



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 6 - COVID-19 AIRBORNE TRANSMISSION ALLIANCE

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 Provisional Outline of Scope for Module 6 provides 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 Covid-19 Airborne Transmission Alliance (“CATA”) (“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 15 February 2024.
5. On 15 February 2024, the Applicant submitted a renewed application for Core Participant status in Module 6. This notice sets out my determination of the Applicant’s application for Core Participant status in Module 6.

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. The Applicant identifies as a multidisciplinary consortium of organisations and representatives from the health and social care sectors across the UK. The Applicant's 65,000 members believe that the failure to respond to the airborne route of transmission of Covid-19 adequately, timeously and effectively had a significant impact on the Care Sector. The original application submits that Rule 5(2)(a) and (b) of the Inquiry Rules 2006 are relevant to its application for Core Participant Status.
9. The central contention of the original application is that throughout the pandemic there was a lack of appropriate and consistent government guidance in line with the

scientific evidence of the airborne route of transmission of Covid-19 and that this had a particular effect on the care sector. In this regard, the original application sets out that the Applicant's members raised repeated concerns about the risk of airborne transmission which were not acted upon by the appropriate authorities and issued their own guidance on the appropriateness of PPE and Respiratory Protective Equipment. It is also submitted that the Applicant's members have particular frontline experience of the impact caused by the failure to act on concerns and have significant knowledge of good practice in the face of the challenges of the pandemic which can assist in the work of the Inquiry.

10. In its renewed application, the Applicant sets out that a number of its members work predominantly in the Care Sector and in the community and that, therefore, they can provide relevant insights and evidence in respect of community and care home settings. Further, the renewed application states that the Applicant is uniquely able to explain how the failure to properly address the airborne route of transmission lead to inconsistent approaches and contradictory advice across healthcare settings. It is submitted that the Applicant can therefore demonstrate a "direct and significant interest" so as to satisfy Rule 5(2)(a) and (b).

Decision for the Applicants

11. I have considered with great care everything that is said in the renewed application by CATA and I am grateful to them for taking the time to expand upon their original application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application as a whole. Having done so, I remain of the view that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 6 and, therefore, I have decided not to designate the Applicant as a Core Participant in Module 6.
12. The original and the renewed application were based on the Applicant having played a direct and significant role in the matters to which Module 6 relates (Rule 5(2)(a)) and that the Applicant has a significant interest in an important aspect of those matters to which Module 6 relates (Rule 5(2)(b)).

13. I do not consider that the Applicant played, or may have played, a sufficiently direct or significant role in relation to the Care Sector. For that reason, Rule 5(2)(a) is not satisfied. I bear in mind that the Applicant represents a number of health professionals however I consider that the members listed in the both applications do not appear to be those with a specific focus on the Care Sector and I am satisfied that this perspective can be adequately obtained from other Core Participants within this module. I acknowledge that renewed application details a number of the Applicant's members who are said to work in community settings and the Care Sector. These members' roles, while being valuable and important, are one step removed from the management of the pandemic in adult care and residential homes.
14. While I acknowledge that the Applicant's members would have an interest in the matters to which Module 6 relates which is potentially significant, in the exercise of my discretion I do not consider it necessary to designate the Applicant as a Core Participant under Rule 5(2)(b). One of the Applicant's principal concerns, regarding the science relating to airborne transmission, will be considered in Module 3, a module for which the Applicant is designated as a Core Participant, and does not need to be repeated in Module 6. While the renewed application highlights additional concerns regarding the impact on the care sector and the provision of ineffective PPE and IPC guidance, I do not consider it necessary to designate the Applicant as a Core Participant to explore such matters.
15. Even if that were not the case, in the exercise of my discretion, and having regard in particular to the need to manage the Inquiry effectively and efficiently, I would decline to designate the Applicant as a Core Participant. 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.
16. It is 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 the 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 perspectives on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.

17. 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 Covid-19 Airborne Transmission Alliance should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.
18. 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