



UK Covid-19 Inquiry Opening Statement

July 2022

Contents

UK Covid-19 Inquiry Opening Statement

UK Covid-19 Inquiry Opening Statement	3
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Module One

Provisional Outline of Scope	11
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Core Participant protocol

What is a Core Participant?	13
Applications for Core Participant status	14
Timescale for applications	15
Content of applications	16
Legal representation	17
Funding	18

Costs protocol

Legal Representation at Public Expense	20
General Principles concerning applications for awards	21
The scope for legal representation at the Inquiry at public expense	23
Applications for awards and the procedures for agreeing the level of funding	24
Determination of applications by the Chair	26
Billing Procedures	28
Procedure for assessment of amounts payable under an award	29
Review of an assessment of an amount payable under an award	30
Making an award	31

UK Covid-19 Inquiry Opening Statement

I was appointed the Chair of the UK Covid-19 public Inquiry in December 2021. The Prime Minister set the terms of reference on 28 June 2022 following consultation with the public and with the governments in Scotland, Wales and Northern Ireland. I am making this statement today to open the Inquiry and to set out my approach to running it.



The Covid 19 pandemic affected us all. Some far more than others. People lost loved ones and could not mourn properly. Children and young people lost educational opportunities. Businesses failed. Physical and mental health suffered. People felt isolated. Although life is beginning at last to return to normal, the pandemic is still with us and there are many who are still suffering. Those who have suffered the most want to know if anything could have been done to prevent or reduce their suffering and that is why this Inquiry has been established.

When I was a Judge, I dealt in facts and evidence. So let me start with the facts on the pandemic as we already know them.

On 31 December 2019, the World Health Organisation was informed of a cluster of cases of pneumonia of an unknown cause detected in Wuhan City, Hubei Province, China. A novel coronavirus was subsequently identified from patient samples. Infection with the coronavirus spread rapidly and by 11 March 2020, the World Health Organisation had characterised Covid-19 as a pandemic. The UK's first two patients were diagnosed with the coronavirus in York on 30 January 2020. In Europe, March 2020 saw a dramatic rise of illness and death from the virus. In countries like Italy, strict measures restricting movement of people were introduced.

On 11 March 2020, in connection with that year's annual budget, the then Chancellor of the Exchequer announced a £12 billion package of emergency support to help the UK cope with the expected impact of the virus. Five days later, the Prime Minister urged everyone in the UK to work from home, to stop non-essential contact with others, avoid pubs and restaurants and to give the UK time to cope with the pandemic. On 17 March, the Chancellor announced £330 billion of government backed loans and £20 billion in tax cuts and grants for companies threatened with collapse. On 18 March, the government announced the closure of schools from the end of that week. On 20 March, the Chancellor announced that the government would pay up to 80% of the wages of staff at risk of being made redundant.

On 23 March, the Prime Minister announced severe restrictions on the daily lives of everyone in the UK, in what became known as the first national lockdown. People were only permitted to leave home to buy food, to exercise, to attend to a medical need or provide care to a vulnerable person, or to go to work if working from home was not possible. Procurement and the sourcing and supply of personal protective equipment (PPE) became matters of national concern.

The months that followed saw a significant death toll (with official statistics stating that more than 180,000 deaths involving Covid-19 had been registered since 9 March 2020¹), businesses and schools closed, the introduction of home-working and home-schooling for those who could, the country borrowing enormous sums of money to provide support, events cancelled or postponed and severe restrictions on attendance at funerals and religious services. The restrictions imposed on every aspect of the life of the UK were unprecedented in peacetime.

Lockdown measures were eased and some restrictions were reimposed throughout the year and into the next including two further lockdowns in October 2020 and January 2021. In December 2020, the first Covid-19 vaccine was administered and a mass vaccination programme over months and years followed. By the Spring of 2022, restrictions on national life started to be eased throughout the four nations of the UK. Of course we hope, but cannot be certain, that the worst effects of the Covid-19 pandemic are behind us and that another pandemic is not around the corner.

It's against this backdrop that this Inquiry was created.

It is my job and the task of this Inquiry to consider and report on the preparations and the response to the pandemic in England, Wales, Scotland and Northern Ireland. The Terms of Reference - which the Prime Minister set last month - provide the broad outline of the issues the Inquiry will investigate. They are extensive, as befits an inquiry into an event of this magnitude.

This is therefore a substantial task, which if it is to be done properly, will take time and have a significant cost. The decision to establish the Inquiry was not mine, but I do have responsibility for its conduct. 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. With such a wide scope I need to be ruthless. It would be impossible to call every witness relating to every event, issue or major decision, so the Inquiry has to focus on the key issues.

One purpose of this Inquiry is to provide a factual narrative account of what happened across the whole of the UK. Another is to learn lessons to inform preparations for future pandemics in the UK. I am determined to undertake and conclude the work of this Inquiry as speedily as possible so that lessons are learned before another pandemic strikes.

¹ <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsregisteredweeklyinenglandandwalesprovisional/weekending1july2022> - 13 July 2022

This is a statutory inquiry, established under the 2005 Inquiries Act. This means that it must take place in public, subject to any restrictions imposed to protect against the risk of harm and damage to the public interest. I will conduct the Inquiry impartially and openly in accordance with my statutory obligation to do so. I will ensure that those most closely involved in its work and the wider public receive regular updates about its progress.

I have the power to obtain evidence from across the four nations of the UK and to compel the production of documents and appearance of witnesses. I will treat all holders of evidence and witnesses fairly, as I am required to do, but equally I will not hesitate to make my views clear about any person or organisation who stands in the way of the Inquiry performing its task.

It is also important to make clear what powers I do not have. My role is to find the facts, ascertain what went wrong (and what went well), and make recommendations on what the UK must learn from the pandemic. I do not have the power to prosecute or have proceedings brought against anyone, let alone fine or imprison people as a result of their acts or omissions in respect of the pandemic.

I would like now to turn to other sources of information that will be vital to this inquiry; listening to people about their experiences, using research and talking to experts to gather as wide a range of views as possible.

The Terms of Reference require the Inquiry to listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic. This is a significant and important task. The Inquiry will do this in a number of different ways, including through a 'listening exercise' which will begin later this year.

This listening exercise will be of huge value to the Inquiry by gathering experiences of the pandemic from across the whole of the UK, including from those most affected and from those whose voices are not always heard. It will provide an opportunity for people to tell the Inquiry about their experience without the formality of giving evidence or attending a public hearing, so that everyone feels able to contribute to the Inquiry, if they wish, and to be heard. My team have begun working on how they can make this as easy as possible, for example online as well as through conversations across the UK.

Experiences shared with the Inquiry will be analysed and reports produced highlighting the themes that emerge. There will be no restrictions on what people can tell the Inquiry, although their individual accounts can not be investigated. In this way we should learn far more about the impact of the pandemic on the bereaved, on health and social care staff and carers, on businesses, workers, careers, and livelihoods, on the criminal justice system, on children, on academic achievement and on different communities across the four nations.

The Inquiry will also review existing research about the pandemic from around the world where this will help to understand the UK's preparedness and response to the pandemic and commission its own research into areas where new academic analysis is needed. Research considered by the Inquiry will be disclosed in its proceedings where appropriate and published on the Inquiry website.

I will appoint groups of scientific and other experts to help the Inquiry in its work, covering a range of different topics and views. This will be important to ensure that the Inquiry benefits from the expertise available and understands the range of views on key scientific and economic aspects of the pandemic. The Inquiry is an independent fact finding exercise. It will make no assumptions, but will be led by the evidence. The expert groups will be given the task of creating joint reports, which can be used in evidence, setting out where they agree and disagree about topics on which they are instructed to assist. It will be up to me as the Inquiry Chair to decide how much weight to give to them.

The teams leading our investigative work have already identified a number of topics on which we will commission research and seek expert advice. I will provide more details on our intended approach to research and expert advice throughout the Inquiry. We will gather these experiences, reports, data and research to inform the Inquiry's investigative work and prepare for public hearings.

As I mentioned earlier, the Inquiry's Terms of Reference are wide-ranging and demanding. We have given considerable thought as to how we can best assemble and scrutinise the evidence and the Inquiry can ultimately reach robust and fair conclusions.

To address the many different aspects of the pandemic that are covered by the Terms of Reference, I have decided to group them into modules. I will have teams, based across the UK, to investigate each one. They will obtain and analyse evidence, making sure the Inquiry's core participants are provided with documents and are able to prepare for the public hearings. They will work broadly in parallel. I will then conduct the public hearings for each module, one after the other.

The Prime Minister has said he wishes to appoint two additional panel members to assist me in hearing the evidence and making findings and recommendations. However, I do not want to hold up the work until they are appointed, so I have instructed the Inquiry Team to move forward with preparing the modules.

Modules will 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, rather than throughout the Inquiry as a whole. While I recognise that some individuals, groups and organisations may apply and become core participants in more than one module, dividing the Inquiry's work and designating them in this way will allow me to ensure that each module is as manageable as possible and conducted as efficiently as possible. I invite applicants to group themselves together with others with a similar interest, wherever possible, to help manage the potentially large number of people and organisations seeking core participant status.

I will open the first three modules and hold preliminary hearings this year, with substantive public hearings beginning in late Spring 2023.

Module 1 will open today. It will consider the extent to which the risk of a Coronavirus pandemic was properly identified and planned for and whether the UK was ready for that eventuality. The module will look at the UK's preparedness for whole-system civil

emergencies, including resourcing, the system of risk management and pandemic readiness. It will scrutinise government decision-making relating to planning and seek to identify lessons from earlier incidents and simulations and international comparisons.

I am planning to hold the first preliminary hearing in this module in September and the full public hearings for Module 1 will be starting in Spring next year. Also starting today is the application process for those who wish to be considered as Core Participants to Module 1. The deadline for applications will be 16 August.

Module 2 will be split into parts. The first part will look at core political and administrative governance and decision-making for the UK. It will cover the initial UK response to the Covid-19 pandemic and address central Government decision-making, including political and civil service performance and the effectiveness of relationships with the governments in Scotland, Wales and Northern Ireland, local authority and voluntary/community sectors. It will look at the decision-making for non-pharmaceutical interventions (in other words the lockdowns and all the other restrictions and requirements), as well as the use of scientific expertise, data collection and modelling, government and public health communications, including behavioural science, messaging and the maintenance of confidence and Parliamentary oversight and regulatory control.

Having considered the picture from a UK-wide (and also English) perspective in Module 2, Modules 2A, 2B and 2C will address the same overarching and strategic issues from the perspective of Scotland, Wales and Northern Ireland. Modules 2A, 2B and 2C will take place in Scotland, Wales and Northern Ireland respectively.

Although an Inquiry has been established in Scotland under Lady Poole to look at matters devolved to its government (and it remains possible that inquiries will be established in Wales and Northern Ireland), my Inquiry's remit is UK-wide. Given the terms of the Inquiries Act 2005 and my Terms of Reference it is inevitable that I will have to consider matters that are both reserved and devolved where they overlap. However, when the Inquiry returns to each of the devolved nations in later modules to address those matters that are not covered in Modules 2A, 2B and 2C, it is my intention, in relation to Scottish matters, to leave as many devolved issues as possible to the Scottish Inquiry.

In taking this approach, my primary consideration is to be clear to people across the UK which Inquiry is responsible for looking at particular issues. I must also be considerate to those organisations and individuals that will be called to give evidence, and give them confidence that there will not be repeated calls for the same material from different Inquiries. When my Inquiry investigates issues relating specifically to Scotland, Wales, and Northern Ireland, I will seek to minimise duplication of investigation, evidence gathering, and reporting with any inquiries established by the governments in those nations.

The Inquiry's base for public hearings will be in London, but it will also spend time hearing evidence about the response and impact of the pandemic in each of the four nations that comprise the UK.

The Inquiry will open Module 2 in late August this year, hold the first preliminary hearings in the autumn, and the public hearings for this module will begin in the Summer of 2023 in London. Modules 2A, 2B and 2C, will take place thereafter.

Module 3 will examine the impact of Covid, and of the governmental and societal responses to it, on healthcare systems generally and on patients, hospital and other healthcare workers and staff. Among other issues, it will investigate healthcare systems and governance, hospitals, primary care (including GPs and dentists), the impact on NHS backlogs and non-Covid treatment, the effects on healthcare provision of vaccination programmes and Long-Covid diagnosis and support.

These are just the first modules that the Inquiry will investigate and the Inquiry will publish more information about the later modules in coming months. Very broadly, these are likely to cover both 'system' and 'impact' issues across the UK, including: vaccines, therapeutics and anti-viral treatment across the UK, the care sector, Government procurement and PPE, testing and tracing, Government business and financial responses across the UK and impact on business sectors, health inequalities and the impact of Covid-19, education and children and young persons and the impact of Covid-19 on public services and on other public sectors.

I repeat my promise from the Terms of Reference that when investigating all these issues, inequalities will be at the forefront of the Inquiry's investigations.

I know many people will wonder how long they will have to wait to hear about my conclusions and recommendations. By running the Inquiry through modules, I will be able to produce regular reports. I intend to ensure the reports are focused on key analysis, findings and recommendations and are written in plain language so they are easily understood by anyone who wishes to read them. Where I make recommendations to people or organisations, I expect them to consider and respond to them quickly, to ensure that the UK is as well prepared as it can be to respond to the next pandemic and to protect the lives of its people. The Inquiry will monitor implementation of the recommendations it makes during its lifetime.

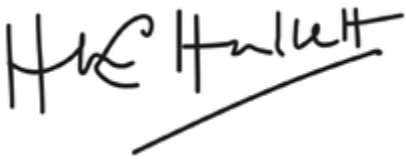
I want to finish where I began which is marking the importance of this inquiry to those who suffered the most. During the public consultation earlier this year, when I met families who had lost loved ones during the course of the pandemic, I was struck by the devastating nature of their loss, exacerbated by the impact of the restrictions in place at the time on their ability to grieve. I know that others have suffered significant loss too as a result of the pandemic and every person has had their life changed to some extent. For my part, I will do my very best to undertake the Inquiry in a way that acknowledges this suffering and seeks to reduce the scope for others to suffer in the same way in the future.

Given the breadth of my investigations, this will not be completed as quickly as some might like. I make no apology for that. I am determined to ensure that the Inquiry has access to the evidence it needs and has the time to analyse that evidence properly before witnesses appear in front of me. I will try to ensure that the order of modules makes sense and builds a picture of the pandemic; not everyone will agree with that order but it will allow me to look in sufficient depth at every issue that I believe needs scrutiny.

This Inquiry is our opportunity to reflect on all that took place during the pandemic in the UK – both what can be improved and what was done well – so that we are better equipped to deal with any future pandemics.

It is also an opportunity to provide a long lasting record of the devastating impact of the pandemic on people across the UK.

Finally, the Inquiry team and I will try to find a way to commemorate those whom we have lost in the most respectful and appropriate way possible.

A handwritten signature in black ink, appearing to read 'H Hallett', with a long horizontal stroke underneath.

Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry



Module One

Provisional Outline of Scope

(subject to submissions from Core Participants and Counsel to the Inquiry)

This module will examine the resilience and preparedness of the United Kingdom. Was the risk of a Coronavirus pandemic properly identified and planned for? Was the UK ready for such an eventuality?

The module will look at the UK's preparedness for whole-system civil emergencies, including resourcing, the system of risk management and pandemic readiness. It will scrutinise government decision-making and seek to identify whether lessons were learned from earlier incidents and simulations and from international practices and procedures.

The module will examine:

1. The basic characteristics and epidemiology of Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) and Coronavirus disease (COVID-19).
2. The Government structures and specialist bodies concerned with risk management and civil emergency planning, including devolved administrations and their structures, local authorities and private sector bodies, historical changes to such structures and bodies as well as the structures in place as at January 2020, inter-organisational processes and cooperation.
3. The planning for a pandemic, including forecasting, resources, and the learning from past simulation exercises (including coronavirus, new and emerging high-consequence infectious diseases and influenza pandemic/epidemic exercises), the emergency plans that were in place, biosecurity issues relevant to the risk of pandemics/epidemics, international comparisons and the history of, and learning from, past policy-related investigations.
4. Public health services, including the structure of public health bodies, their development over time and readiness and preparation in practice; public health capacity, resources and levels of funding, any impact arising from the UK's departure from the European Union, and the way in which relevant bodies monitored and communicated about emerging disease.
5. Economic planning by relevant Government bodies, including capacity and spending commitments and efficiency and anti-fraud controls, in the context of emergency planning.
6. Planning for future pandemics, including (in outline) the state of international preparedness; the risks of new variants of Covid 19, other viruses of concern, and diseases from human contact/viral transmission with animals.



Core Participant protocol

July 2022

What is a Core Participant?

1. Core Participant status may be granted to an individual, group of individuals or entity under Rule 5 of the Inquiry Rules 2006.
2. Those designated as Core Participants will:
 - a. be provided with electronic disclosure of evidence relevant to the particular subject matter of the Inquiry in respect of which they are so designated, subject to any restrictions made under section 19 of the Inquiries Act 2005;
 - b. have the right to make opening and closing statements at any hearing;
 - c. have the right to suggest lines of questioning to be pursued by Counsel;
 - d. have the right to apply to the Inquiry to ask questions of witnesses during a hearing.
3. It will not be necessary for those who plan to share their experiences through the Inquiry's listening exercise to be designated as Core Participants.

Applications for Core Participant status

4. All applications received by the Inquiry for Core Participant status will be determined by the Chair. In reaching decisions on these applications the Chair will have regard to the matters set out in Rule 5 of the Inquiry Rules 2006.
5. Rule 5(2) states that when determining any applications the Chair 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.
6. While the Chair is bound to consider the factors set out in Rule 5(2), it is open to her to take into account other relevant matters. The Chair is also 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. She has a wide discretion that she will exercise fairly and with an open mind.
7. The Inquiry's terms of reference are broad. Throughout the life of the Inquiry, the Inquiry will announce modules that fall within the Inquiry's terms of reference. When considering applications for Core Participant status and, in particular any applicant's links to "matters to which the Inquiry relates" the Chair is likely to consider how any application relates to one of the Inquiry's ongoing areas of investigation in each module. There will be few if any people or organisations who are designated as Core Participants for the whole Inquiry.
8. The Chair particularly invites applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations. While, as noted above, the discretion in Rule 5 (which allows 'a person' to apply for Core Participant status) will be exercised in accordance with the wording of the Rule, and fairly and with an open mind, the designation of Core Participant status to groups representing the interests of more than one person will assist the fair and efficient running of the Inquiry.

Timescale for applications

9. The Inquiry will invite applications for designation in relation to specific modules or parts of modules. Applications for Core Participant status will be sought module-by-module and details and timescales will be published on the Inquiry's website.
10. When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside the timelines given by the Inquiry. The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe.
11. Where applications are received that do not relate to modules for which applications have been invited, or that relate to areas not under current examination by the Inquiry, the Chair may exercise her discretion not to determine such applications. Those whose applications fall within this category will be informed and will be invited to resubmit an application at a later date during the appropriate application window.
12. If at any stage during the course of the Inquiry the Chair considers it appropriate to do so, she may invite such individuals or institutions to become Core Participants. It will be a matter for each individual or institution as to whether they wish to be designated as a Core Participant.
13. Except where exceptional circumstances apply, all applications should be submitted in writing to the Solicitor to the Inquiry. The Chair may either determine applications on paper without hearing oral submissions or with submissions at a preliminary hearing.

Content of applications

14. Applications should be submitted, in writing, to the Solicitor to the Inquiry, by email to solicitors@covid19.public-inquiry.uk.
15. Applications should specify in what respects the applicant considers that they meet the criteria for designation. As a minimum, all applications should:
 - a. confirm that the applicant consents to being designated as a Core Participant, if their application is successful;
 - b. indicate in respect of which module(s) or part(s) of module(s) the application is made;
 - c. indicate which of the matters within Rule 5(2) of the Inquiry Rules applies to the application and why;
 - d. if applying as an individual person or organisation, indicate what steps the applicant has made to explore making an application in association with another person or organisation and the outcome;
 - e. confirm whether the applicant is or wishes to be legally represented and, if so, the details of the lawyer concerned.
16. In relation to each individual or institution making an application for designation, the application should be made on no more than 4 sides of A4 paper.

Legal representation

17. The subject of legal representation is separate from the decision to designate an individual or institution as a Core Participant and further guidance will be provided to those designated as Core Participants.
18. Where a Core Participant has appointed a qualified lawyer to act on their behalf, the Chair will normally designate that lawyer as that person's recognised legal representative in respect of the Inquiry proceedings, in accordance with Rule 6 of the Inquiry Rules.
19. However, where two or more Core Participants each seek to be legally represented and the Chair considers that:
 - a. their interests in the outcome of the Inquiry are similar;
 - b. the facts they are likely to rely on during the course of the Inquiry are similar; and
 - c. it is fair and proper for them to be jointly represented,in accordance with Rule 7(2) of the Inquiry Rules, the Chair will direct that those Core Participants shall be represented by a single recognised legal representative.
20. Where the Chair makes such a direction, Core Participants must agree the designation of a single legal representative. If they do not do so within a reasonable period, the Chair will designate an appropriate lawyer who she considers has sufficient knowledge and experience to act in that capacity.

Funding

21. Applications for an award of legal expenses in accordance with section 40 of the Inquiries Act 2005 should be made following designation as a Core Participant and in accordance with the deadlines and timetable for each module set out on the Inquiry website. Decisions regarding applications for such awards will be made in accordance with the Inquiry's Costs Protocol and the Prime Minister's determination under section 40(4) of the 2005 Act, both of which are available on the Inquiry website.



Costs protocol

March 2022

Legal Representation at Public Expense

1. This Protocol relates to:
 - a. applications by a person who either has been designated by the Chair as a Core Participant in the Inquiry or is an individual witness who has not been so designated ('applicant'), for an award to be made under section 40(1)(b) of the Inquiries Act 2005 ('the Act') in respect of expenses to be incurred in respect of legal representation ('legal expenses'); and
 - b. following a decision to make an award, the assessment of legal expenses which become payable under it.
2. Designation of Core Participants to the Inquiry and of the recognised legal representative of Core Participants and/or any individual witness will be made by the Chair on written application. A separate Protocol will be published in relation to considering applications for Core Participant status.
3. The procedures set out in this Protocol are subject to, and should be read with, the provisions contained in sections 17 and 40 of the Act, the Notice of Determination made by the Prime Minister under section 40(4) of the Act ('the Prime Minister's Determination') and rules 19 to 34 of the Inquiry Rules 2006 ('the Rules').

General Principles concerning applications for awards

4. A person is eligible to be considered for an award if they are:
 - a. a person attending a Public Hearing of the Inquiry to give evidence or to produce any document or other thing; or
 - b. a person who, in the opinion of the Chair, has such particular interest in the proceedings or outcome of the Inquiry as to justify an award.
5. In exercising her power to make an award relating to legal representation at public expense the Chair will:
 - a. act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or witnesses or others); and
 - b. ensure that she complies with the qualifications and conditions set out in the Prime Minister's Determination.
6. Subject to the qualifications and conditions placed on her by the Prime Minister, the Chair will, when determining an application for an award relating to legal expenses to be incurred, take into account:
 - a. the financial resources of the applicant, subject to paragraph 3 of the Prime Minister's Determination; and
 - b. whether making an award is in the public interest.
7. Having regard to the criteria set out in paragraph 6 of this Protocol, the considerations set out in the Prime Minister's Determination and to her powers under section 17(1) of the Act, the Chair envisages that awards will be made only in cases where she decides that:
 - a. the applicant:
 - i. has a direct link to, and evidence to provide in respect of, the matters set out in the Inquiry's terms of reference; and/or
 - ii. has a significant interest in an important aspect of the matters set out in those terms of reference; and/or
 - iii. may be subject to explicit or significant criticism during the Inquiry's proceedings or in the report, or in any interim report.

- b. the applicant would be prejudiced in seeking representation if they were to be in any doubt about funds becoming available and there are no other means by which such representation can be funded, subject to paragraph 3 of the Prime Minister's Determination; and
 - c. it is fair, necessary, reasonable and proportionate to make an award.
- 8. Awards will generally not be made, therefore, in respect of the legal expenses of substantial bodies, or of individuals who could reasonably expect to be met by such bodies, unless there are special circumstances which justify a call on public funds.

The scope for legal representation at the Inquiry at public expense

9. Where the Chair decides to make an award, it will normally be limited to a recognised legal representative having a role in relation to some or all of the following matters:
 - a. considering initial instructions;
 - b. advising the client in relation to the making of a witness statement and/or otherwise providing evidence to the Inquiry, in accordance with any request made by the Inquiry under Rule 9 of the Rules;
 - c. considering disclosure material and/or that contained in an Inquiry Bundle (or any limited Bundle in the case of an individual witness who is not a Core Participant) so far as is necessary properly to represent the client's interests;
 - d. advising the client in relation to any warning letter issued by the Chair under rule 13 of the Rules;
 - e. making an opening statement, where permitted;
 - f. representing the client during their oral evidence (and the evidence of others, should that be necessary);
 - g. making an application to be permitted to examine any witness giving oral evidence in the circumstances specified by the Chair; and/or
 - h. making final submissions, where necessary.
10. In order to manage its work effectively, the Inquiry will divide the issues to be investigated into modules.
11. Awards made by the Chair under this Protocol may be limited to matters relating to one or more of the modules referred to at paragraph 10 above. It is open to the Chair to vary the modules as she considers appropriate. Where any variation to the modules occurs, the Solicitor to the Inquiry shall notify the applicant of the change(s) and shall indicate what, if any, steps the applicant is required to take as a result.

Applications for awards and the procedures for agreeing the level of funding

12. Applications for funding of legal expenses should be sent to the Solicitor to the Inquiry in writing for the Chair to determine, setting out the following:
 - a. the reason(s) why legal representation is considered necessary;
 - b. which Inquiry module(s) the application relates to, with reasons;
 - c. the extent of the applicant's financial resources and confirmation that there are no other means by which such representation can be funded, subject to paragraph 3 of the Prime Minister's Determination;
 - d. the nature of the public interest that will be served by an award being made from public funds (see rule 21(2)(b) of the Rules);
 - e. the nature and function of the legal representation for which the award is sought;
 - f. the size and composition of the team that the applicant's recognised legal representative proposes to engage, including the seniority and proposed hourly charging rates for all solicitors and paralegals to be engaged, subject to the maximum hourly rates specified in paragraph 19 of the Prime Minister's Determination;
 - g. where it is thought necessary to instruct counsel, the reasons for so doing, the date of call of that counsel and the proposed hourly rate, subject to the maximum hourly rates specified in paragraphs 17-18 of the Prime Minister's Determination. Use of counsel will be funded only on the basis of payment for time spent on specific areas of work agreed in advance; it will not be acceptable to submit general claims along the lines of 'brief fee', 'refresher' or 'preparation';
 - h. the estimated duration of the recognised legal representation;
 - i. the number of hours each week for which it is anticipated that the recognised legal representative's team will be engaged on Inquiry work;
 - j. the number of hours each week for which it is anticipated that counsel (if permitted at public expense) will be engaged on Inquiry work;
 - k. the amount of time that it is anticipated will be spent in conference at the end of each day of the oral hearings; and
 - l. particulars of any other foreseeable expenses relating to legal representation.

13. Subject to the cap on the maximum number of hours that can be charged by an applicant's recognised legal representative, as provided in paragraph 15 of the Prime Minister's Determination:
 - a. the representative will agree with the Solicitor to the Inquiry in advance the hourly rates that are to apply to them and/or to any other qualified lawyer who, if the Chair approves their involvement, will be appointed to assist them in the discharge of their function; but
 - b. where no agreement can be reached regarding hourly rates, the Chair will determine such rates as she considers appropriate upon receipt of representations in writing on behalf of the applicant.
14. The maximum hourly rates for travel and waiting time by the members of an applicant's legal team shall be half the agreed hourly rate relating to legal work as per paragraph 20 of the Prime Minister's Determination. Any travelling and/or waiting time must be included within the cap on the maximum number of hours that can be charged by an applicant's recognised legal representative, as provided in paragraph 15 of the Prime Minister's Determination, and in no case will it be in addition to the cap on hours.
15. Under rule 7(2) the Chair must direct that core participants shall be represented by a single recognised legal representative where she considers that:
 - a. their interests in the outcome of the Inquiry are similar;
 - b. the facts that 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.

Therefore, wherever possible, and in order to minimise the expense, applicants are encouraged to instruct recognised legal representatives who are already retained by other parties.

16. Where the Solicitor to the Inquiry has reason to believe that the interests of any applicant may conflict with the interests of other parties, he shall ensure that such conflict is made known to those involved and any public funding which is made available for legal assistance will be awarded on the basis that separate recognised legal representatives are retained.

Determination of applications by the Chair

17. Having regard to the provisions of the Act, the Rules and the provisions set out in this Protocol, the Chair will determine an application for an award within a reasonable time.
18. The Solicitor to the Inquiry will notify the applicant and, where applicable, their recognised legal representative, in writing of the Chair's determination and, where an award is made, the terms of the award. Such terms may include (but are not limited to) the following:
 - a. the nature and scope of the work that is to be funded, as agreed in advance with the Solicitor to the Inquiry; this is likely to be in relation to some or all of the matters set out in paragraph 9 of this Protocol. As set out in paragraph 11 above, the award may be limited to fund work carried out in relation to one or more specific modules. Normally, an applicant's recognised legal representative will not be reimbursed for investigative work as this is the role of the Inquiry. Similarly, payment will not be made for obtaining items such as expert reports, unless previously authorised by the Solicitor to the Inquiry;
 - b. the size and composition of the recognised legal representative's legal team to be engaged, including the seniority and number of counsel where that is agreed to be necessary;
 - c. the hourly rates for all counsel, solicitors and paralegals to be engaged;
 - d. any capping of legal fees that is to be applied whereby legal teams (including counsel) will be capped as to the maximum number of hours that can be charged for any working day or working week, even where the number of hours actually worked exceeds that maximum;
 - e. that disbursements in excess of £100 (net of VAT) will not be paid unless authorised in advance by the Solicitor to the Inquiry. Disbursements under £100 will only be paid where the expenditure is reasonable and necessary and where the payment for which reimbursement is sought is evidenced by receipts/invoices;
 - f. that the award is subject to the condition that payment will only be made for work that is properly evidenced and can be identified as having been done in an efficient and effective manner, avoiding unnecessary duplication and making the best use of public funds;
 - g. the form in which bills relating to legal expenses are to be submitted; and/or
 - h. the frequency with which bills are to be submitted.

19. Expenditure incurred before the making of an award will not normally be recoverable, except where it has been expressly agreed in advance by the Solicitor to the Inquiry on behalf of the Chair.
20. It will be open to the Chair, either initially or at any time after making an award, to impose further conditions on the award. In particular, she may determine that a lower cap should be imposed in relation to legal expenses that may be incurred at public expense. This may amount to an overall financial limit on the number of hours to be spent on Inquiry business.

Billing Procedures

21. Where the Chair has made an award, the applicant to whom that award has been made must submit bills relating to their legal expenses to the Solicitor to the Inquiry at monthly intervals. Such bills are to be received no later than 7 days immediately following the end of the month to which they relate, with a final account to be submitted before the conclusion of the Inquiry.
22. Bills submitted in accordance with paragraph 21 above must be accompanied by a detailed narrative which contains the following information:
 - a. a breakdown of the number of hours worked by each person on each day, specifying, in each case, details of the work undertaken and the time spent on it;
 - b. the hourly rates charged for each person, as specified by the Chair in her award;
 - c. a list of all disbursements claimed together with supporting receipts / invoices;
 - d. where work has been undertaken by counsel, details of counsel's fees (supported by fee notes and signed timesheets which must specify with precision what work was done, when, by which counsel and how much time was spent).

Procedure for assessment of amounts payable under an award

23. In assessing the amount that is to be awarded, the Solicitor to the Inquiry will have regard to all the circumstances, including in particular whether the expenses were:
 - a. proportionately and reasonably incurred;
 - b. proportionate and reasonable in amount; and
 - c. claimed in accordance with the procedures set out in this Protocol.
24. Any work undertaken by an applicant's recognised legal representative which relates to matters outside the Inquiry's terms of reference and/or issues it identified for investigation, or which otherwise does not comply with the terms of the award notified to the applicant under paragraph 18 of this Protocol, will be disallowed.
25. Where the Solicitor to the Inquiry determines that the full amount of an applicant's claim for legal expenses should be paid, that assessment is also the final assessment.
26. If the applicant or his recognised legal representative disagrees with the Solicitor to the Inquiry's initial assessment of a bill relating to their legal expenses, the procedure set out in rule 29 of the Rules shall be followed.

Review of an assessment of an amount payable under an award

27. Where there remains a disagreement following completion of the procedure set out in rule 29, the Chair must, in accordance with rule 31 either:
 - a. engage the assistance of a costs judge of the Senior Courts of England and Wales by referring the assessment together with all relevant evidence and documentation to that Costs Judge; or
 - b. require the Solicitor to the Inquiry to issue a final assessment of the disputed bill of costs.

Making an award

28. Where

- a. the Chair decides further to rule 31(1)(b) that an award is not to be reviewed in accordance with subparagraph (1)(a) of that rule; or
- b. the Solicitor to the Inquiry and the applicant agree on the amount of the assessment at any time after the Chair's referral of the application to the Costs Judge and before the date of the review hearing,

the Chair will make an award and arrange for payment of the final assessment in accordance with rule 34(1).

29. Where the amount of the award has been reviewed by the Costs Judge in accordance with rule 31, the Chair will make an award and arrange for payment of the Costs Judge's assessment in accordance with rule 34(2).
30. All payments will be made by electronically by Bankers Automated Clearing System (BACS). To enable payment to be made, bills must bear the relevant bank account details on their face.
31. All applications for and correspondence about awards should be sent to the Solicitor to the Inquiry whose details are set out below:

Martin Smith
Solicitor to the Inquiry
Email: solicitors@coronavirus.inquiry.gov.uk
32. Failure to comply with the procedures set out in this Protocol may result in payment being delayed or refused.
33. The Chair and Solicitor to the Inquiry may vary the application and terms of this Protocol on a case by case basis where necessary to the proper conduct of the Inquiry, subject to the requirements of the Prime Minister's Determination.



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