



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION**

MODULE 7 - DISABILITY RIGHTS UK AND DISABILITY ACTION NORTHERN IRELAND

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. 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.
3. On 26 April 2024 the Inquiry received an application from Disability Rights UK and Disability Action Northern Ireland ("the Applicant") for Core Participant status in Module 7.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 7, thereby declining the application ("the Provisional Decision"), on 16 May 2024. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 23 May 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 7.

Summary of Application

8. This is a joint application by Disability Rights UK and Disability Action Northern Ireland. They apply for Core Participant status and submit that they satisfy Rule 5(2)(a) and (b) of the Inquiry Rules 2006.
9. The organisations are run by and for people facing disabling societal barriers due to their impairments or conditions. This includes people with physical impairments, mental health conditions, hearing difficulties, deaf people, visual impairments, learning difficulties and neurodiverse people.

10. The application provides details of the role the Applicant undertook in engaging with d/Deaf and Disabled people across the UK to understand issues concerning test, trace and isolate; campaigning and raising awareness of these issues with key decision makers; details the inaccessible nature of aspects of the test and trace system and inadequate support; and makes submissions on areas outlined in the Provisional Outline of Scope.

Decision for the Applicant

11. I wish to extend my deep sympathy to all those represented by the Applicant who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic. I acknowledge that those who have a disability have plainly been seriously affected by the pandemic.
12. The application is made on the basis of both Rule 5(2)(a) and Rule 5(2)(b). I have considered with great care everything that is said in the 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 7. In reaching my decision, I bear in mind that the Applicant was granted Core Participant status in Modules 2, 2A, 2B, 2C, 4 and 6.
13. In respect of Rule 5(2)(a), I acknowledge the Applicant's work providing services to disabled people and communicating with the government. However, the focus of Module 7 is the policies, decision making and strategies developed for test trace and isolate by the UK Government and Devolved Administration. Accordingly, I do not consider that the Applicant played a direct and significant role in matters to which Module 7 relates for the purposes of Rule 5(2)(a).
14. In respect of Rule 5(2)(b), the Applicant undoubtedly has an interest in Module 7 as groups who have been directly affected by Covid-19. However, I do not consider, having regard in particular to the focus of the Scope of this Module and the need to manage the Inquiry effectively and efficiently, that their interest in test trace and isolate system for Covid-19 is a "significant interest" for the purposes of Rule 5(2)(b) such as to grant them Core Participant status in this Module. Even if that were not the case, in the exercise of my discretion, and having regard in particular to the need to

manage the Inquiry effectively and efficiently, I would decline to designate the Applicant as a Core Participant.

15. Module 7 is focused on the policies and strategies developed for test trace and isolate as distinct from policy campaigning, provision of direct services and research. The important issues raised by the Applicant regarding inaccessible information, communication, testing and support will be addressed via requests for evidence, including Rule 9 requests and potential expert evidence. Issues concerning inequalities will remain at the heart of the Inquiry.
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 the United Kingdom could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
17. It is not necessary for an organisation to be a Core Participant in order to provide evidence to the Inquiry. The Inquiry will be engaging in due course with a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in this Module and, where appropriate, to ask for witness statements and documents.
18. I have asked the Module 7 legal team to liaise with the Applicant to ensure that their concerns are considered as part of the Inquiry's Module 7 investigation.
19. The Inquiry would welcome any assistance Disability Rights UK and Disability Action Northern Ireland can provide.
20. The Inquiry will also listen to and consider carefully the experiences of individuals, families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise, Every Story Matters. I made clear in my Opening Statement that this listening exercise is a significant and important part of the Inquiry which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. The Applicant

has the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

21. I will keep the scope of Module 7 and the designation of Core Participants under review. My decision not to designate the Applicant as a Core Participant in Module 7 does not preclude it from making any further applications in respect of future 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

31 May 2024