



PROVISIONAL NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - LONG COVID KIDS, LONG COVID SOS, LONG COVID SUPPORT AND LONG
COVID PHYSIO

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 31 August 2022, the Inquiry opened Module 2 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 23 September 2022.
2. On 23 September 2022 the Inquiry received an application from Long Covid Kids, Long Covid SOS, Long Covid Support and Long Covid Physio (“the Applicants”) for Core Participant status in Module 2. This Notice sets out my provisional decision on the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2, which states that this module will examine the decision-making by the UK Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

Application

4. 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.

5. 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 2.

Summary of Application

6. This application is made on behalf of four organisations which are representative bodies providing support for, and advocacy on behalf of, thousands of people suffering from long covid. The application explains that those represented by the Applicants have suffered life changing illness and/or disability as a consequence of infection from Covid-19: such that whilst they have survived infection, they remain victims of the virus as they suffered/continue to suffer chronic illness and/or disability following infection.
7. The application states that the Applicants have played a direct and significant role in matters relevant to Module 2 on the basis of their role informing political and administrative decision-making by providing central government, public health services, national bodies and others with evidence and concerns about the risk of long covid.
8. The Applicants also state a direct and significant interest in decisions taken by central government arising from their status as a victim cohort which has suffered physical harm and interference sufficient to engage Article 3 and who have used their

experience to forewarn decision-makers of the risk of long covid. The application further states that the failure to take the risk of long covid into account in administrative decision making has caused the Applicants to suffer a profound and debilitating effect on their lives in breach of their Article 3 rights.

9. Long Covid Kids is a registered charity with a small team of volunteers who have been affected by Covid-19. The organisation provides support to 10,000 families through its support services. Further detail as to Long Covid Kids' direct and significant role and interest in Module 2 is set out in the Statement of Sammie McFarland, Chief Executive Officer and co-founder of Long Covid Kids.
10. Long Covid SOS is a registered charity which provides patient advocacy and campaign groups for those with long covid. Further detail as to Long Covid SOS' direct and significant role and significant interest in Module 2 is set out in the Statement of Ondine Sherwood.
11. Long Covid Support is a volunteer-run registered charity. Its focus is to campaign and advocate in the UK for recognition, rehabilitation and research into treatments for long covid and facilitate international support. Further detail as to Long Covid Support's direct and significant role and significant interest in Module 2 is set out in the Statement of Elaine Maxwell, board member of Long Covid Support.
12. Long Covid Physio is an international peer support, education and advocacy, patient-led association of Physiotherapists living with long covid. It is involved in a number of initiatives relating to long covid. Further detail as to Long Covid Physio's direct and significant role and significant interest in Module 2 is set out in the Statement of Darren Brown, chair of Long Covid Physio.

Decision for Long Covid Kids, Long Covid SOS and Long Covid Support, and provisional decision for Long Covid Physio

13. I acknowledge the specific impact of pandemic on those suffering with long covid as a consequence of infection by Covid-19. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of the pandemic on different categories of people. Having considered with great care everything that is said in the applications, I am minded, in my discretion, to designate Long Covid Support, Long

Covid SOS and Long Covid Kids as Core Participants in Module 2. I am not however minded to designate Long Covid Physio as a Core Participant in the exercise of my discretion.

14. I consider that none of the Applicants satisfy Rule 5(2)(a) and did not play a direct or significant role in high level core political and administrative decision making. I do accept that each has a significant interest (Rule 5(2)(b)). The Core Participant Protocol provides that 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 also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. 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. I have considered with great care everything that is said in the application. For a number of reasons I consider that Long Covid Support, Long Covid SOS and Long Covid Kids are well placed to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. This is because they can assist the Inquiry in understanding the perspective of those suffering from long covid in the UK, when it examines the UK's core political and administrative decision-making in response to the Covid-19 pandemic, without considering in detail any individual cases.
16. Set against this, I do not consider that Long Covid Physio is sufficiently representative to meet those aims bearing in mind the aforementioned considerations. The Inquiry will also listen to and consider carefully the experiences of those who have suffered hardship or loss as a result of the pandemic. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. It will be run in such a way that as many people as possible who wish to share their experience may do so.

17. As I am minded to decline the application, I will offer Long Covid Physio an opportunity to renew the application. If they wish to renew the application, they must do so in writing to the Solicitor to the Inquiry by **12pm** on **20 October 2022**. Renewed applications should not repeat information provided in the original application but should provide any additional information that may assist me in considering the renewed application. I intend to determine any applications on paper without oral submissions, other than in exceptional circumstances. If the application is not renewed, I will confirm this Provisional Decision has become final.
18. I will keep the scope of Module 2 and the designation of Core Participants under review. My decision not to designate Long Covid Physio as a Core Participant in Module 2 does not preclude them from making a further application in respect of any later modules. I will consider any future applications Long Covid Physio may wish to make on their merits at the time they are made.

Legal Representation

19. 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.

20. I am satisfied that Long Covid Kids, Long Covid SOS and Long Covid Support have appointed Jane Ryan of Bhatt Murphy Solicitors as its qualified lawyer in relation to this Module. I therefore designate Jane Ryan as the recognised legal representative for Long Covid Kids, Long Covid SOS and Long Covid Support, in accordance with Rule 6(1).

21. 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' Costs Protocol](#).

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
13 October 2022