



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 10 - CHARTERED INSTITUTE FOR THE MANAGEMENT OF SPORT AND
PHYSICAL ACTIVITY (“CIMSPA”)

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, CIMSPA was one of a number of groups which made an application under the National Health and Fitness Alliance (“NHFA”). On 12 November 2024, I wrote to the NHFA confirming my provisional decision to decline the application for Core Participant status and the NHFA were given until 4pm on 19 November 2024 to renew the application. The Inquiry received a renewal application from the NHFA on 18 November 2024 and my decision not to designate Core Participant status was confirmed in my final determination letter dated 4 December 2024.
3. On 20 December 2024, the Inquiry received an out of time renewal application from the CIMSPA (“the Applicant”) for Core Participant status in Module 10. In considering my determination, I have taken into account all the material before me in the applications submitted on behalf of the NHFA so far as it pertains to the Applicant. 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. Applications for Core Participant status made outside the Inquiry's timescales are considered in line with paragraph 10 of the Inquiry's [Core Participant Protocol](#) which provides:

When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside the timelines given by the Inquiry. The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe.

7. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the Applicant has provided an acceptable explanation as to why it did not submit its application within the relevant

timeframe and 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

8. In the original application, the Applicant was one of several groups which formed part of the NHFA. The NHFA stated that it played a “direct and significant” role in matters to be addressed by Module 10 (Rule 5(2)(a)) and although not specifically referenced by the NHFA, the application suggested that it has a “significant interest” in an important aspect to which Module 10 relates (Rule 5(2)(b)).
9. In the original application, the Applicant expressed its commitment to supporting, developing and enabling professionals and organisations to succeed and for people to become more active. In addition, the Applicant referenced its Covid specific ‘ReTrain’ and ‘ReTrain to ReTain’ programmes.
10. In the renewed application, the Applicant states that it played a pivotal role during the pandemic by actively engaging with decision-makers to support the sport and physical activity sector. The Applicant further states that it collaborated closely with government bodies and sector partners to provide guidance and advocate for the interests of the sport and physical sector.
11. The renewed application specifies that as a key partner of Sport England, the Applicant had enhanced access to government agencies, particularly the Department for Digital, Culture, Media and Sport. The Applicant states that this partnership enabled it to represent effectively the sector’s interests at the highest level of government.
12. In support of the renewed application, the Applicant states that it worked with partners to develop new sector policies that addressed the challenges posed by Covid-19 and the post-pandemic environment. By way of example, the Applicant worked to deliver the ‘Delivering Sport Online’ policy, which provided guidance for the sector to adapt online delivery methods during lockdowns.

13. The Applicant further states that from March 2020 to May 2022, it published 36 sets of Covid-19 guidance statements and FAQs to assist the sport and physical activity sector and its workforce. The Applicant explains that this was achieved through close collaboration with the UK government, the devolved administrations and home nation sports councils.
14. In outlining the significance of the Applicant's role, the renewed application states that it served as an effective advocate for the sport and physical sector, it provided timely and effective guidance and resources to support individuals and businesses within the sector, and it contributed to the development of policies.
15. The Applicant does not provide any explanation as to why it made its renewal application outside of the Inquiry's timescales. However, the Applicant confirms that its original application to be designated Core Participant status was made alongside the application for the NHFA.

Decision for the Applicant

Whether the application should be considered out of time

16. The deadline for renewal applications for Core Participant Status to Module 10 was 19 November 2024, meaning that this application was received over one month after the deadline expired.
17. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states:
"...The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe."
18. The aim of this Inquiry is to provide prompt and useful reports and recommendations. To achieve that aim, I must impose firm deadlines at different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also have to consider the need to be fair to all applicants who have made their application for Core Participant status within the time period available as well as

those who have made applications outside the application window and more generally that there is no unfair advantage obtained by a late application.

19. I therefore have first considered whether the Applicant has provided an acceptable explanation for the failure to comply with the deadline imposed for the application.
20. The Applicant states that “the original application for CIMSPA to be granted core-participant status was made alongside the application for the NHFA and this was the reason for the renewed application being submitted late”. The Applicant was aware of my provisional decision to decline the application for Core Participant status on 12 November 2024. I consider that it was open to the Applicant to reflect on whether it wanted to renew its application as part of the NHFA or individually at that stage. The Applicant chose to renew its application as part of the NHFA on 18 November 2024. The Applicant therefore had sufficient opportunity to make an application for renewal within the set timeframe and chose to renew as part of the NHFA. Making a further application to renew, on an individual basis, does not provide an acceptable explanation for the significant delay in doing so.
21. If I accept the reasons given as acceptable explanations then, in effect, the deadline has no force. I also bear in mind that this is not a situation where material identified in the course of the Inquiry has come to light or circumstances have changed so it is appropriate for an application to be made outside the initial window. I have also taken into consideration the need to be fair to all applicants.
22. Accordingly, I consider that the Applicant has not provided an acceptable explanation as to why it did not submit its application within the relevant timeframe and I have decided, in my discretion, to decline the Applicant Core Participant status for Module 10 for the reasons set out above.
23. I also bear in mind that simply because an applicant has been refused Core Participant status in Module 10, that does not prevent them from providing relevant evidence to the Inquiry.

24. For completeness, I will also provide my conclusion on whether the Applicant would have been granted Core Participant status in Module 10 had its application been received during the application window.

The substance of the application

25. 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.
26. 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 consider that even if the Applicant had submitted its application within the relevant timeline, I would have decided, in my discretion, not to designate the Applicant as a Core Participant in Module 10.
27. 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 have noted the Applicant's role in collaborating with the UK government to publish Covid-19 guidance and its work with partners to develop new sector policies. Having considered the Applicant's role in full, while the Applicant clearly played a valuable role, it is one I consider to be more focussed on the way in which the sport and physical activity sector would execute their roles rather than to address the extent of the impact of the pandemic. As such, I am 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.
28. 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, it is important for me to consider 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.

29. 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. The Applicant's interest in this module is limited to just one aspect of a much broader scope and 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 similar 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. Accordingly, had the application been received in time, I would have decided, in my discretion, not to designate the Applicant as a Core Participant in Module 10

30. 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
13 February 2025