



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - LOCAL GOVERNMENT ASSOCIATION, WELSH LOCAL GOVERNMENT
ASSOCIATION AND CONVENTION OF SCOTTISH LOCAL AUTHORITIES

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 17 September 2024 the Inquiry opened Module 10 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 15 October 2024.
2. On 14 and 15 October 2024 the Inquiry received applications from the Local Government Association ('LGA'), the Welsh Local Government Association ('WGLA') and the Convention of Scottish Local Authorities ('COSLA') ('the Applicants') for Core Participant status in Module 10. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 10, which states that this Module will examine the impact of Covid-19 on the population of the United Kingdom with a particular focus on key workers, the most vulnerable, the bereaved, mental health and wellbeing.

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 10.

Summary of Application

6. The Applicants' organisations are the national representative bodies of local authorities in England, Wales and Scotland. They represent all but two of the local authorities across England, Wales and Scotland.
7. The LGA states that councils and their staff in England were at the forefront of the UK's response to Covid-19 and a considerable proportion of the local government workforce were designated as key workers and their collective role in ensuring vital local services continued to operate was no less important than that of the NHS. This included keeping local services running and implementing government initiatives. In addition, the LGA highlights that councils were responsible for managing business continuity to keep the economy functioning, providing care and support to those already identified as vulnerable as well as to those made vulnerable by the pandemic, maintaining educational provision, supporting the homeless, managing public health, providing open spaces and recreation, registering births and running mortuaries, cemeteries and crematoria.

8. The WLGA specifies that during the pandemic, local authorities in Wales acted swiftly to maintain essential services and support the health and well-being of their communities. The enforced closure of sports, leisure, and cultural facilities had a significant impact on public mental and physical health, particularly for individuals with pre-existing health conditions and mental health issues. To address these challenges, local authorities promoted virtual fitness classes, outdoor exercise programmes, and community engagement initiatives, which encouraged safe physical activity and maintained community spirit within the restrictions imposed throughout the pandemic. In addition, cultural institutions, including local authority run theatres, libraries, and museums, were also closed or operated with significant restrictions. The WLGA states that this not only affected the mental well-being of residents who relied on them for social interaction and cultural enrichment, but also impacted the local economies that relied heavily on tourism and hospitality. In particular, the WGLA indicates that the closure and phased reopening of these sectors disproportionately affected young people, those living alone, and older adults, further exacerbating social isolation.
9. COSLA states that it is directly responsible for delivering a broad range of services across Scotland's 32 local authority areas in relation to housing, education, social care, roads and transport, sport/leisure and cultural services and regulatory and protective services. In addition, in many cases, such services are delivered to the most vulnerable in society. Throughout the pandemic, local government in Scotland was responsible for implementing Scottish Government decisions and guidance. Notably, this included guidance in relation to the closure and re-opening of services together with managing the ongoing impact that the pandemic has had on these services and service users. The COSLA specifies that it employed a significant number of key workers and was responsible for supporting key workers throughout Scotland through the provision of childcare. COSLA's member authorities are directly responsible for providing support to the most vulnerable in Scotland, including the homeless and bereaved.
10. On this basis, the Applicants say that they played a "direct and significant role" in relation to matters under investigation in Module 10 (Rule 5(2)(a)), and they have a "significant interest" in important matters which are likely to be explored in the Module

(Rule 5(2)(b)). In addition, the Applicants suggest that they may be subject to criticism (Rule 5(2)(c)).

Decision for the Applicants

11. Module 10 of the Inquiry is focused on the impact of the Covid-19 pandemic on society with a particular focus on key workers, the most vulnerable, the bereaved and mental health and wellbeing. It will investigate the impact of the pandemic and the measures put in place to combat Covid-19.
12. I have considered the application in full and with great care against the criteria set out in Rule 5(2) of the Inquiry Rules 2006. Having done so, I have decided, in my discretion, to designate the Applicants as a Core Participant in Module 10.
13. I consider that for an Applicant to satisfy the criteria of playing a "direct and significant role", they must be able to demonstrate not only that they themselves were impacted by the pandemic or decisions made in response to it, but that they played an active role, such as engaging with decision makers on behalf of individuals or specific groups to address the extent of the impact at the relevant time. I consider that the Applicants satisfy these criteria, and therefore, I do consider that the Applicants played a "direct and significant role" in relation to Module 10 matters for the purposes of Rule 5.
14. I have also considered whether each Applicant has a "significant interest" in an important aspect of the matters to which the Inquiry relates. In exercising my discretion, I have in mind the broad scope of Module 10 and that a very large number of organisations and individuals could be said to be impacted in a way that would give rise to an interest in this investigation. I recognise that it could be said that the Applicants fall into this category.
15. Further, while I am bound to consider the factors set out in Rule 5, it is also open to me to take into account other relevant factors. I am mindful of the need to run this Module effectively and efficiently in light of the number of organisations and individuals who could be said to have a significant interest in the Module. The Inquiry has received written confirmation that the Applicants consent to being joined up and designated as

a single Core Participant. Having considered the application in its entirety, I do consider that the Applicants can speak to a range of relevant industries, sectors and/or parts of society being examined by Module 10. This includes the impact of the pandemic on key workers, the most vulnerable, and those whose mental health and well-being was affected.

16. Accordingly, I have decided, in my discretion, to designate the Applicants as a Core Participant in Module 10.

Legal Representation

17. 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.

18. I am satisfied that the Applicants have appointed Thelma Stober of the Local Government Association as its qualified lawyer in relation to this Module. I therefore

designate Thelma Stober as the Applicants' Recognised Legal Representative in accordance with Rule 6(1).

19. 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

12 November 2024