



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - THE NATIONAL HEALTH AND FITNESS ALLIANCE

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 October 2024, the Inquiry received an application from the National Health and Fitness Alliance ('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 18 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 original application stated that the Applicant is '*the leading organisation dedicated to representing and supporting all companies, professionals and individuals within the health, fitness and well-being sectors*'. It outlined the several groups which form part of the Applicant organisation. These include the Chartered Institute for the Management of Sport and Physical Activity, DanceSport England, Elevate, Conquest Football Academy, UK Active and Active-net.
9. In the original application, the Applicant stated that it played a "direct and significant" role in the matters to be addressed by Module 10 (Rule 5(2)(a)) and although not specifically referenced by the Applicant, the application suggested that it has a

"significant interest" in an important aspect of the matters to which Module 10 relates (Rule 5(2)(b)).

10. In the original application, the Applicant expressed its commitment to fostering collaboration across gyms, fitness instructors, personal trainers, wellness experts and companies involved in exercise, health and fitness. In addition, the application stated that the Applicant aims to support the growth and sustainability of the industry while prioritising the physical and mental health of individuals across the UK. It represents various groups and companies across the entire sector and says that it can speak to the impact the Covid-19 pandemic had on those it represents.
11. In the renewed application, the Applicant reiterates that it serves as a collective voice for a range of industries associated with the sports, health and fitness sector. It further clarifies that, *'the NHFA has been formed to assist the Inquiry by representing a wide range of groups within the health and fitness sector'*. In addition, the renewed application states that Duncan Lewis Solicitors act as the Applicant's representative to collate and forward their experiences, insights and recommendations for the future. The Applicant specifies that it represents some of the largest sports and leisure bodies within the UK and that the Applicant is representative of the UK as a whole.
12. In support of the renewed application, the Applicant states that they have expanded their engagement to include further organisations and that they continue to reach out to other organisations. In particular, this includes the organisation 'Parkrun', which is a free, community-driven initiative with events held in 836 locations across the UK, involving 8,690 affiliated groups. Additionally, the renewed application states that the Applicant has had discussions with the British Dietetic Association, EMD UK, the British Association of Sport and Exercise Sciences, and Health and Fitness Education to include their perspectives in the Inquiry.
13. The Applicant also explains how the health and fitness sector plays a vital role in promoting physical and mental well-being and that each of these entities have a vested interest in the public health policies, regulatory frameworks, and funding priorities addressed by the Inquiry. The renewed application says that this aligns with the Inquiry's "mandate to assess systemic factors impacting public health" and submits that the insights provided by the Applicant would contribute to a more comprehensive

understanding of how public health initiatives impact community health. As such, the renewed application says that the Applicant has a significant interest in the matters within the scope of Module 10.

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.
17. Having assessed the applications in their entirety, I consider that while the organisations represented by the Applicant may have been impacted by the Covid-19 pandemic as a result of the measures put in place in relation to sport and leisure generally, I remain of the view that the Applicant did not play an active role in engaging with decision makers at the time of the pandemic such that it played a "direct and significant role" in relation to Module 10 matters for the purposes of Rule 5.
18. 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. Within my provisional determination, I recognised that it could be said that the Applicant falls into this category.

19. I am grateful to the Applicant for taking care to set out more detail in its renewed application. I accept that the health and fitness sector played a role in promoting both physical and mental well-being during the pandemic and there is no doubt that the organisations which form part of the Applicant group were adversely affected. However, while I recognise that each of the organisations represented by the Applicant may have an interest in the public health policies, regulatory frameworks and funding priorities addressed by the Inquiry, the focus of Module 10 is the impact of the pandemic on society, rather than examining the decision-making and/or implementation, which have been the focus of earlier modules. I am not satisfied, therefore, that their interest amounts to a significant interest in Module 10 for the purposes of Rule 5.
20. 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.
21. Whilst I recognise that the Applicant has useful contributions to make to the assessment of one particular issue in the broad range of issues covered by Module 10 namely community level impact on sport and leisure, I am not persuaded that this requires designation as a Core Participant.
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.

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