



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - FEDERATION OF ETHNIC MINORITY HEALTH ORGANISATIONS**

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Since the provisional outline of scope was published, the Inquiry has also published a [Module 1 List of Issues](#). Further modules have since been announced and opened and there will be others announced and opened in due course, which do and will address other aspects of the Inquiry's Terms of Reference.
3. On 15 August 2022, the Inquiry received an application from the Federation of Ethnic Minority Health Organisations ("FEMHO") for Core Participant status in Module 1.
4. I made a provisional decision not to designate FEMHO as a Core Participant in Module 1 ("the Provisional Decision"), on 7 September 2022. FEMHO was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. On 16 September 2022, FEMHO submitted a renewed application for Core Participant status in Module 1. On 28 September, I made a final decision not to designate FEMHO as a Core Participant in Module 1, thereby declining their renewed application.



6. On 21 June 2023, nine months after my initial determination of their application for Core Participant status, FEMHO submitted a formal renewed application for Core Participant status in Module 1. This notice sets out my determination of their application for Core Participant status in Module 1

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 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 1.

Summary of Application



9. FEMHO's original and renewed application states that it is a multidisciplinary consortium representing ethnic minority organisations and individuals within the health and social care sector in the UK. FEMHO describes itself as representing over 55,000 individual members, covering various disciplines, specialisms and levels of seniority, spanning across 43 organisations and interest groups. A list of the 43 member organisations and the range of roles and specialisms covered by its individual members is provided as an annex to the application. Those details are reiterated in the renewed (third) application.

10. FEMHO states that it has a direct and significant interest in all matters under consideration in Module 1 and will be directly impacted by the findings and recommendations made. FEMHO states that it is unique in the combination and range of its professional involvement and expertise and that it could contribute to and assist the Inquiry in ensuring that inequalities are brought to the forefront of the Inquiry's investigations. The application set out a number of issues and questions that it wishes to be addressed in Module 1. Those submissions are advanced again in its most recent application.

11. In this current application, FEMHO states that Module 1 of the Inquiry is lacking the specific and nuanced perspective that only the Federation can provide. FEMHO states that its inclusion in Module 1 will foster confidence in the Inquiry's process and findings amongst the communities it asserts were most impacted by the pandemic. FEMHO reiterates that for the Inquiry to fulfil its promise to keep issues of inequality in the foreground, it is required to embed such issues into each stage of the process. It invites the Inquiry to take a broader, more expansive approach to issues of inequality throughout the Inquiry. FEMHO relies upon the following matters:
 - a. A perceived lack of evidence of any regard for or observance of the public sector equality duty ("PSED") under the Equality Act 2010.



- b. The 'absence of representation and/or diversity at the most senior management levels in discussions on these topics before the pandemic'. The renewed application reiterates FEMHO's previously made point that further, substantial and incontrovertible questions of inequality must be explored comprehensively in an investigation of UK pandemic resilience and civil emergency planning and not just the subsequent impact or aftermath.
- c. It considers Modules 1 and 2 to be inevitably and inescapably intertwined and that FEMHO cannot properly assess decision-making in response to the pandemic without also having considered the planning and preparedness of the UK; and
- d. FEMHO asserts the Inquiry is hearing this evidence in the absence of any participation from a group most directly impacted.

Decision for the Applicant

12. This application is made at an extremely advanced stage of Module 1, during the second week of the Module 1 public hearing.

13. I have previously considered and determined an application by FEMHO for Core Participant status in Module 1. My determination of FEMHO's original application is annexed to this determination. I consider that there is no information in this further application that makes it necessary, or appropriate, for me to reconsider my original determination. Therefore, my views remain as set out in the attached determination.

14. I remain confident that the Inquiry's independent legal team is pursuing all legitimate lines of enquiry. That is demonstrated by the evidence from the Module 1 hearing that FEMHO refers to in its application. To the extent that FEMHO seeks to justify this further application on the basis that it needs to review documents disclosed in Module 1, where the Inquiry considers that it is necessary to disclose evidence from one Module to Core Participants designated in another, it will do so. It is for the Inquiry to



make that assessment. It is not necessary or appropriate to designate Core Participants simply for that purpose.

15. Accordingly, in my discretion I decline to designate FEMHO as a Core Participant in Module 1.

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
29 June 2023



Annex

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 15 August 2022, the Inquiry received an application from the Federation of Ethnic Minority Health Organisations ("FEMHO") for Core Participant status in Module 1.
4. I made a provisional decision not to designate FEMHO as a Core Participant in Module 1, thereby declining their application ("the Provisional Decision"), on 7 September 2022. FEMHO was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. On 16 September 2022, FEMHO submitted a renewed application for Core Participant status in Module 1. This notice sets out my determination of their application for Core Participant status in Module 1 .

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 1.

Summary of Application

8. FEMHO's original application states that it is a multidisciplinary consortium representing ethnic minority organisations and individuals within the health and social care sector in the UK. FEMHO describes itself as representing over 55,000 individual members, covering various disciplines, specialisms and levels of seniority, spanning across 43 organisations and interest groups. A list of the 43 member organisations and the range of roles and specialisms covered by its individual members is provided as an annex to the application.

9. The original application was made on the basis that FEMHO has a direct and significant interest in all matters under consideration in Module 1 and will be directly impacted by the findings and recommendations made. FEMHO states that it is unique in the



combination and range of its professional involvement and expertise and that it could contribute to and assist the Inquiry in ensuring that inequalities are brought to the forefront of the Inquiry's investigations. The application set out a number of issues and questions that it wishes to be addressed in Module 1.

10. In its renewed application, FEMHO states that for the Inquiry to fulfil its promise to keep issues of inequality in the foreground, it is required to embed such issues into each stage of the process. It invites the Inquiry to take a broader, more expansive approach to issues of inequality throughout the Inquiry. FEMHO brings two further matters to the attention of the Inquiry with regard to its significant interest in matters of resilience and emergency planning. The first is a perceived lack of evidence of any regard for or observance of the public sector equality duty ("PSED") under the Equality Act 2010. The second is the 'absence of representation and/or diversity at the most senior management levels in discussions on these topics before the pandemic'. The renewed application states, further, that substantial and incontrovertible questions of inequality must be explored comprehensively in an investigation of UK pandemic resilience and civil emergency planning and not just the subsequent impact or aftermath.

Decision for the Applicant

11. I acknowledge that people from particular ethnic backgrounds may have been disproportionately impacted by the pandemic and, in particular, FEMHO's dedicated interest in these important issues. As set out in the Terms of Reference and repeated in my Opening Statement, 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.

12. I am grateful to FEMHO for taking the time and care in their renewed application to explain further how they consider themselves to have an interest in applying for Core



Participant status in Module 1. I also appreciate that FEMHO brings with it a considerable representative and valuable voice in respect of health professionals and organisations. I acknowledge, in particular, the seniority of those involved with FEMHO, as set out in Schedule 1 of the renewed application. However, given the wide impact of the pandemic there will inevitably be a very significant number of organisations and groups whose members may have been impacted by the pandemic and accordingly, and understandably, have a very real interest in understanding how that impact could or should have been mitigated by planning in advance.

13. I do not doubt that FEMHO is an organisation with a deep and genuine concern in how past planning for pandemics considered the potential impact on those from an ethnic minority background. While I appreciate the specific insights that FEMHO may offer across health and social care in the UK and the extent to which the potential impact of policies relating to planning and preparedness may have had on those, in particular, from an ethnic minority background, Module 1 is primarily concerned with the core systems and structures within the United Kingdom for preparedness and resilience for an event such as the Covid-19 pandemic and with high-level pandemic resilience, preparedness and planning. It will examine whether the correct structures, bodies, procedures and policies were in place at UK and at regional and national levels, and look at their history, development, co-operation, and performance. In terms of inquiring into pandemic planning, this will include examination of the forecasting processes, the extent to which lessons were learned from knowledge of actual events and simulated exercises, the degree of readiness preparation and the general resources that were available. The Module is therefore concerned with how the relevant entities prepared and whether they were ready by way of general response.

14. The Inquiry will, in accordance with the Terms of Reference, consider any disparities evident in the impact of the pandemic on different categories of people, including, but not limited to, those relating to protected characteristics under the Equality Act 2010 and equality categories under the Northern Ireland Act 1998. The matters raised in the



application and renewed application are, however, outside the Provisional Outline of Scope of Module 1, which sets the principal issues for the module. I acknowledge that, in the renewed application, I am invited to consider taking a broader view of how issues of inequality are found to be relevant, including in relation to Module 1. I must, however, balance this with the stated scope of the module, consideration for the efficient and effective management of the Inquiry, overall whether there may be other, more suitable module(s) in the Inquiry for the matters raised in the application and renewed application.

15. I will, of course, keep the Provisional Outline of Scope for Module 1 under review and, as I explained in my Opening Statement, I will publish more information about the issues intended to be covered by later modules in the coming months. To the extent that the issues raised by FEMHO are relevant to Module 1, as opposed to later modules, I have every confidence in the Inquiry's independent legal team to pursue all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands. This, for the avoidance of doubt, will include issues relating to inequalities.
16. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. FEMHO may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will seek evidence, in due course, from a range of individuals, organisations and bodies.
17. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. 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 to be used as evidence during the Inquiry's module hearings. FEMHO has the opportunity to contribute to the Inquiry, through the listening exercise if it chooses.



18. For all of those reasons, having considered all of the information provided by FEMHO in light of the Provisional Outline of Scope for Module 1, I consider that FEMHO did not play a direct and significant role in relation to the matters to which Module 1 relates, nor do they have a significant interest in an important aspect of the matters to which Module 1 relates. Accordingly, in my discretion I decline to designate them as Core Participants in Module 1.
19. My decision not to designate FEMHO as a Core Participant in Module 1 does not preclude them from making any further applications in respect of any later modules. FEMHO may wish to consider making an application for Core Participant status in future modules dealing more directly with the healthcare system and the impact of Covid-19 on different groups of people, including those from ethnic backgrounds. I will consider any future applications that FEMHO 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
28 September 2022