



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - SCOTTISH MINISTERS**

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 Scottish Ministers ('the Applicant') for Core Participant status in Module 10. I made a provisional decision not to designate the Applicant as a Core Participant in Module 10, thereby declining the application ('the Provisional Decline'), on 12 November 2024.
3. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 19 November 2024. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.
4. 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

5. 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.

6. 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 10.

Summary of Application

7. The application explains that the Applicant engaged with various stakeholders to develop pandemic related sectoral guidance and to understand the impact of the pandemic, that they provided emergency funding and regularly reviewed pandemic-related decisions such as those concerning restrictions on arrangements for funerals, burials and cremations in Scotland.
8. On the basis of the Applicant's roles during the pandemic, the Applicant says it played a "direct and significant role" in relation to matters to be addressed by Module 10 (Rule 5(2)(a)) and that they have a "significant interest" in matters likely to be under exploration in Module 10 as well as an interest in any recommendations, which may require implementation (Rule 5(2)(b)).

Decision for the Applicant

9. 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.
10. 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, not to designate the Applicant as a Core Participant in Module 10.
11. 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. As government ministers making and implementing decisions rather than being directly impacted by them, the Applicant does not appear to have played a "direct and significant role" in relation to Module 10 matters for the purposes of Rule 5.
12. I am also required to consider 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.
13. However, 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. I am not obliged to designate any particular person or organisation as a Core Participant and I have carefully considered who would be able to provide most assistance to me in my investigation of these matters by being so designated. The focus of Module 10 is the impact of the pandemic and any measures put in place, rather than government decision-making itself, which has been the focus of earlier modules.

14. It may be that the Applicant has an interest in learning lessons and any recommendations made in this Module. However, the Applicant's interests in these matters arise from their governmental role and is such that the Applicant will have a general interest in the outcome of all modules within the Inquiry. I do not consider that this amounts to a "significant interest" in the matters to which Module 10 relates in accordance with Rule 5(2)(b). The Applicant, like all interested parties, will have the opportunity to consider the final report and its recommendations once it is published. This ensures the Applicant can still review and respond to any findings that may impact future policy, without the need for Core Participant status.
15. While I have not designated the Applicant as a Core Participant in Module 10, the Inquiry remains committed to engaging with those – such as the Applicant – who may have relevant evidence to contribute. I will instruct the Module 10 team to consider whether there are different ways in which the Applicant could contribute to the Module's investigation.
16. I will keep the scope of Module 10 and the designation of Core Participants under review.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

04 December 2024