



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 3 - CLINICALLY VULNERABLE FAMILIES

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 an application from Clinically Vulnerable Families ("the Applicant") for Core Participant status in Module 3. 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 3.

Summary of Application

6. The Applicant sets out that it is a support group founded in August 2020 that represents those who are clinically vulnerable, the Clinically Extremely Vulnerable persons and the Severely Immunosuppressed; and their households, across all four nations. The Applicant states that it has approximately 2,342 members of its private Facebook group, 9,323 Twitter followers and 955 Mastodon followers. The Applicant submits that it is sufficiently representative of clinically vulnerable people in the UK to justify Core Participant status. The application sets out a number of areas that are said to have impacted upon clinically vulnerable people. The Applicant contends that it can provide valuable insight into the experiences of the clinically vulnerable in accessing healthcare and shielding in particular. It also says that its intricate knowledge of the practical effect of the Covid-29 pandemic on the public health service means it is in a unique position to offer a perspective not offered by other groups.
7. The Applicant states that it meets the significant interest criteria (Rule 5(2)(b)) because of its members' clinical vulnerability and the fact that they faced and continue to face greater risks to their lives from Covid-19 than many other categories of person. The Applicant states that there is a danger of the clinically vulnerable being underrepresented if the Applicant is not granted Core Participant status.

Decision for the Applicant

8. I wish to reiterate my deep sympathy to each and every individual who has experienced the tragic loss of a loved one as a consequence of the Covid-19 pandemic. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate the Applicant as a Core Participant in Module 3.

9. 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 Covid-19 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.

10. I consider that the Applicant has a significant interest in an important aspect of the matters to which Module 3 relates pursuant to Rule 5(2)(b) of the Inquiry Rules 2006. This interest is in relation to shielding.

11. For a number of reasons I consider that the Applicant is well placed to assist the Inquiry to achieve its aims in Module 3, 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 healthcare systems from the perspective of a range of those advised to shield, and assist the Inquiry with understanding the perspectives of and impact on those considered to be clinically vulnerable or those who may have been considered to be clinically vulnerable.

Legal Representation

12. 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.

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

14. 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
Chair of the UK Covid-19 Inquiry
16 January 2023