



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - VACCINE IMPACT BEREAVED UK (“VIB”), UK CV FAMILY (“UKCV”) AND 263
NAMED INDIVIDUALS**

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry’s Terms of Reference.
3. On 15 August 2022 the Inquiry received an application from Vaccine Impact Bereaved UK (“VIB”), UK CV Family (“UKCV”) and 263 named individuals (listed in a schedule which is appended to the application) (‘the Applicants’) for Core Participant status in Module 1.
4. I made a provisional decision not to designate the Applicants as Core Participants in Module 1, thereby declining their application (‘the Provisional Decision’), on 7 September 2022. The Applicants were provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.



5. On 16 September 2022 the Applicants submitted a renewed application for Core Participant status in Module 1. This notice sets out my determination of their application for Core Participant status in Module 1.

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 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 1.

Summary of Application

8. The Applicants' original application was made on behalf of two groups and a schedule of 263 named individuals. I understand from the application that some of the named



individuals are members of one or both of the two groups, whilst some are members of neither. The application explains that those individuals represented by the Applicants all received at least one dose of one of the UK licensed Covid-19 vaccines, including both the mRNA and the Adenovirus vector vaccines and that they fall into two categories: fatal cases and significant injury cases.

9. The Applicants say that they have a significant interest in an important aspect of the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(b). The application is put on the basis that the Applicants have an interest in understanding what plans, forecasts and models there were for an influenza pandemic, what was known about the risk of vaccines from them, how this information regarding risk was understood and assessed by the UK government and the regulatory bodies that were involved in the vaccine roll-out and how those risks were communicated to the public at the time of the vaccination scheme. They also refer to an interest in the readiness of the research, development and production and regulation mechanisms for the vaccine as part of the public health service readiness and preparation, as well as in planning for future pandemics to the extent that this touches on any pharmacological response.

10. In their renewed application, the Applicants provide further explanation as to why they consider that the resilience and emergency preparedness of the UK in advance of the Covid-19 pandemic should have included preparation for the risk assessment and impact assessment of any vaccine on individuals and the consequential impact on the health service and the economic impact. They submit that the Inquiry will not be able to understand the planning for this pandemic without understanding this key component, nor will the Inquiry be able properly to consider planning for future pandemics if it fails to consider those who died or faced significant injury as a result of vaccines from the Covid-19 pandemic. The Applicants explain their position in detail, covering issues of economic and financial planning in terms of additional public expenditure on caring for those who become ill after taking any vaccine, concerns



about the accuracy of the number of deaths to which the vaccine was recorded as having contributed and issues relating to the additional strain on public services that will result if those who have vaccinations develop side effects requiring them to be hospitalised.

Decision for the Applicant

11. I wish to extend my deep sympathy to all those represented by the applicants regarding the deaths of their family members, as well as to those who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic.

12. I have considered with great care everything that is said in the Applicants' renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole.

13. I have been assisted greatly by the time and care which the Applicants have taken in their renewed application to elaborate upon the nature of their interest in applying for Core Participant status in Module 1. I also appreciate that the Applicants bring a representative and valuable voice to those suffering from injury, from illness or who have died as a result of having received doses of UK licensed Covid-19 vaccines. However, given the wide impact of the pandemic there will inevitably be a very significant number of organisations and groups whose members were impacted by the pandemic and accordingly and understandably, have a very real interest in understanding how that impact could or should have been mitigated by planning in advance.



14. The Applicants and those individuals whom they represent demonstrate a deep and genuine concern for the extent to which past planning for pandemics considered the potential outcome of individuals suffering from injury, illness or dying due to being vaccinated. The Applicants' renewed application also raises concerns about vaccines being dealt with in a "silo" and whether any proposal to separate vaccines from other aspects of pandemic and planning response might be artificial and prejudicial to the effective engagement of the Applicants.

15. However, Module 1 is primarily concerned with the core systems and structures within the United Kingdom for preparedness and resilience for an event such as the Covid-19 pandemic and with high-level pandemic resilience, preparedness and planning. It will examine whether the correct structures, bodies, procedures and policies were in place at UK and at regional and national levels and look at their history, development, co-operation and performance. In terms of inquiring into pandemic planning, this will include examination of the forecasting processes, the extent to which lessons were learned from knowledge of actual events and simulated exercises, the degree of readiness preparation and the general resources that were available. The Module is therefore concerned with how the relevant entities prepared and whether they were ready by way of general response.

16. Similarly, I note the submission in the renewed application that I have not engaged with the core of the Applicants' original application, "*namely that vaccines and pharmacological responses are a thread that run through pandemic resilience, planning, preparedness and into the response phase*". I do not agree that this is the case. I have considered that submission with great care, however the same point could be, and indeed has been, made by any number of groups and individuals who have suffered a vast range of potentially foreseeable adverse effects as a result of the Covid-19 pandemic. In order to manage the work of the Inquiry in as proportionate a manner as possible and to ensure the timely publication of my findings, lessons learned and recommendations for the future, it is not possible for Module 1 to consider



the state of preparedness by reference to the potential impact of an event such as the Covid-19 pandemic on all kinds of eventualities.

17. I will of course keep the Provisional Outline of Scope for Module 1 under review and, as I explained out in my Opening Statement, other aspects of the Inquiry's Terms of Reference will be covered in future modules for which Provisional Outlines of Scope will be prepared and published in due course.
18. I have carefully considered submissions made by the Applicants in their renewed application about the absence of Core Participant status reducing their voices and diminishing their engagement. I have also taken into account their submission that if they were granted Core Participant status in later modules more directly focusing on vaccines, but not granted Core Participant status in Module 1, relevant material would be provided to them out of context, limiting their ability to assist the Inquiry. I would first emphasise that I have not yet made any decisions regarding who should be granted Core Participant status in any modules other than Module 1. I will consider any future applications the Applicant may wish to make on their merits at the time they are made. The Inquiry will ensure that relevant documents are disclosed to Core Participants in each module so that they are able to engage effectively with the Inquiry. I therefore do not accept that the "*out of context*" submission is a reason that requires me to exercise my discretion to designate the Applicants as Core Participants in Module 1.
19. I have also taken into account the fact that there are a number of ways in which the Applicants can participate in Module 1 without being a Core Participant. For example, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be seeking evidence in due course from a number of individuals, organisations and bodies.



20. I do not accept the Applicants' contention that the Inquiry "*is not able to understand*" key issues raised by the Provisional Outline of Scope for Module 1 if they are not granted Core Participant Status. To the extent that the issues raised by the Applicants are intended to be addressed by Module 1 as opposed to later modules, I have every confidence in the Inquiry's independent legal team to pursue all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands.

21. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic to be used as evidence during the Inquiry's module hearings. Whilst the Applicants' submissions comment on the value of participating in the listening exercise relative to being granted Core Participant status, the Applicants, and those they represent, will still have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

22. For all of those reasons, having considered all of the information provided by the Applicants in light of the Provisional Outline of Scope for Module 1, I consider that the Applicants did not play a direct and significant role in relation to the matters to which Module 1 relates, nor do they have a significant interest in an important aspect of the matters to which Module 1 relates. Accordingly, in my discretion, I decline to designate them as Core Participants in Module 1.

23. As I have already indicated above, my decision not to designate the Applicants as a Core Participant in Module 1 does not preclude them from making any further applications in respect of any later modules. The Applicants may wish to consider making an application for Core Participant status in future modules likely to deal more directly with vaccines, therapeutics and anti-viral treatment across the UK. I will



consider any future applications the Applicants may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

28 September 2022