



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 1 - LOCAL GOVERNMENT ASSOCIATION  
WELSH LOCAL GOVERNMENT ASSOCIATION  
ASSOCIATION OF DIRECTORS OF ADULT SOCIAL SERVICES**

**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. On 16 August 2022 the Inquiry received an application from the Local Government Association (“LGA”), the Welsh Local Government Association (“the Welsh LGA”) and the Association of Directors of Adult Social Services (“ADASS”) for Core Participant status in Module 1. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 1, which states 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.

**Application**

4. 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.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I 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**

6. The application states that:
- a. The LGA is the national membership representative body for local authorities in England. All but three English councils are members of the LGA. It works on a cross-party basis to support, improve, and represent local government.
  - b. The 22 Welsh unitary councils are in LGA membership via the Welsh LGA. The LGA also represents them on non-devolved matters and works closely with the Welsh LGA on non-devolved and common matters.



- c. ADASS is a charity whose objectives include: furthering comprehensive, equitable, social policies and plans which reflect and shape the economic and social environment of the time; furthering the interests of those who need social care services, regardless of their backgrounds and status; and promoting high standards of social care services.

### **Decision for the LGA and the Welsh LGA**

7. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the LGA (which includes the Welsh LGA) as a Core Participant in Module 1. I consider that the LGA played, or may have played, a direct and significant role in relation to the UK's resilience and preparedness for the Covid-19 pandemic and that it has a significant interest in Module 1 of the Inquiry.

### **Provisional Decision for ADASS**

8. I have also considered with great care everything that is said on behalf of ADASS but I am minded, in my discretion, not to designate the ADASS as a Core Participant in Module 1. ADASS states that it has had an input into Government pandemic flu planning in respect of it being commissioned by the DHSC in 2017 for this purpose. However, I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its role in pandemic planning and preparedness is sufficiently significant as to grant it Core Participant status in this Module.
9. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. ADASS 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.



10. As I am minded to decline the application, I will offer ADASS an opportunity to renew the application. If the applicant wishes to renew the application, they must do so in writing to the Solicitor to the Inquiry by **4pm on Tuesday 13 September 2022**. Renewed applications should not repeat information provided in the original application but should provide any additional information that may assist me in considering the renewed application. I intend to determine any applications on paper without oral submissions, other than in exceptional circumstances. If the application is not renewed, I will confirm this Provisional Decision has become final.

### **Legal Representation**

11. 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.*

12. I am satisfied that the LGA and the Welsh LGA have appointed Thelma Stober of the Local Government Association as its qualified lawyer in relation to this Module. I therefore designate Thelma Stober as the LGA and the Welsh LGA's recognised legal representative in accordance with Rule 6(1).

13. 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' Costs Protocol](#).

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**7 September 2022**