



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 3 - SPINAL INJURIES ASSOCIATION**

**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 8 November 2022, the Inquiry opened Module 3 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 5 December 2022.
2. The Inquiry has published the Provisional Outline of Scope for Module 3, which states that this Module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. Further Modules, some of which have since been announced, will be opened in due course to address other aspects of the Inquiry's Terms of Reference.
3. On 2 April 2024 the Inquiry received an application from the Spinal Injuries Association ("the Applicant") for Core Participant status in Module 3. This Notice sets out my decision in relation to the application for Core Participant status in Module 3.

**Application**

4. 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.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's Core Participant Protocol, I have considered whether the Applicant has provided an acceptable explanation as to why it has submitted an application outside the prescribed time frame, whether the criteria within Rule 5 is met and, ultimately, whether to designate the Applicant as a Core Participant to Module 3.

### **Summary of Application**

6. The application explains that the Applicant is a registered charity which campaigns for change in the health and care provision for 50,000 people in the UK suffering from spinal cord injuries. The Applicant assists its membership in obtaining specialist care, mental health and advocacy support, and advice on jobs, housing and transport. It is said to be the only organisation that campaigns for policy changes to help those suffering from spinal cord injuries live a fulfilled life.
7. The application sets out the bases upon which the Applicant is said to have an interest in three areas of the Provisional Outline of Scope for Module 3 and submits that, as a result, it meets the criteria for Core Participant status set out in Rule 5(2). Those three areas are: the impact of Covid-19 on peoples' experience of healthcare; the impact on those requiring care for reasons other than Covid-19; and shielding and the impact on the clinically vulnerable. Although no explicit reference is made to the criteria set out in Rule 5(2) (a),(b) and/or (c), it is clear that the Application is predicated on the submission that the Applicant has a significant interest pursuant to Rule 5(2)(b).

8. The application is put on the basis that it is important for the Inquiry to understand the effects of decisions taken during the pandemic on the experiences of people in relation to the provision of healthcare, the delays encountered when healthcare was provided and the cancellation of treatment entirely. Examples given about the impact of such decisions on those suffering with spinal cord injuries include: (i) the difficulties caused by shielding and the concerns about potential exposure to Covid-19, which led to people relying on family members for their care instead of professional carers; (ii) the cancellation of routine, essential medical treatment and prescriptions; (iii) and the early discharge from hospital of those who had recently sustained spinal cord injuries.

### **Decision for the Applicant**

#### ***Whether the application should be considered out of time***

9. This application was made on 2 April 2024, more than fifteen months after the deadline for application for Core Participant Status in Module 3.
10. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states: *"...The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe."*
11. I first consider whether an acceptable explanation has been provided for submitting the application at this time. The application explains that the Applicant did not seek legal advice as to the possibility of making an application for Core Participant status until February 2024. The Applicant was given a further opportunity to explain this delay in correspondence. The Applicant said that it was not until it attended an 'Every Story Matters briefing', on 10 January 2024, that it appreciated the possibility that it could apply for Core Participant status.
12. The Provisional Outline of Scope for Module 3 was published on the Inquiry website on 8 November 2022 and it was on that date that the Inquiry opened applications for Core Participant status. I also note that on 22 November 2022, the Applicant was also sent a questionnaire by Module 3 and so would or should have been aware of the

existence and Provisional Outline of Scope of Module 3 within weeks of Module 3 opening. The Every Story Matters process is an important part of the Inquiry's work and the Applicant's participation in it is most welcome but this does not, however, change my view that the Applicant could have taken steps to apply for Core Participant status in the fourteen month period between the invitation for applications in November 2022 and its involvement in Every Story Matters in January 2024.

13. I am determined to run this Inquiry as thoroughly and expeditiously as possible. This includes providing prompt and useful reports and recommendations. To achieve that aim, I have imposed firm deadlines at different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also have to consider the need to be fair to all applicants who have made and/or renewed their applications for Core Participant status within the time period available, and more generally ensure that there is no unfair advantage obtained by those making late or further applications.
14. Accordingly, I consider that the Applicant has not provided an acceptable explanation as to why it has submitted the application at this stage. I therefore consider that the application for Core Participant status should be refused. For completeness, however, I have nonetheless gone on to consider the merits of the application.

***The substance of the Application***

15. I have considered with great care everything that is said in the application and I recognise the important work the Applicant performs on behalf of its membership. However, I do not consider that the Applicant has a significant interest within the criteria set out in Rule 5(2)(b).
16. Module 3 will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This includes consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people's experience of

healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities.

17. I consider that the Applicant does not meet the criteria within Rule 5(2)(b) for the purposes of Module 3. Although I recognise the Applicant and those it supports have an interest in the healthcare system, I do not consider the Applicant has a significant interest in the three areas within the Provisional Outline of Scope for Module 3 upon which it bases its application. For completeness, I do not consider the Applicant has a significant interest in any of the other areas which Module 3 will address.
18. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in this country could potentially have an interest in the Inquiry and not everyone can be granted Core Participant status for the purpose of the Inquiry hearings. Insofar as the issue of clinical vulnerability is concerned, that will be addressed by other organisations that I have designated as Core Participants who cover a broader range of patients considered to be clinically vulnerable and/or required to shield.
19. The Applicant does not suggest that it played a direct and significant role or that it will be criticised during the proceedings or in any report but, for the avoidance of doubt, I do not consider that Rule 5(2)(a) is met or that there is a risk that the Applicant will engage Rule 5(2)(c).
20. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude the Applicant from providing useful material for the Inquiry's consideration for this module or from making any further applications in respect of any later Modules or. 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**  
**29 April 2024**