



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - REPRESENTATIVE GROUP OF KEY WORKERS AND VULNERABLE
INDIVIDUALS WITHIN THE CRIMINAL JUSTICE SYSTEM

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 20 September 2024, the Inquiry received an application from the Representative Group of Key Workers and Vulnerable Individuals within the Criminal Justice System ('the Applicant') for Core Participant status in Module 10.
3. I made a provisional decision not to designate the Applicant as a Core Participant in Module 10 on 12 November 2024. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 19 November 2024.
4. On 19 November 2024, the Applicant submitted a renewed application for Core Participant status in Module 10. This notice sets out my final determination of the Applicant's application for Core Participant status in Module 10.
5. 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

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 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

8. The Applicant is a criminal law firm, whose staff were designated as key workers during the Covid-19 pandemic and the Applicant stated that throughout this time, they worked closely with various authorities to help maintain the functioning of the Criminal Justice System.
9. The original application did not state under which criterion the application was made, but indicated that they should be granted Core Participant status as they can '*comment on everything regarding the justice system during the pandemic, from police stations to conviction and where defendants served time on remand and ultimately, their sentences*'. The Applicant further stated that they will be able to assist

the Inquiry in relation to various matters, including arrest and charge operations, the impact on court operations, including trial delays, the conditions in prisons and detention centres, law enforcement practices during the pandemic and the rights of defendants and inmates.

10. In its renewed application, the Applicant clarified that the application was made on behalf of criminal law firm, Duncan Lewis Solicitors. The Applicant also specified that pursuant to Rules 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.
11. In the renewed application, the Applicant states that it can speak to a range of industries and/or parts of society impacted by the pandemic on the basis that they have approached Courts, Prisons, Prisoners and Barristers Chambers, to which the Applicant referred to in its original application. The Applicant further specifies that all of the above sectors were impacted by the pandemic and that the Applicant is representative of the UK as a whole.
12. The Applicant has obtained a statement from the Prison Governor at HMP Stockham, from clients who were incarcerated during the pandemic and from an employee of Duncan Lewis solicitors who worked as a 'PSO' in Willesden cells during the pandemic period. In the renewed application, the Applicant states its intention to obtain additional statements from staff at various London Courts, including magistrates' courts and Crown Courts and that these are people who wish to be given a voice via Duncan Lewis Solicitors.
13. In its renewed application, the Applicant summarises how key workers within the Criminal Justice System, including defence solicitors, were on the frontline of maintaining essential services during the pandemic and that the Applicant's representative group "played a central role in ensuring the protection, oversight, and care of individuals within a system that was under extraordinary pressure". The application says that this direct role involved representing vulnerable individuals in society and entailed close coordination with a wide range of legal institutions. In addition, the renewed application states that the Applicant has a legitimate and

substantial interest in the matters that the Inquiry seeks to address, and that this specifically relates to both 'Health and Safety practices' and 'Rights and Welfare'.

Decision for the Applicant

14. Module 10 of the Inquiry is focused on the impact of the Covid-19 pandemic on society, examining how various sectors, groups, and communities were affected by the pandemic and how they were impacted by the measures put in place to combat Covid-19.
15. 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 of the Inquiry Rules and in my discretion, I have decided not to grant the Applicant Core Participant status in Module 10 of the Inquiry.
16. As I set out in my provisional determination, 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. Having considered the application in full, I remain of the view that 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.
17. 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 while it could be said that the Applicant falls into this category, I am not persuaded it amounts to a "significant interest" for the purposes of the Inquiry Rules.

18. I am grateful to the Applicant for taking care to set out more detail in its renewed application. I recognise that key workers within the criminal justice system, including defence solicitors such as the Applicant, were on the frontline of maintaining essential services during the pandemic. However, while I consider that the Applicant may be well placed to speak to the specific experiences of those at Duncan Lewis Solicitors as legal professionals, the Applicant represents just one criminal law firm operating within one area of the justice system. I therefore remain of the view that the Applicant cannot be said to be representative of the whole of the UK.
19. 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. 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.
20. The Applicant has clearly taken considerable time to approach others operating within the Criminal Justice System, including obtaining statements from a Prison Governor, clients who were incarcerated during the pandemic and an employee who worked in police station cells during the pandemic period. While I am grateful for the efforts made by the Applicant in this regard, I consider that the Inquiry is better placed to make such enquiries in relation to matters pertaining to Module 10.
21. However, I do recognise that the Applicant has gained valuable experience across the Criminal Justice System, which would have given the Applicant insights into matters which are likely to be of interest in this Module.
22. Accordingly, while I have decided not to designate the Applicant as a Core Participant in Module 10, as indicated in my provisional determination, the Inquiry remains committed to engaging with those who may have relevant evidence to contribute. I have instructed the Module 10 team to consider whether there are different ways in which the Applicant could contribute to the Module's investigation, such as by providing a witness statement.

23. 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