



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - VACCINE IMPACTED BEREAVED AND UK CV & 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 8 November 2022, the Inquiry opened Module 3 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 5 December 2022.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 3, which states that this Module will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. Further Modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 5 December 2022 the Inquiry received a joint application from Vaccine Impacted Bereaved and UK CV & Named Individuals ("the Applicants") for Core Participant status in Module 3.
4. I made a provisional decision dated 9 January 2023 not to designate the Applicants as Core Participants in Module 3, thereby declining the application ("the Provisional Decision"). The Applicants were provided with an opportunity to renew the application for Core Participant status in Module 3 in writing by 4pm on 17 January 2023.
5. The Applicants did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.

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 3.

Summary of Application

8. The application is made on behalf of the individuals named in the schedule to the application as individuals and as the two groups, Vaccine Impacted Bereaved and UK CV & Named Individuals. The Applicants all received at least one dose of one of the UK licensed Covid-19 vaccines. The application states that the Applicants fall into two categories: fatal cases and significant injury cases. The Applicants stress that they do not adopt an anti-vaccination stance but simply want to ensure that future vaccine programmes are developed in possession of the best information possible about the impact of this particular vaccine programme.

9. The Applicants consider that their role as Core Participants would help the Chair understand the readiness of the research, development and production and regulation mechanisms for the vaccine as part of the public health service response and strategy. Further, as a result of their physical reaction to the vaccination, the Applicants were required to access healthcare and a common experience was a lack of recognition by clinicians that their symptoms were connected to the Covid-19 vaccine.

10. The Applicants contend that the Inquiry should examine whether during the Covid-19 pandemic there was a barrier to the recognition and treatment of the presentation of serious vaccine complications and whether the pandemic impacted on the healthcare systems' capacity to identify and treat vaccine complications. The Applicants also state that evidence received in Module 3 will inevitably shape and influence the Inquiry's understanding of evidence in subsequent Modules. It is said that if the Applicants are not able to scrutinise the relevant disclosure and question relevant witnesses in Module 3, then they would be at a significant disadvantage were they to be designated as Core Participants in a future Module.

Decision for the Applicants

11. I wish to reiterate my sympathy to each and every individual who has experienced the tragic loss of a loved one as a consequence of the Covid-19 pandemic including those the Applicants represent.

12. I have considered with great care everything that is said in the application. However, having done so, I have decided not to designate the Applicants as Core Participants in Module 3 for the reasons set out below. I recognise the disappointment that my decision to decline the Applicants will cause.

13. Module 3 will consider the impact of the Covid-19 pandemic on healthcare systems in England, Wales, Scotland and Northern Ireland. This will include consideration of the healthcare consequences of how the governments and the public responded to the pandemic. It will examine the capacity of healthcare systems to respond to a pandemic and how this evolved during the pandemic. It will consider the primary, secondary and tertiary healthcare sectors and services and people's experience of

healthcare during the pandemic, including through illustrative accounts. It will also examine healthcare-related inequalities (such as in relation to death rates, PPE and oximeters), with further detailed consideration in a separate designated Module.

14. The application is made on the basis that the Applicants have a significant interest in an important aspect of matters to which Module 3 of the Inquiry relates pursuant to Rule 5(2)(b).
15. I do not consider that the Applicants have a significant interest in an important aspect of matters to which Module 3 relates (Rule 5(2)(b)). The focus of the application is vaccines. Vaccines are undoubtedly an important aspect of the response to the Covid-19 pandemic but the focus of Module 3 is on healthcare systems. A later Module will consider vaccines. The application is also put on the basis that those who experienced a physical reaction to the vaccine were required to use healthcare systems. While I consider that those individuals would have an interest in healthcare systems by virtue of using them, I do not consider that the circumstances as set out in the application demonstrates that there was a significant interest in healthcare systems. I therefore find that the Applicants did not play a direct and significant role in relation to the matters to which Module 3 relates nor do the Applicants have a significant interest into an important aspect of Module 3, in accordance with Rules 5(2)(a) and (b) of the Inquiry Rules 2006.
16. While I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in the UK could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.
17. I recognise that the Applicants may be able to provide assistance to Module 3. However, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. It is likely that the Inquiry will in due course seek information from a range of individuals, organisations and bodies who may have information relevant to the issues raised in the Modules and, where appropriate, make requests for witness statements and documents. The Inquiry will hear 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. The Applicant may wish to contribute to the work of the Inquiry through this process. 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.

18. For all of those reasons, having considered all of the information provided by the Applicant in light of the Provisional Outline of Scope for Module 3, I have decided that the Applicant should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.

19. I will keep the scope of Module 3 under review. My decision not to designate the Applicants as Core Participants in Module 3 does not preclude them from making any further applications in respect of any later Modules. The Applicants may 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 the 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

13 February 2023