NOTICE OF DETERMINATION

CORE PARTICIPANT APPLICATION

MODULE 4 - CLINICALLY VULNERABLE FAMILIES (CVF)

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 5 June 2023, the Inquiry opened Module 4 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 30 June 2023.

2. The Inquiry has published the Provisional Outline of Scope for Module 4, which states that this module will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.

3. On 30 June 2023 the Inquiry received an application from CVF ("the Applicant") for Core Participant status in Module 4. This Notice sets out my determination of the application.

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 4.

Summary of Application

6. The application is made by a group named Clinically Vulnerable Families ("CVF"). CVF 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 of concern arising out of the pandemic including healthcare and the vaccination of their members.

7. CVF does not expressly rely on a specific section of Rule 5 but says it has a "*strong significant interest*" in Module 4, vaccines and therapeutics, in particular paragraphs 2, 3 and 4 of the provisional scope, namely therapeutics, vaccine delivery and barriers to uptake. In respect of therapeutics, CVF says that it wishes to bring to the Inquiry's attention the antiviral eligibility criteria and omissions, which CVF says is narrow and does not cover everyone at higher risk. CVF has concerns about clinical trials including Panoramic and Principle trials on the basis that CVF understands they were using people with known vulnerabilities to a higher risk of more severe Covid-19 but only giving treatment to half of the participants. CVF says it is keen to assist the Inquiry with the difficulties that clinically vulnerable people have faced in accessing antiviral treatment, including inequality of access. In respect of vaccine delivery, CVF is

concerned that there is evidence of inequality of access between geographical areas and has concerns about the prioritisation and eligibillty criteria. In relation to barriers to vaccine uptake, CVF says it has a significant interest in this subject, particularly in respect of certain practical challenges in accessing vaccines experienced by the clinically vulnerable.

Decision for the Applicant

8. I have considered CVF's application with great care. Having done so, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 4.

9. Module 4 will consider the use of vaccines and therapeutics during the Covid-19 pandemic. This will include prioritisation decisions for vaccines, the development of new therapeutics and the use of existing therapeutics, as well as vaccine delivery including barriers to vaccine uptake. I consider that the Applicant has a significant interest in these important matters which Module 4 will examine for the purposes of Rule 5(2)(b).

10. For a number of reasons, I consider that the Applicant is well placed to assist the Inquiry to achieve its aims in Module 4, having regard to the need to manage the Inquiry effectively and efficiently. This includes that the Applicant can assist the Inquiry in understanding individuals' experiences of accessing vaccines and therapeutics from the perspective of those considered to be clinically vulnerable and/or severely immunosuppressed.

Legal Representation

11. 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.

12. I am satisfied that CVF has appointed Kim Harrison of Slater & Gordon as its qualified lawyer in relation to this Module. I therefore designate Kim Harrison as CVF's recognised legal representative in accordance with Rule 6(1).

13. 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's Costs Protocol.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

17 July 2023