



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 3 - NATIONAL PHARMACY 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 National Pharmacy 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 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. On 20 January 2023 the Applicant submitted a renewed application for Core Participant status in Module 3. This notice sets out my determination of the application for Core Participant status in Module 3.

## 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 original application stated that the Applicant is a not-for-profit membership body which represents the vast majority of independent community pharmacies in the UK. The Applicant's 5,500 member pharmacies engage approximately 15,000 pharmacists. The application provides information about the impact of the Covid-19 pandemic on pharmacies and refers to a survey in March and April 2020 which established that pharmacies' workloads increased considerably, and that they were dispensing more prescriptions than in February 2020, providing double the number of home deliveries and receiving three times as many phone calls. The Applicant emphasised the issue of healthcare related inequalities as community pharmacies are disproportionately located within deprived communities and neighbourhoods and

therefore provide care to the people who need it most. The Applicant is said to have played a significant role in the matters to which the Inquiry relates. During the pandemic the Applicant gathered information from its membership on a daily basis and reported into relevant national bodies including but not limited to the Department of Health and Social Care, NHS England, Public Health England, Public Health Agency Northern Ireland, and Public Health Scotland. The Applicant raised concerns with the government regarding the availability of PPE for pharmacy workers and worked with the General Pharmaceutical Council and the Pharmaceutical Society of Northern Ireland to register provisionally pharmacists who were due to sit their registration exams. The Applicant submits it has a significant interest in the Module, as demonstrated by the impact of Covid-19 on its membership.

9. In my Provisional Decision, I considered that the Applicant did meet the criteria in rule 5(2(a) and (b) of the Inquiry rules, set out at paragraph 6 above. However, in the exercise of my discretion, I was minded to decline the application having regard to the need to run the Inquiry efficiently, and in view of my decision to designate the Royal Pharmaceutical Society (“RPS”) as a Core Participant in Module 3, which I considered would adequately represent the interests of the pharmacy sector.
10. In its renewed application, the Applicant submits that there are important differences between it and the RPS which, it considers, make the Applicant better placed to represent the pharmacy sector and to assist the Inquiry in the examination of matters within the scope of Module 3. The renewal application sets out that the RPS represents the professional interests of registered pharmacists whereas the Applicant represents over 100,000 workers, not only pharmacists, in community pharmacies nationwide. The renewal application states that while the RPS does not extend to Northern Ireland, the Applicant has members from across the United Kingdom (and points out that there were specific issues with medicine shortages in Northern Ireland due to the Northern Ireland protocol). The renewed application also explains the role of the Applicant as the Medicines Safety Officer for independent community pharmacy, appointed by NHS England. The renewal application also seeks to differentiate the Applicant from the RPS, in terms of its role in the medicines supply chain. The application states that both the Applicant and its members deal directly with pharmaceutical wholesalers and manufacturers in the supply chain, which is said

to give the Applicant a deep understanding of the operation of the medicines supply chain.

### **Decision for the Applicant**

11. I have considered with great care everything that is said in the renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole. Having done so, I have decided to designate the National Pharmacy Association as a Core Participant in Module 3.
  
12. In reaching my decision, I have had particular regard, in the renewed application, to the role of the Applicant and its members in delivering primary healthcare throughout the Covid-19 pandemic, across all four countries of the United Kingdom. I also consider that the Applicant is well placed to assist the Inquiry to achieve its aims in that it represents, through its significant and diverse membership, a wide-ranging voice of the community pharmacy sector. I have come to the view that the Applicant's interests are sufficiently distinct from those of the RPS as to warrant designation as a separate Core Participant, taking account of the considerations to which I must have regard in managing this Inquiry efficiently and effectively.

### **Legal Representation**

13. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:
  - 6.—(1) *Where—*
    - (a) *a core participant, other than a core participant referred to in rule 7; or*
    - (b) *any other person required or permitted to give evidence or produce documents during the course of the inquiry,*  
*has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.*
  
  - 7.—(1) *This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—*
    - (a) *their interests in the outcome of the inquiry are similar;*
    - (b) *the facts they are likely to rely on in the course of the inquiry are similar; and*
    - (c) *it is fair and proper for them to be jointly represented.*

*(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.*

*(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.*

*(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.*

14. I am satisfied that the Applicant has appointed Brian Stanton of Innovo Law as its qualified lawyer in relation to this Module. I therefore designate Brian Stanton as the Applicant's recognised legal representative in accordance with Rule 6(1).

15. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry's Costs Protocol](#).

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**16 February 2023**