



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 9 - ECONOMIC RESPONSE**  
**COVID BEREAVED FAMILIES FOR JUSTICE UK (CBFFJ)**

**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 6 August 2024 the Inquiry received an application from Covid-19 Bereaved Families for Justice UK (CBFFJ) ('the Applicant') for Core Participant status in Module 9.
4. On 13 September 2024 I made a provisional decision not to designate the Applicant a Core Participant in Module 9 ('the Provisional Decision'). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 20 September 2024.

5. The Applicant subsequently submitted a renewed application for Core Participant status in Module 9. This notice sets out my final determination of the Applicant's application for Core Participant status in Module 9.

## **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. CBFFJ's original application stated that they are a campaign group of family members bereaved by Covid-19 who met through a Facebook page in April 2020. The application stated that its members have a 'clear and compelling interest' in all of the matters to which Module 9 relates as a number of its members were affected by the lack of economic support over the pandemic and have concerns over the criteria for allocation of support. The application also explains that there is concern amongst their members that their loved ones were ineligible or otherwise unable to access financial

support and interventions which forced them to continue working rather than isolating or shielding, with the unfortunate consequence that they were exposed to Covid-19 and sadly lost their lives. Further the application explains how the group can assist the Inquiry by providing direct evidence of how their livelihoods were impacted by the pandemic and the timeliness of economic interventions. The application sets out the questions which members of the group have, relevant to the Inquiry's investigation in Module 9.

9. CBFFJ's renewed application provides further submissions and information, which I have considered with care. 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.
10. In its renewed application, six appendices are provided in support of the renewed application, which I have also considered.
11. In its renewed application, the Applicant reiterates that, pursuant to Rule 5(2)(a) and (b) of the Inquiry Rules 2006, it played a direct and significant role in relation to the matters to which the Inquiry relates, and that it has a significant interest in an important aspect of the matters to which the Inquiry relates. In relation to 5(2)(a) the Applicant submits that it played a direct and significant role in the issues to be examined in Module 9 by virtue of its work in relation to bereavement support. Appendixes C, D and E are examples of CBFFJ's direct work on life assurance schemes, challenges affecting low-income bereaved families and financial hardship arising from bereavement.
12. The application and Appendix F also provide examples of lived experiences of CBFFJ's members in relation to financial support following bereavement following deaths of family members from Covid-19.
13. In relation to Rule 5(2)(b), the Applicant submits that it has a significant interest in the matters being examined by the Inquiry in Module 9. The application states 'the "focus" of CBFFJ UK as a group is on the circumstances in which our members' loved ones died as a result of Covid-19, and the impact on bereaved family members. Those

circumstances include the economic interventions and financial support provided — or not provided as the case may be — which, in many cases, was a direct contributory or causative factor leading to their loved ones contracting Covid-19.’ This includes a significant interest in financial support to enable family members to stay at home, shield or isolate rather than attend workplaces with an enhanced risk of transmission and in the availability of sick pay for those in unsecure work in the healthcare sector and the impact this had on nosocomial infection.

14. The Applicant states that it also has a significant interest in financial support for low-income bereaved families and provides accounts of its members who lost ‘breadwinners’ in their families as a result of Covid-19 and the hardship that followed. In support of its significant interest, the Applicant draws my attention to Rule 10 submissions and questions which were outside the scope of earlier modules.

15. The Applicant’s renewed application submits that Core Participant status would allow the Inquiry to comply with domestic law and protect the Article 2 rights of the bereaved.

### **Decision for the Applicant**

16. I have considered with great care everything that is said in the Applicant’s original application and in its renewed application. I have assessed the merits of the application for Core Participant status in its totality. Having done so, I remain of the view that the Applicant does not meet the criteria set out in Rule 5(2). I have therefore decided not to designate the Applicant as a Core Participant in Module 9.

17. Once again, I 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.

18. As I set out in my provisional determination, whilst I appreciate that the Applicant brings a representative voice from bereaved families across the United Kingdom, 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.

19. The Applicant's primary focus and the unifying feature of its membership is bereaved families. In keeping with the other bereaved groups, the Applicant 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 the Applicant a Core Participant in Module 2. They are also Core Participants in Modules 1, 3, 4, 5, 6 and 7. This has enabled the Applicant 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.
20. I am grateful for the Applicant's contributions to the Inquiry to date, which includes raising a number of Rule 10 requests. On occasion where matters raised were outside of the scope of Modules 1-3, I have made reference to later unidentified modules. Such references do not constrain my broad discretion in considering whom to designate as CPs but I have borne them in mind.
21. I accept that the concerns of the Applicant's members relate to a broad spectrum of important issues regarding the management of the pandemic. I also accept that some of its members ( I do not know how many) will have an interest in financial support provided to some individuals during the pandemic and in particular support in the form of Statutory Sick Pay ('SSP'). However, the Applicant's interest in the majority of areas set out in the Provisional Outline of Scope in Module 9 is limited. For example, the applications are not put on the basis that the Applicant or its members have an interest in support for business, loan schemes, business grants, relevant public services such as transport or the voluntary and community sector.
22. I note that a significant concern of the bereaved is in relation to compliance with testing requirements and the impact of financial support to healthcare workers on compliance and infection. I have already designated the Applicant Core Participant status in Module 7 which will investigate the financial support put in place as part of

the Test Trace and Isolate systems adopted, as one of the factors influencing compliance.

23. I note the Applicant's interest in financial support for the bereaved, and in particular regarding life assurance schemes and support for low income families suffering hardship as a result of the bereavement. As required by the Terms of Reference, Module 9 will consider the 'economic response' to the pandemic. I will therefore consider relevant governmental interventions relating to the wider functioning of the economy, with a particular focus on the broad areas of support set out in the Provisional Outline of Scope. Issues raised relating to life assurance schemes are beyond the scope of Module 9.
24. As for the impact of the pandemic on the bereaved, this is being covered in various ways, including in Module 10, the final module of the Inquiry. As the Applicant may be aware, the Provisional Outline of Scope for Module 10 makes specific reference to the impact of the pandemic on the bereaved and I have invited applications for Core Participant status in that module. The application window opened on 17 September 2024 and closes on 15 October 2024. The Provisional Outline of Scope for Module 10 is available [here](#).
25. Further, whilst I accept that some members may well have an interest in some of the decision-making and policy matters which will be examined in Module 9, the Applicant is not primarily an interest group focused on economic or employment issues.
26. Finally, on the issue of the Applicant's interest in Module 9, it is concerned with the economic response across the whole economy and it is necessarily broad in its compass. Any person who required financial support or who isolated during the pandemic could potentially have an interest in Module 9. The same may be said of many organisations which support those in employment or reliant on benefits, or many businesses or business owners who experienced financial hardship. I, therefore, do not consider that the Applicant's interest in these matters is sufficiently significant as to grant it Core Participant status in this module.
27. Whilst I appreciate that the Applicant's members have first-hand experience and knowledge of the economic interventions and were affected by the economic effects

of Covid-19, I do not consider that as a result the Applicant necessarily played, or may have played, a direct or significant role in the matters being investigated in Module 9.

28. Even if I were wrong about whether or not the Applicant has a sufficiently significant interest in Module 9, I would still decline to exercise my discretion to designate it a Core Participant, having regard to the need to manage the Inquiry effectively. Whilst 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, in my view, are better placed to assist the Inquiry in relation to the economic response to the pandemic. Module 9 is a technical module and the Inquiry is assisted by those with particular unique perspectives or particular knowledge or expertise in relation to the broad range of issues to be addressed. With this in mind, I am minded to designate only those applicants who can either speak to a range of areas of the economic response and/or demonstrate a particular interest or expertise in the economic response to the pandemic. I additionally have regard to my duty to act with fairness and with regard to the need to avoid cost to public funds which is not justified.

29. The renewed application submits that Core Participant status would include the bereaved to the extent necessary to safeguard his or her legitimate interests in accordance with Article 2. As I have set out above, the bereaved groups do not have a sufficiently significant interest in Module 9 as a whole. The proportion of Module 9 which the bereaved have a legitimate interest in is relatively small. The bereaved have been designated Core Participants in 10 modules of the Inquiry. They have been afforded effective participation in the parts of the Inquiry to which their interests most significantly relate.

30. 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. I am satisfied that the interests of the bereaved, represented by the Applicant will be well served by the approach that I intend to take to Module 9.

31. I have also taken into account the fact that there are a number of ways in which the Applicant can participate in Module 9 without being a Core Participant, many of which

have been recognised as adequate alternatives to Core Participant status in a number of other recent statutory inquiries. As I noted in my Provisional Decision, 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.

32. Having considered all the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 9, I remain of the view that the Applicant did not play a direct and significant role in relation to the matters sought to be investigated in Module 9, nor does it have a sufficiently significant interest in an important aspect of the matters to which Module 9 relates. Even if I was wrong about that, I would still exercise my discretion to refuse the application. I have therefore decided that CBFFJ should not be designated as a Core Participant in Module 9 and I confirm that this is my final decision. I will keep the scope of Module 9 under review.

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