



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - PAUL PHILLIPS**

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 1 December 2022 the Inquiry received an application from Paul Phillips ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 6 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining Paul Phillips' application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 13 January 2023.
5. On 12 January 2023 the Applicant submitted a renewed application for Core Participant status in Module 3. This notice sets out my final 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 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 sets out that the Applicant is a university lecturer whose mother caught Covid-19 while she was a resident in a nursing home and sadly died in hospital on 20 April 2020. The basis of the application is that NHS institutions, specifically nursing homes and care homes, implemented inadequate infection control measures in respect of their residents. The Applicant states that this was a major systemic flaw in NHS Trust policy and practice which is highly likely to be responsible for the deaths of many elderly vulnerable residents of nursing homes and care homes.
9. The Applicant also states that hospitals failed to follow protocols in respect of end of life care and visiting rights and that national policy, and their own respective policies,

were not complied with. The Applicant also states that his mother's oxygen supply was wrongly withdrawn and close relatives were not permitted to visit. The Applicant states that there was a failure by the managers of the UK's institutions to put in place suitable arrangements for communication with loved ones and also that the UK Coroner's Service produced wrong results when cases were referred to them.

10. Mr Phillips' renewed application provides helpful further information, which I have considered with care. In summary, the renewed application sets out that the nursing home where the Applicant's late mother contracted Covid-19 had dual-designation as a nursing home and a hospital which, the Applicant states, may raise the possibility that UK government policy directives meant for UK nursing homes (and UK care homes) did not arrive at such institutions.

Decision for the Applicant

11. Once again, I wish to extend my deep sympathy to the Applicant regarding the death of his mother. I have considered with great care everything that is said in Mr Phillips' 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 remain of the view that the Applicant does not meet the criteria set out in Rule 5(2). I have therefore decided not to designate the Applicant as a Core Participant in Module 3.
12. I am grateful to Mr Phillips for taking care to set out more detail in his renewed application. The main focus of the application is what happened within nursing homes and care homes. How nursing homes and care homes were operated is undoubtedly a very important aspect of the response to the Covid-19 pandemic but the focus of Module 3 is on healthcare systems and a later Module will consider the care sector. I do not consider that the Applicant played a direct and significant role in the matters to which Module 3 relates (Rule 5(2)(a)) or has a significant interest in an important aspect of those matters (Rule 5(2)(b)).
13. Further, the Applicant applies as an individual. I recognise the disappointment my decision will cause but it is not the purpose of the Inquiry, including Module 3, to explore individual deaths. 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 factors. I am not obliged to designate any particular person or organisation as a Core Participant.

14. 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. Given the vast numbers of people who were involved with, or adversely affected by, the pandemic, very many people in the UK could potentially have an interest in the Inquiry. I have granted Core Participant status in Module 3 to a number of organised groups representing the interests of large numbers of bereaved family members of people who have died from Covid-19. This is because I consider that the designation of these organised groups sufficiently represents the collective interests of a broad spectrum of those bereaved by Covid-19, having regard in particular to the need to manage the Inquiry effectively and efficiently.
15. I have taken into account the fact that there are a number of ways in which the Applicant can participate in Module 3 without being a Core Participant, many of which have been recognised as adequate alternatives to Core Participant status in a number of other recent statutory inquiries. For example, as I noted in my Provisional Decision, 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, in due course, the Inquiry will seek information from a range of individuals, organisations and bodies to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
16. More generally, and to the extent that the issues the Applicant raised are intended to be addressed by Module 3 as opposed to later modules, I have every confidence in the independent legal team whom I have appointed specifically for the purpose of pursuing all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands.
17. Therefore, having considered all of the information the Applicant provided in light of the Provisional Outline of Scope for Module 3, I remain of the view that the Applicant does not meet the criteria set out in Rule 5 for designation as Core Participants in 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.

18. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude the Applicant 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

16 February 2023