



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 6 - PEOPLE'S CARE WATCHDOG

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 9 January 2024 the Inquiry received an application from the People's Care Watchdog (“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 14 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 was established by families of care home residents due to concerns about the healthcare and treatment of vulnerable residents during the Covid pandemic. The Applicant aims to provide a voice to those in residential and nursing homes and their families, highlight the neglect of the elderly and those with special needs in care facilities during the pandemic and to offer meaningful solutions to the problems besetting the care sector. The application is grounded on the basis that the Applicant played a direct and significant role by providing direct advocacy for over 70 families and support and advice to over 1000 families and care workers.

9. Specifically, the Applicant states that it can assist the Inquiry by evidencing the impact on vulnerable care home residents of the withdrawal of primary care and allied health professionals, the denial of basic care and treatment and issues caused by inappropriate medical consultations by way of telephone. The application also flags concerns with regards to restrictions on access of health and social care professionals, the impact of dangerously low staffing levels, the application of DNACPRs on records without discussion or under duress, the failure to communicate with families about deterioration in relatives' condition, failures of IPC and provision of PPE. The application points to the large increase in non-Covid related deaths in the care setting and says that the Applicant can assist in describing deaths due to isolation and a drop in care provision.
10. In its renewed application, the Applicant states that it played a pivotal, direct and significant role in raising issues with care homes in the media and political discourse. Further to the information contained in the initial application, the Applicant states that it played a direct and significant role through providing advocacy and support services, engaging with MPs through the All-Party Parliamentary Group on Pandemic Response and providing written evidence on the use of DNACPRs and antidepressants on care home residents during the pandemic.

Decision for the Applicants

11. 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.
12. I have considered with great care everything that is said in the People's Care Watchdog's renewed 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.
13. I am grateful to the Applicant for taking care to set out more detail in its renewed application and while I appreciate the important and commendable work the Applicant undertook to advocate on behalf of care home residents and their families during the

pandemic, the evidence that it can provide with regard to impact and the lessons that may be learned from its experience, I do not consider that it meets the criteria in Rule 5(2)(a). While noting the Applicant's contribution by way of raising the profile of issues in the media and political discourse, engaging with MPs and producing written reports, I do not consider that the Applicant played, or may have played a direct or significant role. I have also considered whether the People's Care Watchdog satisfies Rule 5(2)(b). Whilst the Applicant has an interest in the Care Sector, neither the original nor renewed application has demonstrated that the interest is "significant" to satisfy Rule 5(2)(b) in the context of Module 6. I have also considered that other Applicants for Core Participant status are more representative and better placed in any event to advance such interests. Rule 5(2)(c) does not arise.

14. 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.
15. 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.
16. 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 the

People's Care Watchdog should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.

17. 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