aspect of the matters to which Module 3 relates. I also consider that the Applicants are well placed to assist the Inquiry to achieve its aims given the wide range of pregnancy, parenting and baby charities and organisations within the group.

13. For the avoidance of doubt, I grant Core Participant status to the Applicants as one collective group rather than each constituent member of the group being individually designated Core Participant status.

Legal Representation

14. 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.

15. I am satisfied that the Applicants have appointed Kim Harrison of Slater and Gordon as their qualified lawyer in relation to this Module. I therefore designate Kim Harrison as the Applicant's recognised legal representative in accordance with Rule 6(1).

16. 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's Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
17 January 2023