



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 6 - THE CHANCELLOR OF THE DUCHY OF LANCASTER

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 17 January 2024 the Inquiry received an application from the Chancellor of the Duchy of Lancaster (“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. The Applicant, by reason of his ongoing responsibility for overseeing all Cabinet Office policy, civil contingencies, resilience and national security, applies to be designated as a Core Participant in respect of Module 6 of the Inquiry, in order to represent the interests of the Cabinet Office and the Prime Minister's Office, 10 Downing Street. It is submitted that the Cabinet Office and No.10 played a direct and significant role in relation to many of the important matters to which Module 6 relates.
9. The application states that the Cabinet Office was the government department with central policy responsibility for the UK's civil contingencies preparedness overall and that, in particular, it co-chaired the Pandemic Flu Readiness Board ("PFRB"). Amongst

other things, the PFRB is said to have carried out a review in 2018 into the surge capacity of the social care sector. The Civil Contingencies Secretariat is also said to have led the Adult Social Care Rapid Review in April-May 2020, which made recommendations for policy on the movement/segregation of healthcare professionals and the provision of PPE within the Care Sector. Further reliance is placed on the Covid-19 Taskforce, which included a team focussed on health and adult social care. The Taskforce provided the secretariat for the Covid-O meetings (chaired by the Applicant), at which matters relating to the Care Sector were discussed. In particular, the Cabinet Office is said to have worked closely and collaboratively with the Department of Health and Social Care ("DHSC") on the policy to make Covid-19 vaccination a condition of deployment (VCOD) for those working in care homes and the NHS. The Cabinet Office is further said to have exercised significant oversight in relation to other aspects of the Care Sector's response to Covid-19, including: commissioning DHSC to work with other departments on the Adult Social Care Strategy for England in April 2020; the commissioning of a DHSC plan in October 2020 to ensure care homes were paying full wages to staff in isolation; and working closely with the DHSC to develop the adult social care pandemic response strategy ahead of the winter of 2021. The Prime Minister is said to have played a direct role in holding meetings and deep dives and in steering a large number of decisions taken by cabinet committees relating to social care.

10. In terms of Rule 5(2)(b), the Applicant submits that he has a significant interest in overseeing and better understanding how decisions made within the Cabinet Office were implemented within Care Sector settings, together with the effect which they had upon people's experiences of and within the Care Sector during the Covid-19 pandemic. The Applicant further states that he wants to learn lessons for the future and is likely to be directly affected by any recommendations which the Chair might make in relation to the consequences within the Care Sector of the government's response to the pandemic.

Decision for the Applicant

11. I have considered with great care everything that is said in the Applicant's application. Having done so, in my discretion, I consider 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. 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, the structure of 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.
13. The application is 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)).
14. I accept that the Applicant had an important role concerning government policy in relation to the Covid-19 pandemic, and that such decision-making will have included decisions made, alongside the Department for Health and Social Care, which concerned and impacted upon the Care Sector. However, I do not consider that the Applicant played or may have played a direct and significant role in the matters to which Module 6 is concerned. Government decision-making is being examined in Modules 2, 2A, 2B and 2C. Module 6 is rather concerned with the impact on Covid-19 on the Care Sector and recipients of care. I have granted Core Participant status to the Department of Health and Social Care, as the lead government department with responsibility for the Care Sector, and they will be in a position to deal with relevant aspects of core-decision making and leadership with regards to the Care Sector during the pandemic. As the application makes plain, the "overall policy and delivery" of matters related to the Care Sector remained the responsibility of the Department for Health and Social Care and the Applicant's role therefore appears to have been indirect rather than direct.
15. Further, as to Rule 5(2)(b), I do not currently consider that the Applicant has a significant interest in an important aspect of the matters to which Module 6 relates. It may be that the Applicant has an interest in understanding how decisions made were implemented with the Care Sector, in learning lessons, and separately, that the

Applicant may have an interest in any recommendations made in this inquiry. However, the Applicant's interests in these matters arise from his departmental role, and is such that the Applicant will have a general interest in the outcome of all modules within the Inquiry. I do not consider that this amounts to a significant interest in the matters to which Module 6 relates in accordance with Rule 5(2)(b).

16. 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. 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 Chancellor of the Duchy of Lancaster should not be designated as a Core Participant in Module 6 and I confirm that this is my final decision.
18. 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.
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.

Rt Hon Baroness (Heather) Hallett DBE

Chair of the UK Covid-19 Inquiry

27 February 2024