



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 6 - ASSOCIATION OF MENTAL HEALTH PROVIDERS**

**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. 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.
3. On 19 January 2024 the Inquiry received an application from the Association of Mental Health Providers (“AMHP”) (“the Applicant”) for Core Participant status in Module 6.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 6, thereby declining the application (“the Provisional Decision”), on 8 February 2024. The Applicant was provided with an opportunity to renew the application in writing by 4pm on Thursday 15 February 2024.
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 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

8. This application is made by the Association of Mental Health Providers, the national representative body and network for voluntary, community and social enterprise sector mental health providers in England and Wales. The Applicant submits that it currently has more than 300 organisations in its membership, ranging from large national charities to smaller, community based mental health charities. The Applicant states that a significant number of its members are commissioned or funded by local authorities, under their Care Act duties, to provide regulated and non-regulated care and support services.

9. AMHP submits that it meets the criteria in Rule 5(2)(b) of the Inquiry Rules 2006. The Applicant submits that its members undertook regulated and unregulated social care and support services to people with mental health needs living in their own homes, in supported living arrangements and acute settings. Through this, the Applicant states that its members acquired extensive experience of the impact of government decision making in relation to the social care sector during the pandemic, both on service users (and family carers) and their workforces. The Applicant references experience in issues including: a lack of/inadequate PPE for the organisations and their staff; ineffective and contradictory information and guidance on the application of prevention and control measures; a failure to review care plans; a need for mental health social care providers to provide safeguarding arrangements as a result of an absence of effective responses from statutory services.
10. The Applicant submits that it provided and facilitated ongoing strategic advice and support to their members during the pandemic. The Applicant was asked by the Department of Health and Social Care to convene and co-chair an Advisory Group on the experiences of the social care sector with the Association of Directors of Adult Social Services.

### **Decision for the Applicant**

11. Module 6 will consider the impact of the Covid-19 pandemic on the publicly and privately funded adult Care Sector in England, Wales, Scotland and Northern Ireland. It will consider the impact on people's experience of the Care Sector, including residents and loved ones and workers in the Care Sector, the structure of the same, the key decisions in respect of the Care Sector and the management of the pandemic in adult care and residential homes, including discharge, IPC, testing, availability of PPE, use of DNACPRs and changes to the regulatory regime.
12. The application is made on the basis that the Applicant has a significant interest in important aspects of those matters (Rule 5(2)(b)). I note that no application has been received from the Care Provider Alliance, of which Care Association Alliance and other applicants are members.

13. I have considered with great care everything that is said in the application. Having done so, in my discretion, I have decided not to designate AMHP as a Core Participant in Module 6. I do find that the Applicant has a significant interest in Module 6, however, I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings. Whilst I recognise the importance of the work that the Applicant does in representing service providers in the voluntary, community and social enterprise sector, and the important work its members did during the pandemic in supporting people with mental health needs in homecare and other settings, there are other organisations to whom I have granted CP status who also represent providers of care with similar interests. I am mindful of the need to manage the Inquiry as effectively and efficiently as possible. It is my view that those organisations are more representative and better placed to assist the Inquiry on issues that service providers in the voluntary, community and social enterprise sector faced during the Covid-19 pandemic.
14. For all of those reasons, having considered all of the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 6, I have therefore decided that the Association of Mental Health Providers should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.
15. 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.
16. I will keep the scope of Module 6 and the designation of Core Participants under review. My decision not to designate the Applicant as a Core Participant in Module 6 does not preclude it from making a further application in respect of any later modules.

I will consider any future applications the Applicant 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**

**27 February 2024**