



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULES 2 2A, 2B AND 2C - VACCINE IMPACT BEREAVED; UK CV AND SEVERAL  
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 31 August 2022, the Inquiry opened Modules 2, 2A, 2B and 2C 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 23 September 2022.
2. The Provisional Outlines of Scope for Modules 2, 2A, 2B and 2C provides that these modules will examine the decision-making by the UK Government, the Scottish Government, the Welsh Government and the government in Northern Ireland respectively during the 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 23 September 2022 the Inquiry received a joint application from Vaccine Impact Bereaved; UKCV and several individuals (the "Applicants") for Core Participant status in Modules 2, 2A, 2B and 2C.
4. I made a provisional decision not to designate the Applicants as Core Participants in Modules 2, 2A, 2B and 2C, thereby declining the Applicants' application ("the Provisional Decision"), on 13 October 2022. The Applicants were provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.

5. On 20 October 2022, the Applicants submitted a renewed application for Core Participant status in Modules 2, 2A, 2B and 2C. This notice sets out my determination of the Applicants' application for Core Participant status in Modules 2, 2A, 2B and 2C.

## **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 Outlines of Scope for Modules 2, 2A, 2B and 2C.
8. I have taken into account all of the information upon which the Applicant has relied. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

## **Summary of Application**

9. The Applicants' original application stated that the Applicants had all received at least one dose of one of the UK licensed Covid-19 vaccines, including both the mRNA and the Adenovirus vector vaccines. The Applicants are either the relatives of those who died as a result of the vaccine or those who suffered significant injury due to the vaccine. The application was made on the basis that decision-making was closely related to the readiness of a vaccine roll out.
10. In their renewed application, the Applicants raise the issue that in the Provisional Decision made in respect of Module 2, I accepted that the Applicants had a significant interest, under Rule 5(2)(b) but, in the exercise of my discretion, I declined to designate them as a Core Participant. By contrast the provisional decision letters for Modules 2A and 2C referred (in summary) to their focus being on the core political and administrative decisions made by the respective governments and that the Applicants did not play a direct and significant role in those matters.
11. In the renewed application, the Applicants seek clarification as to how they can have a significant interest in Module 2 (but not Modules 2A and 2C); how they can have a significant interest in Module 2 but not be designated and how their interest in the matters under investigation could otherwise be taken into account within the Inquiry, without being a Core Participant.
12. In addition to seeking that clarification, the Applicants have relied upon the following matters in support of their application:
  - A. that the Inquiry needs to take a holistic view of the scientific data, advice, and decision-making pertaining to the decisions on NPIs, strategies for "contain" and "delay" and public communications of those key decisions;
  - B. that this must include the data and advice received in relation to vaccines, which will have inevitably impacted on those key decisions;
  - C. that this should include the consideration given to "herd immunity" in about March 2020 in light of the Phase I testing of the Astra Zeneca vaccine (that commenced in about April 2020); and
  - D. that if there is no evidence about vaccines at an early stage and if they are dealt with in terms only of "impact" this will constitute an incomplete picture of the response.

13. In addition to these submissions, the Applicants also seek clarification as to how vaccines will be considered as the Inquiry develops. The point is made that vaccines should not be considered “in a silo” and are integral to the issues in the early part of the Inquiry.

### **Decision for the Applicants**

14. I want to be clear about the Applicants’ interest in the Inquiry. I accept that by reason of their bereavement or their experiences after vaccination, that they have a significant interest in Module 2 and 2A-C for the purposes of Rule 5(2)(b). The wording of the provisional decisions in Modules 2A and 2C was intended to reflect that the Applicants, because they did not play a part in the key decision-making of the devolved governments, did not have a sufficient significant interest in those sub modules. For the avoidance of doubt, for the purpose of this final decision, I have proceeded on the basis that the threshold for a significant interest is met for the purposes of Module 2 and the sub modules.
15. 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. Having done so, in my discretion, I consider that the Applicants do not meet the criteria set out in Rule 5 for designation as Core Participants in Modules 2, 2A, 2B and 2C and, therefore, I have decided to not to designate the the Applicants as Core Participants in Modules 2, 2A, 2B and 2C.
16. As I have already stated in my Provisional Decision, there will be vast numbers of individuals and organisations who have a significant interest in the matters this Inquiry will be investigating, more so than in any other Inquiry. A significant interest is not enough to justify the granting of Core Participant status. In any event, an individual or organisation does not have to be a Core Participant to give evidence to the Inquiry. Furthermore, the listening exercise is a significant and important part of the work of the Inquiry; it will generate reports that will be fed into the hearings and inform the Inquiry’s work.

17. It is not therefore necessary for individuals and organisations to be Core Participants in order to play an important part in this Inquiry.
18. The focus of Modules 2, 2A, 2B and 2C will be the key decisions made at the highest level by Government, particularly at the early stages of the pandemic, before the vaccines were developed. This will entail consideration of the medical and scientific evidence that informed those key decisions and may entail consideration of how the development of a vaccine or vaccines featured in the decision making process. Thus, the development of vaccines and their roll out may feature in Modules 2, 2A, 2B and 2C to an extent but will be considered, in far greater depth, in later modules. I recognise that the issue of vaccination is important and that is why I consider that it must be the subject of dedicated and focused investigation.
19. The Applicant can be assured that vaccinations will not be looked at in an artificial or isolated way and the bereaved members in the Applicant group may be reassured to know that organisations representing the bereaved will be granted Core Participant status in Modules 2, 2A, 2B and 2C.
20. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide ranging terms of reference and the need for the Inquiry process to be rigorous and fair.
21. For all those reasons, I decline the application, in the exercise of my discretion. The Applicants' significant interest in the matters under consideration does not, in my view, warrant the grant of Core Participant status in this Module.
22. I will keep the scope of Modules 2, 2A, 2B and 2C under review. It follows from everything I have said above, that the decision not to designate the Applicants as Core Participants in Modules 2, 2A, 2B and 2C does not preclude them from making any further applications in respect of any later modules. The Applicants may therefore wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in both the original application and the renewed application. 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**

**25 October 2022**