



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - THE PEOPLE'S CARE WATCHDOG

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 2 December 2022 the Inquiry received an application from The People's Care Watchdog ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 16 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining the application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 23 January 2023.
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 3.

Summary of Application

8. The application states that the Applicant is an organisation, which is said to have been created by families of care home residents (including those with social care and nursing experience) because of “grave concerns” about healthcare and treatment of such residents during the Covid-19 pandemic.
9. The Applicant states that it played a direct and significant role in the matters to which the Inquiry relates. It is said that despite being a volunteer run group, it has directly advocated in depth and at length for over 60 families in crisis as well as providing remote support and advice to a group of over 1,000 families and care workers. It is

therefore said that the Applicant can offer a wide breadth of voices and experiences to the Inquiry.

10. The application states that the Applicant can evidence the impact on vulnerable, elderly and adults with special needs in care facilities, including in relation to the following issues: withdrawal of access to General Practitioners and specialist nurses, the denial of basic care and treatments (such as nutrition, fluid intake, pain relief) and the inaccurate diagnoses of individuals due to inappropriate medical consultations. The application also sets out how the Applicant can describe “how core decision-making and leadership impacted 100% of [its] cohort of vulnerable people and their families”, and share experiences of the impact of “dangerously low staffing levels” within care and nursing homes.

Decision for the Applicant

11. I have considered with great care everything that is said in the application. While I recognise the important work the Applicant is said to have done during the Covid-19 pandemic, my view is that the Applicant does not meet the criteria in Rule 5(2) for the purposes of Module 3.
12. 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.
13. The application is put on the basis that the Applicant played a direct and significant role in the matters to which Module 3 relates (Rule 5(2)(a)).
14. I do not consider the Applicant played a direct and significant role in the matters to which Module 3 relates. The Applicant’s primary role appears to have been related to

supporting those in care and nursing facilities. The focus of this Module, however, is on healthcare systems. This is distinct from what occurred in the care sector, which will be addressed in a separate Module later in the Inquiry. It is for this reason that I do not consider that Rule 5(2)(a) is met.

15. Although the application is not put on the basis that Rule 5(2)(b) is met, I have nevertheless gone on to consider this. For similar reasons as expressed above, it appears that the Applicant's interest is in what occurred in care and nursing facilities and how those living in the facilities were affected, rather than what occurred in healthcare systems. I therefore do not consider that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates.
16. 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 the UK could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
17. I also bear in mind that the Applicant has placed emphasis on the matters about which it may be able to provide the Inquiry with evidence. However, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. It is likely that the Inquiry will in due course seek information from a range of individuals, organisations and bodies who may have information relevant to the issues raised in the Modules and, where appropriate, make requests for witness statements and documents.
18. The Inquiry will hear 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. Those whose interests the Applicant represents may wish to contribute to the work of the Inquiry through this process. 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 to be used as evidence during the Inquiry's Module hearings.

19. For all of those reasons, having considered all of the information provided by the Applicant in light of the Provisional Outline of Scope for Module 3, I have decided that the Applicant should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.

20. I will keep the scope of Module 3 under review. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude it from making any further applications in respect of any later Modules. 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

13 February 2023