



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 7 - TRADES UNION CONGRESS (TUC)**

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 the Trades Union Congress (“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 application states that the TUC brings together 5.5 million working people who make up its 48 member unions. The member unions span an array of sectors across the UK, all of which were affected by the pandemic.
7. The application is made on the basis of Rule 5(2)(a) and (b). The application states the TUC played a direct and significant role in respect of the issues to be investigated in Module 7. The Test Trace and Isolate system was of paramount importance to members given the importance of monitoring and controlling the spread of the virus in the workplace, particularly in sectors where workers could not perform their roles from home.
8. Throughout the pandemic, TUC explain in their application that it made representations to the relevant Secretaries of State, Ministers, civil servants, Government bodies and providers, with the aim of advising on testing regimes and advising employers and improving the efficacy of the test, trace, and isolate systems

for those in work. The TUC's affiliated unions were involved in various working groups and stakeholder meetings during the pandemic which addressed the test, trace, and isolate systems, including: the Workforce Advisory Group, the COVID Testing Task and Finish Group, the DHSC stakeholder meetings, and the Adult Social Care PPE and Testing Stakeholder Working Group. The application also cites its role in fielding concerns and complaints by workers impacted by the test, trace, and isolate system and its role in the reporting of data related to the test and trace system to relevant bodies. The Applicant has a particular interest in the adequacy of financial and practical support to those required to self-isolate, publishing guidance and engaging with employers.

9. The TUC states it has a significant interest in important aspects of Module 7; that those it represents and who continued to attend the workplace did so at additional risk to themselves and their loved ones. The Applicant has a significant interest in issues involving the availability and efficacy of workplace testing regimes, the factors influencing compliance with regulations and guidance on testing and isolation, and the practical and financial measures in place to support workers to self-isolate.

Decision for the Applicant

10. I have considered carefully everything that is said in the application. Having done so, I have decided to designate the Applicant as a Core Participant in Module 7.
11. Module 7 will consider a range of issues relating to the policies and strategies developed and deployed to support the test, trace and isolate system by the UK Government and the Devolved Administrations. This will include the capacity and infrastructure which existed and that which was developed; the use of various testing and tracing technologies, the structure of the system and decision making. It will consider testing, tracing and isolation procedures and factors influencing compliance and finally it will address the preservation of infrastructure, capacity and research to improve and develop test, trace and isolate schemes for future pandemics.
12. The application is put on the basis that the Applicant has played a direct and significant role in the matters to which Module 7 relates (Rule 5(2)(a)) and that the

Applicant Group has a significant interest in an important aspect of the matters to which Module 7 relates (Rule 5(2)(b)).

13. For a number of reasons I consider that the Applicant is well placed to assist the Inquiry to achieve its aims in Module 7. In particular, I bear in mind that the Applicant represents the collective interests of a broad spectrum of people working who were impacted by the test, trace, and isolate system and its role in the reporting of data related to the test and trace system to relevant bodies; and, its particular interest in the adequacy of financial and practical support to those required to self-isolate.

Legal Representation

14. 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.

15. I am satisfied that the Trades Union Congress have appointed Gerard Stilliard of Thompsons Solicitors as their qualified lawyer in relation to this Module. I therefore designate Gerard Stilliard as the Trades Union Congress' recognised legal representative in accordance with Rule 6(1).
16. 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