



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 3 - HOMECARE ASSOCIATION**

**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 Homecare Association ("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 its application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application for Core Participant status in Module 3 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 that it is the UK's only membership body exclusively for homecare providers with a focus on working with central government, local government, regulators, the media and the public to represent homecare providers, as well as providing the hands-on support and practical tools their members need. The application is put on the basis that the Applicant had 2,309 members, representing about one-third of registered regular domiciliary care providers, including nearly all the largest organisations (who between them employ almost half of the homecare workforce) and nearly 1,200 small to medium enterprises. The application identifies a number of concerns that the Applicant has, including the death rates of those cared for at home, asymptomatic testing, PPE, vaccinations, DNACPR Orders and additional roles taken on by care staff during the Covid-19 pandemic.

9. The Applicant considers that it falls within the ambit of Rule 5(2)(b) as healthcare and social care are in many respects linked and interrelated in their operations. The application states that core decision-making and policies and procedures adopted in relation to healthcare have a clear and tangible effect on care providers and those whom they seek to support. The Applicant asserts that, for those fundamental overarching reasons, as well as others listed within the application, it has a significant interest in the matters to which Module 3 relates and the findings of the Chair.

### **Decision for the Applicant**

10. 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.
11. 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.
12. The application is put on the basis that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates pursuant to Rule 5(2)(b).
13. While I recognise that the Applicant will have an interest in healthcare systems, that interest is not "significant" within the meaning of Rule 5(2)(b). While the Applicant can be said to have a broad interest in such matters, this does not amount to a significant interest in an important aspect of the matters to which Module 3 relates in accordance with 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. The focus of this Module is on healthcare systems rather than the social care systems. The Applicant's interest appears more focussed on the social homecare sector rather than healthcare systems; the care sector will be considered in a separate designated Module later in the Inquiry, as will vaccinations and PPE, which have also been raised within the application.

14. 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 Module and, where appropriate, will make requests 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 Core Participants 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**