



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 3 - DISABILITY CHARITIES CONSORTIUM**

**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 Disability Charities Consortium ("the Applicant") 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 Applicant is described as a coalition of leading disability charities in the UK, made up of Business Disability Forum; Leonard Cheshire; Mencap; Mind; National Autistic Society; Royal National Institute of Blind People; Royal National Institute for Deaf People; Scope; and Sense.
7. The application is put on the basis that the Applicant played a direct and significant role in the matters to which the Inquiry relates as its members worked directly with Government ministers to seek to ensure that disabled people could access healthcare and information about healthcare during the Covid-19 pandemic. The Applicant's members are said to have acted as a "vital source" of advice and information about healthcare for disabled people during the pandemic, via their helplines and frontline services. The application explains that they worked with the Cabinet Office and the Department of Health and Social Care to ensure that critical public health advice was accessible to disabled people.
8. The Applicant is said to have a significant interest in an important aspect of the matters to which the Module relates. With respect to deaths caused by the Covid-19 pandemic, it is said that whilst disabled people account for 22 per cent of the population, they accounted for 6 in 10 deaths. The application states that compared to

people of the same age without such impairments, working-age people with both a hearing and visual impairment in England were nearly 12 times more likely to die due to Covid-19 during the pandemic. The Applicant states that it has an interest in the issue of communication and decision making about patients with Covid-19 and specifically mentions miscommunication and confusion about eligibility for healthcare for disabled people, the application of DNACPR notices and what is described as NHS England's decision to discharge patients infected or those who may have been infected into care homes and the community. The Applicant is said to have an interest in healthcare provision and treatment for patients with Covid-19, the impact on those requiring care for reasons other than Covid-19, quality of treatment for Covid-19 and non-Covid-19 patients, the impact of Covid-19 on people's experience of healthcare, and shielding and the clinically vulnerable.

### **Decision for the Applicant**

9. I have considered with great care everything that is said in the application and having done so, I have decided to designate the Applicant as a Core Participant 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 put on the basis that the Applicant has played a direct and significant role in the matters to which Module 3 relates (Rule 5(2)(a)) and that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates (Rule 5(2)(b)).
12. I recognise the specific impact of the Covid-19 pandemic on disabled people. For a number of reasons I consider that the Applicant is well placed to assist the Inquiry to

achieve its aims in Module 3, having regard to the need to manage the Inquiry effectively and efficiently. As a coalition of leading disability charities in the UK the Applicant can assist the Inquiry in understanding the experiences of healthcare and healthcare systems from the perspectives of a broad range of disabled patients, as well as assisting the Inquiry with understanding the perspectives of and impact on those deemed or those who may have been deemed clinically vulnerable.

## **Legal Representation**

13. 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.*

14. I am satisfied that the Applicant has appointed Anne-Marie Irwin of Rook Irwin Sweeney as its qualified lawyer in relation to this Module. I therefore designate Anne-Marie Irwin as the Applicant's recognised legal representative in accordance with Rule 6(1).

15. 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**

**18 January 2023**