



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - CENTRE FOR HEALTH AND PUBLIC INTEREST**

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 Centre for Health and the Public Interest ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 12 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining its application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 19 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 describes itself as a charitable think-tank focused on health and social care that produces research into areas where uncontrolled or poorly regulated private interests can run counter to the public good. The Applicant produced a report in 2021 into the NHS use of private hospitals and has authored a number of other reports about the private healthcare market in the UK. The Applicant submits that it has a significant interest in the private healthcare aspect of Module 3 and can offer expertise and existing research to the Inquiry.

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 it 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 is a charitable think-tank focused on health and social care that produces research into areas where uncontrolled or poorly regulated private interests can run counter to the public good. Although the Applicant has not explicitly set out which part of Rule 5 of the Inquiry Rules 2006 upon which the application is based, I have nonetheless gone on to consider whether the criteria contained within Rule 5(2)(a) and Rule 5(2)(b) is met.
12. I do not consider that the application demonstrates that the Applicant played a direct and significant role in healthcare systems, which is the focus of Module 3. Further, while the Applicant states that it has an interest in private healthcare, especially how private interests within healthcare systems can run counter to the public good, I do not consider that this amounts to a significant interest in an important aspect of Module 3, as required by Rule 5(2)(b). The Applicant therefore does not meet either Rule 5(2)(a) or (b) of the 2006 Rules.
13. While I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. 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.

14. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant 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 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.
16. 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