



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - HIS MAJESTY'S TREASURY

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 26 April 2024 the Inquiry received an application from His Majesty's Treasury (HM Treasury) ("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 HM Treasury. The application is made under Rule 5(2)(a) and (b) on the basis that HM Treasury (HMT) played a direct and significant role in the development and deployment of test, trace and isolate policies and strategies by virtue of HM Treasury's function as the government's economic and finance ministry, with responsibility for maintaining control over public spending. It approved funding for the creation and development of the 'test, trace, contain and enable system' (TTCE), as well as for its scaling up.
7. The Applicant asserts it has a significant interest in matters to be explored in Module 7, as HMT relied upon data and modelling relied upon by the Department of Health and Social Care (DHSC) and TTCE. The Applicant sets out a number of factors in support of its application relating to value for money and economic recovery, as well as border policy. The Applicant was responsible for the creation of financial support policies, such as the extension of Statutory Sick Pay (SSP) eligibility to employees who were required to self-isolate, the creation of a SSP Rebate Scheme that allowed employers with fewer than 250 employees to recover 2 weeks of SSP per eligible employee off work and the establishment of the Test and Trace Support Scheme which was introduced on 28 September 2020 providing a one-off payment of £500.

8. The application is further made under Rule 5(c) particularly in relation to the financial support decision making in relation to TTCE. The application refers to sustained criticism in relation to Module 2 with regard to the implementation and operation of self-isolation payments. Further, it anticipates potential criticism given the public money spent on TTCE, said to be approximately £37bn and the efficacy of oversight, pace of decision making and determination of priorities.

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 HM Treasury as a Core Participant in Module 7.
10. I consider that HM Treasury played a direct and significant role in relation to the matters to which Module 7 relates, namely the development, deployment and operation of the financial support to those required to isolate, as well as financial oversight of the test, trace and isolate system.
11. Further, the Applicant satisfies the criteria in Rule 5(2)(b) as it has a significant interest in these important matters to which Module 7 relates and as the Applicant recognises in its application, it may be the subject of explicit or significant criticism in Module 7 and therefore satisfies the criteria in Rule 5(2)(c).

Legal Representation

12. 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.

13. I am satisfied that HM Treasury has appointed Robyn Smith of the Government Legal Department as its qualified lawyer in relation to this Module. I therefore designate Robyn Smith as HM Treasury's recognised legal representative in accordance with Rule 6(1).

14. 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