NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

MODULE 10 - CLINICALLY VULNERABLE FAMILIES

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 Clinically Vulnerable Families ('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 represents those who are clinically vulnerable, clinically extremely vulnerable, the severely immunosuppressed and their households across the four nations of the UK in respect of a number of issues arising out of the pandemic including the impact of the Covid-19 pandemic and the measures put in place on the most vulnerable in society and exacerbation of existing inequalities.

7. The Applicant states that it has significant experience of the challenges faced by these groups and wishes to bring to the Inquiry's attention various matters, including housing instability for the clinically vulnerable which increased exposure risks, the experience of the clinically vulnerable in the immigration system, prisons and/or detention and highlight the disparity in the support which clinically vulnerable people and their households received during the Covid-19 pandemic. The Applicant indicates that it can also provide valuable insight into the variation of support across the UK, highlighting the differences in how England, Scotland, Wales and Northern Ireland implemented and managed support measures for clinically vulnerable and extremely clinically vulnerable people and their families.

8. On this basis, the Applicant says it has a "significant interest" in important matters that are likely to be explored in Module 10, particularly in respect of the broad spectrum of challenges faced by the clinically vulnerable (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, 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. The Applicant’s organisation was established in August 2020 and the application refers to its campaign work and engagement with parliamentarians, scientists, charities, businesses and various other organisations to advance the needs and rights of vulnerable groups of society. Accordingly, I do consider that the Applicant played a "direct and significant role" in relation to Module 10 matters for the purposes of Rule 5.

12. 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.

13. 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. Keeping in mind that the focus of Module 10 is the impact of Covid on the population of the UK, I do consider the Applicant to be representative of the whole of the UK. In addition, I also consider that the Applicant is likely to be of particular assistance to me in relation to the impact of the pandemic on clinically vulnerable and extremely clinically vulnerable groups of society in a range of aspects of Module 10's scope. Accordingly, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 10.

14. However, I remain mindful of the need to run this Module effectively and efficiently and this requires me to consider contributions made by those designated as Core Participants for previous modules with a view to avoiding duplication and associated costs. With this in mind, the Applicant must make sure that its contributions in this Module are focused on the matters set out in the Module 10 scope and do not duplicate issues raised in earlier modules.

Legal Representation

15. 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.

16. I am satisfied that the Applicant has appointed Kim Louise Harrison of Slater and Gordon as its qualified lawyer in relation to this Module. I therefore designate Kim Louise Harrison as the Applicant's Recognised Legal Representative in accordance with Rule 6(1).

17. 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