



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - NATIONAL CARE FORUM, CARE ENGLAND AND THE HOMECARE
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 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 12 August 2022 the Inquiry received an application from The National Care Forum ("NCF") and Care England for Core Participant status in Module 1. On 15 August 2022 the Inquiry received an application from The Homecare Association for Core Participant status in Module 1. Whilst all three organisations ("the Applicants") submitted separate applications, they each explained their intention to adopt joint working in relation to the Inquiry.
4. I made three provisional decisions not to designate each of the Applicants as Core Participants in Module 1, thereby declining their applications ("the Provisional Decisions"), on 7 September 2022. The Applicants were provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.



5. On 16 September 2022, the Applicants submitted a joint renewed application for Core Participant status in Module 1. This notice sets out my determination on the applications from Care England, NCF and The Homecare Association 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. Care England's original application explained that it is a registered charity and the largest representative body for independent providers of adult social care in England. NCF's original application explained that it is a representative body in the not-for-profit care sector. The Homecare Association's original application stated that it is the UK's only membership body exclusively for homecare providers.
9. All of the original applications were made on the basis that these organisations have a significant interest in the matters to be examined in Module 1, in the context of social care and homecare. The applications, in particular, focused on how past planning for pandemics and/or civil emergencies considered the potential impact on social care, the steps taken to prepare the social care sector and whether these were effective, how relevant bodies engaged with social care providers to ensure they were prepared for a pandemic and how social care should be considered in the planning for future pandemics.
10. The joint renewed application provides helpful further information, which I have summarised below. The Applicants have repeated their intention of adopting joint working in relation to the Inquiry.

Decision for the Applicants

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 each of the original applications to enable me to assess the application for Core Participant status as a whole.
12. I am grateful to the Applicants for taking care to set out more detail in their renewed application. I also appreciate that the Applicants bring a representative and valuable voice from the social care and homecare sector. However, given the wide impact of



the pandemic there will inevitably be a very significant number of organisations and groups whose members were impacted by the pandemic and who 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, as emphasised in the renewed application, that the Applicants have a deep and genuine concern for the extent to which past planning for pandemics and/or civil emergencies considered the potential impact upon social care and homecare, and for how social care and home care should be considered in future planning for pandemics and/or civil emergencies.

14. I further acknowledge that the renewed application raises concerns about whether it will be practical for the Inquiry to consider the issue of general preparedness and resilience in relation to the social care sector in isolation and whether it should be viewed in the context of the government's wider planning for a crisis of this type. The renewed application sets out two related examples, relating to Exercise Cygnus, of the alleged failure adequately to consider the social care sector in the government's overall planning and preparedness for a civil emergency and/or pandemic of this type and the timing of the publication of the report into that Exercise. I welcome the Applicants sharing their views and concerns with the Inquiry. Such issues can be considered, as necessary, as the Inquiry continues its work and the Inquiry will no doubt consider evidence relating to Exercise Cygnus, as well as other previous simulation exercises.

15. However, 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.

16. In order to manage the investigative work of the Inquiry in as proportionate manner as possible, and to ensure the timely publication of my findings, lessons learned and recommendations for the future, it is not possible for Module 1 to consider the state of preparedness by detailed reference to the potential impact of an event such as the Covid-19 pandemic on every single sector that was eventually affected.
17. I will of course keep the Provisional Outline of Scope for Module 1 under review and, as I explained in my Opening Statement, other aspects of the Inquiry's Terms of Reference will be covered in future modules for which Provisional Outlines of Scope will be prepared and published in due course.
18. Further, there are a number of ways in which the Applicants can, if necessary, participate in Module 1 without being a Core Participant. For example, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be seeking evidence in due course from a large number of individuals, organisations and bodies. More generally, and to the extent that the issues raised by the Applicants are intended to be addressed by 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.



19. For all of those reasons, having considered all of the information provided by the Applicants in light of the Provisional Outline of Scope for Module 1, I consider that the Applicants did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, 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.

20. My decision not to designate the Applicants as Core Participants in Module 1 does not preclude them from making any further applications in respect of any later modules. As I said in my Provisional Decisions, the Applicants may wish to consider making an application for Core Participant status in a future module more directly dealing with the care sector. 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

28 September 2022