



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - MIGRANT PRIMARY CARE ACCESS GROUP

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 5 June 2023, the Inquiry opened Module 4 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 30 June 2023.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 4, which states that this module will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 20 June 2023 the Inquiry received an application from the Migrant Primary Care Access Group (MPCAG) ("the Applicant") for Core Participant status in Module 4. 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 4.

Summary of Application

6. This group application is made by the Migrant Primary Care Access Group (MPCAG), which comprises four organisations specialising in advancing the rights of migrants and other marginalised groups: Doctors of the World UK (DOTWUK), Medact, Joint Council for the Welfare of Immigrants (JCWI) and Kanlungan Filipino Consortium (Kanlungan). The application sets out information about each of these organisations. DOTWUK, founded in 1979, is an independent humanitarian organisation with a mission to facilitate equitable access to medical services for disadvantaged communities. Medact is a collective of healthcare professionals which focuses on analysing social and environmental factors that have a detrimental impact on health. JCWI, founded in 1967, is a charity which aims to advance justice and equality within the realm of British immigration and asylum law. Kanlungan is an organisation consisting of several Filipino and Southeast and East Asian grassroots community groups. The application explains the ways in which the organisations extended their support during the pandemic to meet the needs of migrants and undocumented people that were worried about accessing healthcare and vaccinations. Further, the Applicant sets out the work it has done in highlighting issues of vaccine access for these groups and advocating for change on their behalf.

7. The Applicant states that it meets the direct and significant role criteria (Rule 5(2)(a)) and the significant interest criteria (Rule 5(2)(b)) because of its work addressing barriers to vaccine uptake, highlighting unequal vaccine uptake, identifying groups which were the subject of unequal access, and investigating the causes of unequal uptake and the Government's response. The Applicant contends that it is uniquely well placed to speak to the issues relating to barriers to vaccine uptake and the impact on the most vulnerable groups with multiple protected characteristics.

Decision for the Applicant

8. Module 4 will consider a range of issues relating to the development of Covid-19 vaccines and the implementation of the vaccine rollout programme in England, Wales, Scotland and Northern Ireland. Issues relating to the treatment of Covid-19 through both existing and new medications will be examined in parallel. The module will address issues of public concern relating to vaccine safety and the current system for financial redress under the UK Vaccine Damage Payment Scheme. Thematic issues relating to unequal vaccine uptake will be examined, to include the identification of groups which were the subject of unequal uptake, potential causes of such unequal uptake and the Government response.
9. 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 4. While the work of the Applicant during the pandemic was important, I do not consider that it played a "direct and significant role" in relation to the matters to which Module 4 relates, as is required by Rule 5(2)(a). However, I do consider that, in accordance with Rule 5(2)(b), the Applicant has a significant interest in an important aspect of Module 4 of the Inquiry, namely barriers to vaccine uptake and whether vaccine delivery appropriately considered the needs of marginalised or vulnerable communities. I consider that the Applicant can, among other things, aid the Inquiry in understanding the experiences and perspectives of those with uncertain immigration status and how and why this may have affected their access to vaccines.

Legal Representation

10. 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.

11. It is requested that Mr Paul Heron of the Public Interest Law Centre is appointed as recognised legal representative in relation to this Module.

12. Section 17(3) of the Inquiries Act 2005 requires that in making any decision as to the procedure or conduct of the Inquiry, I must act with fairness and with regard to the need to avoid any unnecessary costs (whether to public funds or to witnesses or others). Rule 7 of the Inquiry Rules 2006 provides a process for managing legal representation, and thereby any associated legal costs, of core participants whose interests in the outcome of the inquiry are similar, who are likely to rely on similar facts in the course of the Inquiry, and in relation to whom it would be fair and proper for them to be jointly represented.

13. If I am satisfied that the criteria of Rule 7 are met in respect of any core participants, I must direct that those core participants are represented by a single legal representative.
14. I have designated the Traveller Movement as a core participant in this Module. I consider that the TM and MPCAG share a similar interest in the outcome of the Inquiry and are also likely to rely on similar facts in the course of the Inquiry for the purposes of Rule 7. They both represent marginalised minority groups, who can provide insights into barriers faced in accessing the vaccines and inequality issues. In light of this, it is necessary that I consider whether I should direct that the MPCAG and the TM should be represented by a single recognised legal representative. I therefore invite further written submissions from Public Interest Law Centre addressing the question of whether and why separate legal representation is necessary and reserve my determination on this issue.
15. There are a range of ways in which I may take steps to comply with my section 17(3) duty under the Inquiries Act and the Inquiry Rules 2006. This includes exercising my powers under Rules 20 to 34 in relation to any application for awards under section 40 in a manner which ensures that any funding is provided in a proportionate and focused way. Therefore, if it is submitted that it is necessary for MPCAG to have separate legal representation, proposals should be put forward about working collaboratively with TM to ensure that costs are managed efficiently. This includes exploring the possibility of instructing the same Counsel to act on their behalf.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

17 July 2023