



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 6**

JOHN'S CAMPAIGN, CARE RIGHTS UK AND THE PATIENTS 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 12 December 2023 the Inquiry opened Module 6 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 19 January 2024.
2. On 17 January 2024 the Inquiry received an application from John's Campaign, Care Rights UK and the Patients Association (together, "the Applicant Group") for Joint Core Participant status in Module 6. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 6, which states that this module will examine the impact of the Covid-19 pandemic on the publicly and privately funded adult social care sector (the "Care Sector") in England, Wales, Scotland and Northern Ireland. 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 6.

Summary of Application

6. The application was made on the basis that the Applicant Group comprises three organisations said to have played a role during the Covid-19 pandemic in supporting those in the care sector. The application describes the role and expertise of each organisation as follows:
- a. John's Campaign worked with care providers pre-pandemic on providing dementia-friendly care for residents. It is said to be the first organisation to warn of the effects of isolation policies on vulnerable inpatients and residents in health and care settings. The organisation brought challenges by way of judicial review to the Department of Health and Social Care's approach, resulting in changes to the guidance, and provided support and advice to families and carers affected by Covid-19 restrictions. The organisation is said to have expertise in the impact of non-pharmaceutical interventions on those in the care sector.

- b. Care Rights UK is a charity focused on defending the rights of people in care and consists of the Relatives & Residents Association and the campaign group Rights for Residents. The organisation provides information, advice and support to people in care, their relatives and families and during the pandemic were in direct contact with thousands of individuals. The organisation was a member of the Department of Health and Social Care's Covid Adult Social Care Working Group of Stakeholders and raised concerns about the imposition of DNACPRs, the lack of access to medical care for those in residential care settings, inappropriate provision of care and lack of oversight by the regulator
 - c. The Patients Association covers all health and social care issues from the perspective of patients and assists with around 3,000 calls per annum. The organisation works with various bodies to improve patient experience and during the pandemic conducted three major patient experience reports, including individuals in adult care settings.
7. The application is put on the basis that the Applicant Group meets the test within Rule (2)(a) and 5(2)(b) due to the organisations' extensive engagement with patients and their families, together reaching over 100,000 people. Further, it is submitted that their combined organisational experience making the Applicant Group particularly well placed to assist the Inquiry with the matters contained within the Provisional Outline of Scope for Module 6 including the impact of guidance given to social care provided, non-pharmaceutical interventions in care settings and the proportionality of restrictions in care settings bearing in mind the inherent vulnerabilities of residents. The application notes that the Applicant Group is already a Core Participant in Module 3 and identifies an overlap between the matters to be covered in Module 3 and Module 6.

Decision for the Applicant

8. I wish to reiterate my deep sympathy to each and every individual who has experienced the tragic loss of a loved one or been impacted as a consequence of the Covid-19 pandemic including those the Applicant represents.

9. Module 6 will consider the impact of the Covid-19 pandemic on the adult social care sector in England, Wales, Scotland and Northern Ireland. This will include consideration of the consequences of government decision making on those living in adult care and residential homes and those receiving care at home. It will also address the steps taken in adult care and residential homes to prevent the spread of Covid-19 and examine the capacity of the adult care sector to respond to the pandemic. The module will also consider the impact of the pandemic on residents and their loved ones and the impact on staff working within the adult care sector.
10. The application is made on the basis that the Applicants have a significant interest in important aspects of the matters to which Module 6 relates (Rule 5(2)(b)). I have considered with great care everything that is said in the application. For a number of reasons I consider that the Applicants jointly are well placed to assist the Inquiry to achieve its aims in Module 6. I have therefore decided in the exercise of my discretion to designate the Applicants jointly as a Core Participant in Module 6.

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 Applicant Group has appointed Caroline Ott of Leigh Day as its qualified lawyer in relation to this Module. I therefore designate Caroline Ott as the Applicant Group'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

8 February 2024