



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - BRITISH GERIATRICS SOCIETY

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 the British Geriatrics Society ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 13 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 20 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 Applicant identifies itself as the membership society for healthcare professionals caring for older people across acute, primary and community care services, with 4,600 members working across the multidisciplinary team, including geriatricians, nurses, allied health professionals, GPs and pharmacists. The application is put on the basis that the pandemic affected older people more than any other population group therefore, the Applicant's members were at the forefront of the NHS' response to the pandemic. The application sets out how this patient group was particularly affected by the pandemic but does not specifically set out how the Applicant satisfies the criteria in Rule 5(2) of the Inquiry Rules 2006.

Decision for the Applicant

9. I have considered with great care everything that is said in the application. Having done so, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 3 and, therefore, I have decided not 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 does not identify the grounds within Rule 5(2) of the Inquiry Rules 2006 on which it is made. I have nevertheless considered, on the basis of the application, whether the Applicant does meet any of the limbs of that Rule.
12. The application is put on the basis that the Applicant's members were at the forefront of the NHS' response to the pandemic and the Applicant can provide the Inquiry with a unique insight which will not be provided by any other group or individual. Although the Applicant and its members will undoubtedly have played a direct and valued role in the response to the pandemic in terms of the delivery of care to older people, the application does not demonstrate that this was a "significant" role in terms of the overall healthcare system or delivery of the healthcare system within the meaning of Rule 5(2)(a), as compared with any other specialist groups of healthcare professionals.
13. Furthermore, while I recognise that the Applicant and its members will have an interest in healthcare systems and the care and treatment of older people, the application does not demonstrate that this interest was "significant" within the meaning of Rule 5(2)(b). Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in the UK

could potentially have an interest in the Inquiry and not everyone can be granted Core Participant status for the purpose of the Inquiry hearings.

14. In any event, in the exercise of my discretion, and having regard in particular to the need to manage the Inquiry effectively and efficiently, I would decline to designate the Applicant as a Core Participant in relation to Module 3. 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. I have designated the Academy of Medical Royal Colleges, the Royal College of Nursing and the British Medical Association as Core Participants to enable me to hear from a wide range of clinical specialities. At this stage, I consider that the interests of healthcare professionals caring for older people are sufficiently represented by, or through, those organisations as appropriate.
15. I recognise that the Applicant may be able to provide assistance to Module 3. 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.
16. 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.
17. 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

14 February 2023