



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - THE DEPARTMENT OF HEALTH AND SOCIAL CARE

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 19 March 2024 the Inquiry opened Module 7 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 26 April 2024.
2. On 23 April 2024 the Inquiry received an application from The Department of Health and Social Care (“the Applicant”) for Core Participant status in Module 7. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 7, which states that this Module will consider the policies and strategies developed and deployed to support the test, trace and isolate system by the UK Government and the Devolved Administrations. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.

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 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 7.

Summary of Application

6. The Applicant is the Department of Health and Social Care (DHSC). The application is made under Rule 5(2)(a), (b) and (c) on the basis that DHSC played a direct and significant role, has a significant interest, in the matters to which Module 7 relates and may be the subject of significant criticism during the reporting process for Module 7.
7. The application explains that the Applicant had oversight of Public Health England (PHE) the arm's length body (ALB) responsible for contact tracing and testing in England from January 2020 until May 2020. It set up, sponsored, key entities to lead on contact tracing and testing, and aspects of isolating, including the UK Health Security Agency (UKHSA), a newly formed ALB, which became operational on 1 October 2021, the Managed Quarantine Service (MQS) set up in February 2021 and NHS Test and Trace (NHS T&T) in May 2020 which the Applicant was responsible for until 30 September 2021.
8. The Applicant contends that given its role of oversight, assurance, funding, policy making and assisting with policy delivery the criteria under Rule 5(2)(a), (b) and (c) are met.

Decision for the Applicant

9. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate DHSC as a Core Participant in Module 7. Given its role of oversight, assurance, funding, policy making and assisting with policy delivery for test, trace and isolate, I consider the criteria under Rule 5(2)(a), (b) and (c) are met.

Legal Representation

10. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*
- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

11. I am satisfied that the Department of Health and Social Care has appointed Sarah Wise of the Government Legal Department as its qualified lawyer in relation to this

Module. I therefore designate Sarah Wise as the Department of Health and Social Care's recognised legal representative in accordance with Rule 6(1).

12. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry' Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

17 May 2024