



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - TRADES UNION CONGRESS**

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 16 August 2022 the Inquiry received an application from Trades Union Congress ("TUC") for Core Participant status in Module 1.
4. I made a provisional decision not to designate the TUC as a Core Participant in Module 1, thereby declining the TUC's application ("the Provisional Decision"), on 7 September 2022. The TUC was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022. After requesting an extension of time for the submission of a renewed application in advance of the original deadline, the TUC was exceptionally granted an extended deadline of 20 September 2022.



5. On 20 September 2022 the TUC submitted a renewed application for Core Participant status in Module 1. This notice sets out my determination of the TUC’s 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. The TUC’s original application stated that it brings together 5.5. million working people who make up its 48 member unions. The member unions span an array of sectors



across the UK, all of which were affected by the pandemic. The application was made on the basis that the TUC had a direct and significant role in matters to which Module 1 relates, in that union representatives were ‘on the ground’ throughout the pandemic seeking to protect the rights of its members, many union members bore the consequence of the planning and decision making with which Module 1 is concerned and that trade unions play a crucial role in ensuring workers’ voices are heard in the workplace. The application also stated that the sectors within which the member unions operate include those that have a significant interest in Module 1, including the transport sector, the manufacturing sector, the retail sector, the health and social care sector, education, local government and the civil service.

9. The TUC’s renewed application provides detailed and helpful additional information in support of being granted Core Participant status and persuasively argues that its role and interest are not focused only on March 2020 onwards and on the impact of the pandemic, but also on the resilience and emergency preparedness of the UK for a pandemic. In particular, in relation to public health services and public health bodies, since 2010, the TUC has been analysing what it considers to be the growing recruitment and retention crisis in the NHS, has been warning of these trends and taking action to seek to address it. One example given is the TUC report in November 2016 entitled, ‘NHS Safety: Warnings from all sides’ and a TUC-commissioned YouGov survey of NHS workers in October 2016. The TUC also states that it has, for many years in advance of the pandemic, been addressing the fragmentation of public health and the NHS and the impact of such Government strategies upon whole-system resilience, for example, through its work concerning the Health and Social Care Act 2012.
10. In relation to economic planning by Government bodies, the renewed application also states that since 2010, the TUC has consistently raised concerns about the effect of long-term cuts to vital public services which it argues resulted in the UK’s inability to deal effectively with a whole-system civil emergency. As examples, the renewed



application lists a number of reports commissioned by the TUC prior to the pandemic, which include 'Restructuring in the health and social care system' (TUC submission to House of Lords Select Committee in 2016 on the Future of the NHS), 'Time for Change: An End to Austerity' (report published in March 2018) and 'Councils in Crisis' (report published in September 2019).

Decision for the Applicant

11. I have considered with great care everything that is said in the TUC's renewed application. I have also reminded myself of what was said in the original application to enable me to assess the application for Core Participant status as a whole.

12. Module 1 will consider the core systems and structures within the United Kingdom for preparedness and resilience for an event such as the Covid-19 pandemic. 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.

13. I consider that the TUC's campaigning role between 2010 and 2020 in relation to staffing capacities of public health services and public health bodies is relevant, in particular, to Issue 3 of the Provisional Outline of Scope for Module 1. Similarly, its campaigning role between 2010 and 2020 in relation to funding and restructuring of



government bodies is relevant, in particular, to Issue 5 of the Provisional Outline of Scope for Module 1.

14. Taking everything that is said on the TUC's behalf into account, I consider that the TUC did play, or may have played, a direct and significant role in and has a significant interest in an important aspect of the matters to which Module 1 relates.

15. I also consider that the TUC is well placed to assist the Inquiry to achieve its aims by representing a collective and wide-ranging voice given the sheer scale of its membership and the wide range of workers it spans.

16. Accordingly, in my discretion I have decided to designate the TUC as a Core Participant in Module 1.

Legal Representation

17. 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.

18. I am satisfied that the TUC has appointed Gerard Stilliard of Thompsons Solicitors LLP as its qualified lawyer in relation to this Module. I, therefore, designate Mr Stilliard as the TUC's recognised legal representative in accordance with Rule 6(1).

19. 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's Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
28 September 2022