



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 3 - NATIONAL CARE FORUM**

**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 National Care Forum ("the Applicant") for Core Participant status in Module 3. The application itself and the associated documents submitted exceed the number of pages permitted by the Core Participant Protocol. As such, only the application itself has been considered.
4. I made a provisional decision dated 11 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 18 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 has been promoting quality care through the not-for-profit care sector for 27 years and has become a leading voice in the sector, with 165 members providing care and support to over 230,000 people and employing over 117,500 staff. The members are said to range from providers of services for older people, such as residential and nursing care and specialist dementia care, to offering home care, extra care housing, supported living and specialist services for people with a learning disability, autism, mental health conditions or other complex needs. Some members also offer homelessness, substance misuse and resettlement services. Many

are also said to offer supported housing, day services, employment support and other “types of non-Care Quality Commission registered care and support services”.

9. The application is put on the basis that the Applicant considers that Rule 5(2)(b) of the Inquiry Rules 2006 is relevant to its application in that it avers that the strength of the healthcare system also has an impact on social care providers and those they support, and the effective operation of the healthcare system is reliant upon a well-funded and supported care sector. The Applicant identifies that healthcare and social care are in many respects linked and interrelated in their operations. The core decision-making and policies and procedures adopted in relation to healthcare have a clear and tangible effect on providers as they seek to support service users day-to-day (including in accessing healthcare in the community). The application is further put on the basis that the Applicant can provide oversight in terms of vaccination rollout and PPE. The Applicant anticipates that in Module 3 the Inquiry will be required to consider the data on Covid-19 including the recording of deaths and it states that it has a significant interest in the data collected and how it was analysed, including whether inappropriate focus was placed upon data relating to deaths in hospitals, overlooking the impact in care settings and resulting in a failure to protect those supported in the sector.

### **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 the Applicant 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 meets the criteria in 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). Although 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 is more focussed on the social care sector rather than healthcare systems. The care sector will be considered in a separate designated Module later in the Inquiry, as will vaccinations, which have both 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**