



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 9 - ECONOMIC RESPONSE
COVID-19 BEREAVED FAMILIES FOR JUSTICE CYMRU**

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 9 July 2024, the Inquiry opened Module 9 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 6 August 2024.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 9, which states that this module will examine how economic support was delivered by the UK Government, the Devolved Administrations and Local Government by examining a broad range of economic interventions in response to the Covid-19 pandemic. This includes economic support for business, jobs, the self-employed, vulnerable people and those on benefits. It will also consider additional funding given to relevant public services and the voluntary and community sectors.
3. On 5 August 2024, the Inquiry received an application from Covid-19 Bereaved Families for Justice Cymru (CBFJ Cymru) (“the Applicant”) for Core Participant status in Module 9. This Notice sets out my determination of the application.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 9 on 13 September 2024 (the “Provisional Decision”). The Applicant was provided with an opportunity to renew the application in writing by 20 September 2024 at 4pm.

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 9.

Summary of Application

8. In making this determination, the fact that I have not referred to every matter or detail which is set out in the application does not mean that I have not considered it. The points addressed below are intended to capture what appear to be the most important points made in support of the application.
9. The application is made under Rule 5(2)(a) and (b) Inquiry Rules 2006. The application sets out that CBFJ Cymru met with the First Minister and the Health Minister as well as

other government organisations in relation to a range of issues in the healthcare system, including nosocomial infections, DNACPRs, bereavement support and the complaints system. The Applicant also explains that it has forged links with other interest groups to raise awareness of CBFJ Cymru amongst a diverse range of the bereaved and to encourage participation in the UK Inquiry.

10. The Applicant states that CBFJ Cymru has played a direct and significant role in relation to the matters to which Module 9 relates because since its inception, CBFJ Cymru has been at the forefront of putting Welsh and UK Government decision-making insofar as it impacts on Wales under scrutiny. The Applicant states that the group comprises individuals who were affected in their own right by decisions and systems in Wales and who experienced the loss of loved ones who were affected by the decisions.
11. The Applicant asserts that “CBFJ Cymru is well-placed to identify issues and contribute in an informed way on the issues in Module 9”. The application notes that its membership is comprised of bereaved families from across Wales. The Applicant submits that the economic response informed all aspects of Welsh Government decision making during the pandemic. In particular, the Applicant raises concerns about the impact of decisions made by the Welsh Government on the spread of the virus. Examples provided include the procurement of PPE, delays in authorising testing, insufficient mass testing capacity, gaps in financial support, lack of bed capacity in hospitals and lack of equipment. The application also raises questions regarding the lack of financial support for those who were shielding (or those living with someone who was shielding) and the management of public money. In particular, the Applicant sets out concerns that the Welsh Government did not spend £150 million of UK Government Funding in 2021 which they state could have been spent on the public health response to the virus, and in particular on testing capacity and infrastructure.
12. The application states that in relation to Rule 5(2)(b) the Applicant’s interest relates solely to national decision making and how it impacted on Wales and the comparative analysis.

Decision for the Applicant

13. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, not to designate the CBFJ Cymru as a Core Participant in Module 9.
14. I wish to reiterate my deep sympathy to all those represented by the Applicant regarding the deaths of their family members, as well as to those who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic.
15. Whilst I appreciate that CBFJ Cymru brings a representative voice from bereaved families in Wales, the focus of Module 9 is on economic support across a broad range of interventions in response to the pandemic including support for businesses, relevant public services, grants, loans schemes, the voluntary and community sector as well as support for the vulnerable, benefits and sick pay. I do not, therefore, consider that CBFJ Cymru meets the criteria set out in Rule 5 for designation as a Core Participant in Module 9.
16. CBFJ Cymru, in keeping with the other bereaved groups, has an interest in understanding those decisions which may have impacted upon their members, the number of people who died during the pandemic or the number who have have been put at risk from Covid-19 (for example the experiences of those who were shielding or otherwise vulnerable). To this end, I designated CBFJ Cymru a Core Participant in Module 2 and 2B. They are also Core Participants in Modules 1, 3, 4, 5, 6 and 7. This has enabled CBFJ Cymru to play a significant part in the examination of those decisions or actions which may be most relevant to their members. Module 9 will not revisit those issues.
17. CBFJ Cymru's focus is on bereaved families, rather than economic interventions or financial support. The application appears to be largely based upon the fact that some of the members of CBFJ Cymru include those who were impacted by decisions taken in response to the pandemic regarding financial support and are therefore able to provide first hand accounts. I do not consider that the application has shown that CBFJ Cymru played a direct and significant role in relation to the matters to which Module 9 relates.

18. Whilst I accept that as users of financial schemes or members of the same household as those who relied on financial support, some members of CBFJ Cymru may well have an interest in the decision-making and policy matters which will be examined in Module 9, this is not the focus of CBFJ Cymru as a group, and I do not consider that the Applicant's interest in these matters is sufficiently significant as to grant it Core Participant status in this module.
19. Even if this were not the case, and having regard in particular to the need to manage the Inquiry effectively, in my discretion I provisionally decline to designate the Applicant as a Core Participant in Module 9. While I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant factors. I am not obliged to designate any particular person or organisation as a Core Participant. There are other organisations which are better placed to represent the interests of employees, benefit claimants and individuals who were reliant on financial support in relation to the matters to be examined in Module 9.
20. 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 in, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in it and not everyone can be granted Core Participant status for the purpose of the Inquiry hearings.
21. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Inquiry will also hear and consider carefully the experiences of those who have suffered hardship as a result of the pandemic, through the listening exercise, Every Story Matters. The Applicant and its members may wish to contribute to the work of the Inquiry through this process. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic to be used as evidence during the Inquiry's module hearings.
22. For all of those reasons, having considered all of the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 9, I consider that the

Applicant should not be designated as a Core Participant in Module 9 and I confirm that this is my final decision.

23. I will keep the scope of Module 9 and the designation of Core Participants under review. My decision not to designate Covid-19 Bereaved Families for Justice Cymru as a Core Participant in Module 9 does not preclude them from making a further application in any later module. I will consider any future applications Covid-19 Bereaved Families for Justice Cymru may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
30 September 2024