



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - THE TRAVELLER MOVEMENT

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 Traveller Movement ("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 the application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 18 January 2023.
5. The Applicant subsequently submitted a renewed application for Core Participant status in Module 3. That renewed application requested that I consider the application at an oral hearing, on the grounds that the application was restricted to four pages in

length and that many of those represented by the Applicant have literacy issues and would not be able to follow written arguments.

6. In earlier modules I have already decided that it is not proportionate or necessary to hold an oral hearing to consider renewal applications, save for in exceptional circumstances. The renewed application clearly sets out the basis for the application. All applications (including renewed applications) for Core Participant status are limited to four pages of submissions and to permit this Applicant to elaborate further in oral submissions would risk unfairness to other applicants. This Applicant is legally represented by experienced solicitors who are able to explain the application process and the written determination to their client. In the circumstances, I am satisfied that it is reasonable and proportionate to consider this renewal application on the papers. Therefore this notice sets out my final determination of the Applicant's application for Core Participant status in Module 3.

Application

7. 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.

8. 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

9. The Applicant is described as a representative body which engages with local and national government for and on behalf of Gypsy, Traveller and Roma (“GTR”) communities in the United Kingdom (“UK”). The original application was put on the basis that the Applicant played a direct and significant role in the matters to which Module 3 relates on the basis of the work it has done in Ireland, including alongside Dr Kitching, in the formulation of GTR specific healthcare responses to the pandemic in the west of Ireland. The Applicant also submits that it has a significant interest in the matters mentioned in the Provisional Outline of Scope for Module 3 because the GTR communities were at significantly higher risk of infection with Covid-19 than the majority of the population. This is said to be due to a number of factors, including high levels of poverty and overcrowding, significant numbers of the community living in conditions with limited access to basic water and sanitation, 60% of Roma having underlying health conditions, local authorities not providing adequate facilities to mitigate these risks and GTR communities being less able to access public health guidance and information due to literacy issues and lack of access to the internet.
10. The Applicant’s renewed application provides helpful further submissions and information, which I have considered with care. In making this determination, the fact that I have not referred to every matter which is set out in the application does not mean that they have not been considered and the points addressed below are intended to capture what appear to be the most important points made in support of the application.
11. In summary, the Applicant’s renewed application asserts that it has a significant interest in an important aspect of the matters to which Module 3 relates, such that Rule 5(2)(b) is satisfied. The renewed application does not seek to argue that the Applicant’s role in Ireland amounts to a direct and significant role in the matters to which Module 3 relates, engaging Rule 5(2)(a). The renewed application restates a number of the points made in the original application and also sets out the Applicant’s Response to some aspects of the Provisional Decision.

Decision for the Applicant

12. I have considered with great care everything that is said in the Applicant's 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.
13. I am grateful to the Applicant for taking care to set out more detail in their renewed application. While I recognise that the GTR community may have been disproportionately impacted by the Covid-19 pandemic, I remain of the view that the Applicant has not demonstrated a significant interest in the matters to which Module 3 relates. I accept that the Applicant has demonstrated an interest in health inequalities, as well as inequality issues generally. However, the issues which are raised within the application are not sufficiently connected to healthcare systems to constitute a significant interest in an important aspect of the matters to which Module 3 relates. This is because the health inequalities issues raised appear related to other factors which are not clearly connected to the way healthcare systems functioned or were organised immediately prior to or during the Covid-19 pandemic. I wish to reiterate, however, that the points raised in the application are of significant importance to the Inquiry. The Inquiry shall address health inequalities and the impact of Covid-19 in another dedicated Module. In the circumstances, it will not be practicable to examine these, other than with respect to specific healthcare-related issues, within Module 3.
14. Further, 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. I am not obliged to designate any particular person or organisation as a Core Participant. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
15. The Applicant, in the renewed application, asserts that other minority groups who experienced a disproportionate impact in relation to healthcare during the pandemic and who have been granted Core Participant status in Module 3 will be unable to represent the interests of the Applicant. I am satisfied that amongst those currently designated as Core Participants in Module 3, there is adequate representation of the matters relied upon in this application, which do not apply solely to the GTR

community; in particular, literacy issues and lack of access to technology which may have impacted on patients' ability to engage with some aspects of healthcare systems. I do not consider that the Applicant's interests are sufficiently distinct from those of the groups I have designated as Core Participants in Module 3 so as to warrant designation as a separate Core Participant, in light of the considerations to which I must have regard in managing this Inquiry efficiently and effectively.

16. 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.
17. 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.
18. 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 have a significant interest in an important aspect of the matters for investigation in Module 3. I have decided that the Traveller Movement should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.
19. 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