



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 6 - SCOTTISH COVID BEREAVED**

**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 15 January 2024 the Inquiry received an application from the Scottish Covid Bereaved (“SCB”) for 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 is made by the Scottish Covid Bereaved ("the Applicant"). The Applicant submits that its members played a direct and significant role in relation to matters to which Module 6 relates and that it has a significant interest in important aspects of the matters to which Module 6 relates. The application states that the Applicant is able to provide information and comment upon matters relevant to Module 6 from the perspective of bereaved families and their loved ones who were in adult care, residential homes or at home receiving care from paid or unpaid carers, when they contracted Covid-19 or died.
7. The issues on which the Applicant would be able to assist the Inquiry, or that the Applicant is particularly concerned with, are said to include, but are not limited to: the management of the pandemic in adult care and residential homes, especially in the first half of 2020, including the decision to discharge patients from hospital into care homes; infection prevention and control measures, including the use and availability of testing and PPE, within the care sector; pre-existing issues with staffing resources and bed capacity going into the pandemic; restrictions on access to medical treatment and healthcare professionals; visiting restrictions and their impact on residents of care

homes; and communications about the condition and treatment of residents, including DNACPRs.

8. The Applicant states that it wishes to ensure that the issues that its members have experienced in relation to the Care Sector during the pandemic are properly examined in Module 6 and that lessons are learned. Additionally, it says that the examples of experiences provided in the application demonstrate the valuable contribution that the Applicant can make to Module 6 as well as the direct and significant interest that the Applicant's members have in relation to the matters under consideration.

### **Decision for the Applicant**

9. I wish to reiterate my deep sympathy to each and every individual who has experienced the tragic loss of a loved one as a consequence of the Covid-19 pandemic including those the Applicant represents.
10. I have considered with great care everything that is said in the application. Having done so, I have decided to designate the Applicant as a Core Participant in Module 6.
11. 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.
12. The application is made on the basis that the the Applicant's members played a direct and significant role in relation to matters to which Module 6 relates and that they also have a significant interest in important aspects of the matters to which Module 6 relates (Rule 5(2)(a) and (b)).
13. For a number of reasons I consider that the Applicant is well placed to assist the Inquiry to achieve its aims in Module 6 by representing the collective interests of a

broad spectrum of those bereaved in Scotland as a result of the Covid-19 pandemic. I also bear in mind that the Applicant includes in its membership those who played, or may have played, a direct and significant role in relation to matters to which Module 6 relates. I consider that the Applicant can, amongst other things, aid the Inquiry in understanding the experiences and perspectives of the bereaved when it considers the impact of the Covid-19 pandemic on the adult social care sector in the UK, and in particular in Scotland, without examining in detail individual cases of harm or death.

## **Legal Representation**

14. 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.*

15. I am satisfied that the SCB have appointed Aamer Anwar of Aamer Anwar and Co as their qualified lawyer in relation to this Module. I therefore designate Aamer Anwar as the SCB's recognised legal representative in accordance with Rule 6(1).

16. 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**