



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 10 - PRISON AND IMMIGRATION DETENTION ADVOCACY GROUP**

**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 15 October 2024 the Inquiry received an application from the Howard League for Penal Reform, Bail and Immigration Detainees, the Prison Reform Trust and Medical Justice, collectively the Prison and Immigration Detention Advocacy Group ('the Applicant') 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 Applicant consists of four charities that represent the interests of the detained, whether under criminal or immigration detention powers. Each charity is said to operate across England and Wales or nationally and the application provides an insight into the work of charities both generally and during the pandemic.
7. The application says that the members of the Applicant provide support to prisoners (including providing legal assistance and advice), are engaged with lobbying on the treatment of prisoners and did so throughout the pandemic, provide written materials for detainees, conduct field research, contribute to publications, facilitate the provision of medical advice and assessment to those detained and have intervened in legal cases.
8. The application sets out that the Applicant will be able to provide a perspective on behalf of detained people and their families and amongst other things, will be able to assist on matters which include confinement to cells, prison conditions, mental and

impact affecting detained people and the impact caused by government interventions to those in prison or detention.

9. The Applicant says it played a "direct and significant role" in the matters to be addressed by Module 10 (Rule 5(2)(a)) and that it has a "significant interest" in matters likely to be under exploration in Module 10 (Rule 5(2)(b)).

### **Decision for the Applicant**

10. 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.
11. 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 Applicant as a Core Participant in Module 10.
12. I note that during the pandemic, the Applicant played an active role to address the extent of the impact of the pandemic and measures in place to respond to it. Amongst other things, this included providing advice and support to prisoners as well as undertaking lobbying activities in relation to the treatment of prisoners. I am therefore satisfied that the Applicant did play a "direct and significant role" in relation to Module 10 matters for the purposes of Rule 5.
13. I have also considered whether the 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 Applicant falls into this category.
14. In any event, 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 Applicant is representative of the UK and if they were to be designated as a Core Participant, I consider that they would be able to assist with understanding the impacts of the pandemic on prisons and other places of detention as well as those affected by the operation of the justice system more generally.

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

### **Legal Representation**

16. 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.*

17. I am satisfied that the Applicant has appointed Helen Mowatt of Public Interest Law Centre as its qualified lawyer in relation to this Module. I therefore designate Helen

Mowatt as the Applicant's Recognised Legal Representative in accordance with Rule 6(1).

18. 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**