



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - EVUSHELD FOR THE UK

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 2 December 2022 the Inquiry received an application from Evusheld for the UK ("the Applicant") for Core Participant status in Module 3.
4. I made a provisional decision dated 13 January 2023 not to designate the Applicant as a Core Participant in Module 3, thereby declining Evusheld for the UK's application ("the Provisional Decision"). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 20 January 2023.
5. On 19 January 2023 the Applicant submitted a renewed application for Core Participant status in Module 3. This notice sets out my final determination of Evusheld for the UK's application for Core Participant status in Module 3.

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 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 Applicant is an independent, non-funded patient-led group, directly representing in excess of 3,000 patients and working on behalf of the half a million immunocompromised across the UK. Specifically, in many cases the Applicant's members still remain living restricted lives or shielding and are consequently experiencing both financial and mental health problems. The Applicant is said to be a recognised stakeholder in processes run by the National Institute for Health and Care Excellent and UK Health Security Agency and is also the appointed patient group for the All-Party Parliamentary Group for Vulnerable Groups to Pandemics. The application is made so that the views of the Applicant are heard and put forward. The Applicant

states that Rule 5(2)(b) is applicable as it has a significant interest in a number of parts of Module 3 as identified within the application.

9. The Applicant's renewed application provides helpful further information, which I have considered with care. In summary, the renewed application addresses the basis of the provisional decision, in which I considered that Rule 5(2)(b) is met, but declined to designate the Applicant as a Core Participant in the exercise of my discretion, bearing in mind the designation of Clinically Vulnerable Families ("CVF") as Core Participants. The Applicant submits that CVF has a smaller membership and comprises a wider group of clinically extremely vulnerable people. The Applicant states that Evusheld is able to provide a more specific level of evidence relating solely to the severely immunocompromised.

Decision for the Applicant

10. I have considered with great care everything that is said in the Applicant's 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. However, having done so, in my discretion, I consider that while the Applicant does have a significant interest in shielding, and therefore meets the criteria set out in Rule 5(2)(b), I have decided not to designate the Applicant as Core Participants in Module 3. As mentioned, I have granted Core Participant status to CVF, an organisation that represents the Clinically Vulnerable, the Clinically Extremely Vulnerable, the Severely Immunosuppressed and their households across all four nations. I consider that, in the context of this Inquiry, the issues raised in the application are sufficiently addressed through the designation of CVF as a Core Participant.
11. Further, 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. I am not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
12. I am grateful to the Applicant for taking care to set out more detail in their renewed application. I recognise the distinctions drawn between the Applicant and CVF, highlighted in the renewed application. However, given that shielding is but one of a

wide range of matters relating to healthcare systems which will be examined in Module 3, I remain of the view that CVF, as a more broadly representative group, are best placed to assist the Inquiry and represent the significant interests of those shielding and their families. I do not consider that the Applicant's interests are sufficiently distinct from those of CVF so as to warrant designation as a separate Core Participant, in light of the considerations to which I must have regard in managing this Inquiry efficiently and effectively.

13. Given the vast numbers of people who were involved with, or adversely affected by, the pandemic, very many people and organisations in the UK could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purpose of the Inquiry hearings. I recognise the disappointment that my decision may cause the Applicant.
14. I have taken into account the fact that there are a number of ways in which the Applicant can participate in Module 3 without being a Core Participant, many of which have been recognised as adequate alternatives to Core Participant status in a number of other recent statutory inquiries. For example, as I noted in my Provisional Decision, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant may have relevant information to give in relation to matters being examined in the Inquiry and, in due course, the Inquiry will seek information from a range of individuals, organisations and bodies to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
15. More generally, I have every confidence in the independent legal team whom I have appointed specifically for the purpose of pursuing all legitimate lines of inquiry with the investigatory and analytical rigour that a statutory inquiry of this scale and importance demands.
16. Therefore, having considered all of the information provided by the Applicant, I have decided that Evusheld for the UK should not be designated as a Core Participant in Module 3 and I confirm that this is my final decision.
17. My decision not to designate the Applicant as a Core Participant in Module 3 does not preclude the Applicant from making any further applications in respect of any later

modules. I will consider any future applications the Applicant 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
16 February 2023