



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 6
FEDERATION OF ETHNIC MINORITY HEALTHCARE ORGANISATIONS

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 Federation of Ethnic Minority Healthcare Organisations (“FEMHO”) (“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. In the original application, FEMHO stated that it is a multi-disciplinary consortium representing over 55,000 individual members and 44 organisations and networks, with membership including healthcare workers and social care workers. In its current application, it submits that its members played a direct and significant role (Rule 5(2)(a)), they (FEMHO) have a significant interest (5(2)(b)) and that I should exercise my discretion to grant it Core Participant status.

9. FEMHO submits that its members played a direct and significant role as they are disproportionately represented within the ranks of health and social care workers, and they administered care, treatment and support not just in a hospital setting but within the community and in a range of care settings. FEMHO states that many of its members who work primarily in the social care sector administered treatment and care across multiple settings and moved routinely between health and social care sectors. The examples the Applicant relies on include nursing and healthcare assistant staff, psychiatrists, mental health practitioners, speech and language specialists, physiotherapists, occupational therapists, and, additionally social workers and social care workers who facilitated the discharge of people from hospital into community-based settings. The Applicant also refers to GPs, dentists, dietitians and podiatrists as those who require crossover work in care homes and settings.
10. FEMHO raises concerns about what it calls the “artificial” distinction between health and social care, and its encouragement for the Inquiry to adopt an “expansive” approach that examines healthcare in wider settings (including community and other venues distinct from hospitals and care homes). The Applicant raises concerns about there being a lack of appreciation of different experiences of Black and ethnically minoritised workers specifically as lone workers in social care. The Applicant states that its members were among those disproportionately affected in death rates and adverse health and socioeconomic outcomes, and that its members were at the coalface of much of the government’s early decisions affecting care homes.
11. FEMHO submits that the decision on Core Participant status in this module is inconsistent with its designation as Core Participant in Module 3, stating that it is inextricably linked to Module 6. The Applicant also raises that it has Core Participant status in Modules 2, 4 and 5. It says that the exclusion of FEMHO would risk perpetuating the marginalisation of voices from minority ethnic communities in the Inquiry’s proceedings.

Decision for the Applicants

12. 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.
13. I have considered with great care everything that is said in the renewed application by FEMHO. 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 criteria in Rule 5(2)(a) are not satisfied.
14. In my provisional determination, I stated that there was insufficient information on which to conclude that FEMHO is sufficiently representative of workers in the adult care sector to have a significant interest (Rule 5(2)(b)) in the context of Module 6. In its renewal application, FEMHO has submitted that its members played a direct and significant role (Rule 5(2)(a)). FEMHO has listed various roles played by its members, many of whom work in other (non-care) settings. FEMHO has provided an Annex to its renewal application which lists several member organisations and a list of the roles its individual members cover. The majority (if not all) of the member organisations appear to be related to the health sector. Similarly, the list of individual members covers a number of professions primarily relevant to the health sector (save for the mention of social workers, social care workers and care workers). I have read with care what FEMHO has said regarding its members playing a direct and significant role. However, it is my view that FEMHO has not demonstrated that its members have played a direct and significant role in the issues relating to Module 6. With FEMHO's apparent focus on those working in the health sector, it still has not demonstrated that it is sufficiently representative of workers in the adult social care sector. FEMHO has not demonstrated that it has a significant interest in the issues in Module 6 (Rule 5(2)(b) for the same reasons.
15. On FEMHO's designation as Core Participant in other Modules, each module is different; the applicants for Core Participant status are usually different. I decide on Core Participant status in respect of each individual module, therefore, having carefully considered all the facts. Each decision is taken on its own merits. Having

granted FEMHO Core Participant status in other modules, I am not bound to grant it status in every module to which it applies.

16. In my provisional determination, I stated that, if I was not correct in my decision that FEMHO did not have a significant interest, I had decided not to grant them Core Participant status as there were other Core Participants who were more representative and better placed to assist the Inquiry with issues concerning the perspectives and experiences of Black, Asian and Minority Ethnic workers in adult social care and users of adult social care services. I have considered carefully what has been said on behalf of FEMHO to demonstrate that it is well placed to assist the Inquiry on those issues. However, my view still remains that other Core Participants are able and better placed to assist in ensuring the voices of minority ethnic communities in the care sector are heard on issues relating to Module 6.
17. 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.
18. 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.
19. 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 consider that the Applicant did not play a direct and significant role in relation to the matters sought to be investigated in Module 6, nor does it have a significant interest in an important

aspect of the matters to which Module 6 relates. I have therefore decided that FEMHO should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.

20. 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