



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 6 - DECEASED MANAGEMENT ADVISORY GROUP**

**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 15 January 2024 the Inquiry received an application from the Deceased Management Advisory Group (“DMAG”) (“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. DMAG is a body set up in March 2020 which includes representatives from a number of organisations who represent funeral directors and those who manage, provide and work in cemeteries and crematoria. DMAG was formed to ensure full cooperation and partnership of funeral directors, cemetery/crematoria operators and suppliers to the funeral sector, as it was known by the Applicant that the pandemic would result in an unprecedented increase of deaths. The Applicant states that, in absence of any government directive or assistance, the industry took the initiative to gather the relevant parties to work through the issues that the significant increase in demand on services created.

9. In its original application, the Applicant stated that it was part of the care sector as its members were one of a few categories of individuals allowed in care homes. The Applicant's members collected the deceased from care homes on a daily basis, exposing themselves and the most vulnerable to the virus.
10. The Applicant's members were not immediately given key worker status, PPE or early access to vaccines. The Applicant states that most members ignored government travel advice during the first lockdown and travelled between care homes (with or without PPE or negative Covid-19 tests).
11. The Applicant submits that its members should be recognised as key workers immediately if there is another pandemic and that it requires representation to ensure this happens. The Applicant also raises issues with guidance provided by HSE on safety precautions and questions whether the guidance was implemented quickly enough or whether appropriate supplies were made available to funeral parlours to deal with the increased deaths in care homes.
12. In its renewed application, the Applicant relied on Rule 5(2)(a) and 5(2)(b). While accepting that its members do not work full time in the Care Sector, it is submitted that its members played a direct and significant role as their function was essential to enable the care homes to function and was an essential part of "people's experience" of the Care Sector. The Applicant submits that its members were visiting care homes more often than ambulance staff or medical professionals and further that the funeral sector was not able to meet the demand from the Care Sector. The renewed application refers to a protocol drafted by the National Care Forum and the Care Provider Alliance in relation to the Applicant's members.
13. The renewed application says that the Applicant's members had a significant interest for the purposes of Rule 5(2)(b) given (i) the fact the Applicant's members were working in care homes during the pandemic and the inevitable consequences the Care Sector if the Applicant's members did not perform their role; (ii) that the National Care Forum and Care Provider Alliance thought it fit to draft a protocol; and (iii) the important role the Applicant's members play in respecting the customs and traditions of different cultures and religions.

## **Decision for the Applicants**

14. I have considered with great care everything that is said in the Applicant's renewed application 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.
15. I do not consider that DMAG played, or may have played, a direct and significant role in the matters to which Module 6 relates. While I recognise the important and difficult work that DMAG and their members are said to have done, I do not consider that it meets the criteria in Rule 5(2)(a). The Applicant's role, whilst being a valuable and important one, is one step removed from the management of the pandemic in adult care and residential homes. While I acknowledge that the Applicant's members would have entered adult care and residential homes putting themselves at risk and that they played a part (with the National Care Forum and the Care Provider Alliance) in producing a protocol for care homes and funeral directors, these matters do not establish that the Applicant played a direct and significant role with regards to the matters to which Module 6 relates. I have also considered whether DMAG satisfies Rule 5(2)(b). DMAG may have an interest in the Care Sector; however, neither the original nor the renewed application demonstrate that the interest is "significant" to satisfy Rule 5(2)(b) in the context of Module 6.
16. 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.

17. I have also taken into account the fact that there are a number of ways in which the Applicant can participate in Module 6 without being a Core Participant, many of which have been recognised as adequate alternatives to Core Participant status in other recent statutory inquiries. As I noted in my Provisional Decision, 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 Module 6 and, in due course, the Inquiry will be contacting 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.
18. 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 DMAG should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.
19. 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. Finally I would like to emphasise that my refusal of Core Participant status should not be taken as any kind of reflection on the work of the Applicant's members during the pandemic. Their work may well deserve to be recognised but that is not the purpose of Core Participant designation.

**Rt Hon Baroness Heather Hallett DBE**  
**Chair of the UK Covid-19 Inquiry**  
**27 February 2024**