



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION**

**MODULE 1 - NATIONAL HEALTH SERVICE BUSINESS SERVICES AUTHORITY ('NHS BSA')**

**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 NHS BSA ("the Applicant") for Core Participant status in Module 1.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 1, thereby declining the application ("the Provisional Decision"), on 7 September 2022. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.



## 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 of Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

## Summary of Application

8. The application is put on the basis that the NHS BSA is an Arm's-Length Body of the Department for Health and Social Care. It provides a range of critical central services to NHS organisations, NHS contractors, patients and the public, including providing platforms and delivering services which support the priorities of the NHS, government and local health economies, and in so doing it manages around £35 billion of NHS spend annually. The application also outlines a selection from the 64 individual



projects which the NHS BSA has identified that it either ran or collaborated with following the outbreak of Covid-19 in the UK.

9. NHS BSA says that its function and involvement in relation to public health services means it may have played a direct and significant role in relation to the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(a). It also says that it may have a significant interest in an important aspect of the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(b). It additionally suggests that it may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report, for Module 1 for the purposes of satisfying Rule 5(2)(c).

### **Decision for the Applicant**

10. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, not to designate NHS BSA as a Core Participant in Module 1. Whilst I appreciate the NHS BSA's role within the healthcare sector, the application acknowledges that its activities in relation to Covid-19 have usually been commissioned by other public sector organisations, to some of whom I have granted Core Participant status. Furthermore, the application primarily deals with the NHS BSA's role in responding to the Covid-19 pandemic, whereas the focus of Module 1 is on the resilience and preparedness of the UK in advance of the coronavirus pandemic. I therefore do not consider that the NHS BSA's application meets the criteria set out in Rule 5 for designation as a Core Participant in Module 1.
11. In my Opening Statement I noted that I will publish more information about the issues intended to be covered by later modules in the coming months. I would encourage the NHS BSA to consider applying for Core Participant status in relation to future modules likely to deal more directly with the UK's response to the Covid-19 pandemic, healthcare systems and vaccines.



12. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant 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.
  
13. For all of those reasons, having considered all of the information provided by NHS BSA, in light of the Provisional Outline of Scope for Module 1, I consider that NHS BSA did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does NHS BSA have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that NHS BSA should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision.
  
14. I will keep the scope of Module 1 under review. My decision not to designate NHS BSA as a Core Participant in Module 1 does not preclude NHS BSA from making any further applications in respect of any later modules. I will consider any future applications NHS BSA 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**  
**29 September 2022**