



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 1 - JOINT APPLICATION BY THE ROYAL COLLEGE OF PATHOLOGISTS AND  
THE INSTITUTE OF BIOMEDICAL SCIENCES**

**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 the Royal College of Pathologists ("the RCPATH") for Core Participant status in Module 1. I made a provisional decision not to designate the RCPATH as a Core Participant in Module 1, thereby declining their application ("the RCPATH Provisional Decision"), on 7 September 2022. The RCPATH were provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
4. On 16 August 2022 the Inquiry also received an application from the Institute for Biomedical Sciences ("the IBMS") for Core Participant status in Module 1. I made a provisional decision not to designate the IBMS as a Core Participant in Module 1, thereby declining their application ("the IBMS Provisional Decision"), on 7 September



2022. The IBMS were also provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.

5. On 15 September 2022, the RCPATH and IBMS submitted, jointly, a renewed application for Core Participant status in Module 1. This notice sets out my determination of the RCPATH and IBMS's joint 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 original application by the RCPATH stated that it is a professional membership organisation with charitable status, concerned with all matters relating to the science and practice of pathology. The RCPATH develops the standards for pathology education, training and research and guidelines for pathology practice, to improve patient care and safety. Throughout the Covid-19 pandemic, the RCPATH's members have played a vital role in the understanding and treatment of the disease. The RCPATH utilised the insights and knowledge from its members to provide national-level advice to the NHS and Government in relation to testing, test development, diagnosis and vaccine development. Pathology has been, and continues to be, vital in identifying and tackling future epidemics. The original application by the RCPATH was made on the basis that the RCPATH had a direct and significant role and has a significant interest in matters being examined by the Inquiry, principally, because members of the RCPATH played a key role in the understanding and treatment of Covid-19, used its insights and knowledge to advise the NHS and Government and because the RCPATH is the medical royal college with lead responsibility for the testing of Covid-19.
  
9. The original application by the IBMS was put on the basis that the IBMS is a UK professional body for biomedical science, representing approximately 20,000 members and that it is uniquely positioned to offer expertise and perspective on the resilience and preparedness of the UK pathology laboratory services to respond to large and rapid increases in demand for laboratory testing services generated by a pandemic. The original application set out a number of areas for which IBMS says it will be able to contribute its expertise and further explains a number of ways in which IBMS was a key source of information, guidance and advice during the Covid-19 pandemic. On the basis of its application, the IBMS stated that it played a direct and significant role in relation to the matters to which the Outline of Scope for Module 1 relates. The application also stated that the IBMS has a significant interest in an important aspect of the matters to which the Outline of Scope for Module 1 relates.



10. The renewed application, which as I have already noted above is made jointly by the RCPATH and IBMS, is made on the basis that pathology plays a key role in managing pandemics and the role for pathology is recognised by the WHO in relation to pandemic preparedness. The renewed application states that the members of the RCPATH and IBMS are essential to pandemic preparedness by reviewing existing and proposed pandemic policies to allocate scarce resources, planning access to laboratories with influenza diagnostic capacity to enable the rapid confirmation of suspected human cases of a new influenza strain, establishing mechanisms to update national clinical and laboratory diagnostic algorithms and developing or adapting clinical management guidelines for patients with suspected or confirmed pandemic influenza infection, addressing criteria for laboratory testing and advanced diagnostics.
  
11. Emphasis is placed in the renewed joint application on the role of the RCPATH and IBMS in the pre-preparatory phase of a pandemic, namely analysis of new and emerging risks to public health, identification and planning of methods and approaches to identify new and novel infectious diseases, planning and identifying approaches to deal with mass casualty events and planning and identifying laboratory and clinical approaches to deal with pandemics. The RCPATH and IBMS submit that they played, or may have played, a direct and significant role in relation to the matters to which Module 1 relates and they have a significant interest in an important aspect of the matters to which the Module 1 relates.

### **Decision for the Applicants**

12. I have considered with great care everything that is said in the joint renewed application by the RCPATH and IBMS. I have also reminded myself of what was said in the original applications to enable me to assess the merits of the joint application for Core Participant status as a whole.



13. I appreciate the roles that the RCPATH and IBMS have played in responding to the pandemic and the fact that they may be able to provide useful insight and evidence to the Inquiry. I also understand the RCPATH and IBMS are to have a role in preparing for future pandemics, along with a number of other organisations and individuals. I have had due regard in the renewed joint application to the reference to the pre-preparatory phase of a pandemic, which is said to be key to enabling the subsequent early, middle, and late stages of pandemic management and in which RCPATH and the IBMS have a particular interest. Although I acknowledge their stated expertise in these areas, the focus of Module 1 is, however, the resilience and emergency preparedness of the UK. 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. 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.
15. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence or assistance to the Inquiry. As I have said, the RCPATH and IBMS may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals,



organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents. More generally, and to the extent that the issues raised by the RCPATH and IBMS 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.

16. For all of those reasons, having considered all of the information provided by the RCPATH and IBMS in light of the Provisional Outline of Scope for Module 1, I consider that the RCPATH 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. Similarly, in respect of the IBMS, I am of the view that the IBMS 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 both organisations as Core Participants in Module 1.

17. My decision not to designate the RCPATH and IBMS as Core Participants in Module 1 does not preclude them from making any further applications in respect of any later modules. The RCPATH and IBMS may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in both the applications and the renewed joint application. I will consider any future applications the RCPATH and IBMS 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**