



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - OFFICE OF THE CHIEF MEDICAL OFFICER

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 30 June 2023 the Inquiry received an application from the Office of the Chief Medical Office ("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. The Applicant is the Office of the Chief Medical Officer (CMO). The Applicant states that the Office of the CMO is defined as per its application for Core Participant status in Module 1. That previous application was made on behalf of: a) Professor Sir Chris Whitty, the Chief Medical Officer (CMO); b) Professor Sir Jonathan Nguyen-Van-Tam, the Deputy Chief Medical Officer (DCMO); c) Professor Dame Jenny Harries, DCMO between 2019 and 2021; d) Dr Thomas Waite, a DCMO from mid-2021 to date; and e) Dr Aidan Fowler, a DCMO from 2018 to date.
7. In its application for Core Participant status in Module 4, the Applicant explains that the role of the CMO is to provide advice to ministers in the Department of Health and Social Care (DHSC), to the Prime Minister and ministers across government and to policy officials across government. The CMO is the UK government's Chief Medical Adviser and head of the public health profession. The DCMOs support the CMO, act on the CMO's behalf and in their own right as senior medical leaders.
8. The Office of the CMO's application in relation to Module 4 is made under Rule 5(2)(a) and (b). The Applicant explains that it was, and is, involved in providing scientific and medical expertise to DHSC and wider government, including advice on Covid-19

vaccine development, vaccine safety and supporting research on existing and new medications for Covid-19 treatment. The application sets out that the Office for the CMO was significantly involved in the processes by which Covid-19 vaccines were developed, procured, manufactured and approved, and was instrumental in the establishment of the UK Vaccine Network, as well as chairing it. The Applicant states that it provided advice and supported research for Covid-19 treatments and advised DHSC and wider government in relation to the development of trials and the use of new therapeutics during the pandemic. The Office of the CMO advised in relation to vaccine delivery, including the recommended dosing interval strategy, and played a significant role in communicating to the public about vaccines. Further, the Applicant states that it provided advice on vaccine safety issues.

Decision for the Applicant

9. 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. 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. The module will also address issues of public concern relating to vaccine safety and the current system for financial redress under the UK Vaccine Damage Payment Scheme. Issues relating to the treatment of Covid-19 through both existing and new medications will also be examined.
10. 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 Office of the CMO as a Core Participant in Module 4. I consider that the Applicant played a direct and significant role in relation to vaccine development, vaccine safety and public messaging about vaccines, as well in relation to the development of new therapeutics and use of existing medications for treating Covid-19. I also consider that the Applicant has a significant interest in these aspects of Module 4 of the Inquiry. The Applicant therefore satisfies the requirements of Rule 5(2)(a) and (b).

Legal Representation

11. 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.

12. I am satisfied that the Office of the CMO has appointed Mr Warrick Olsen of the Government Legal Department as its qualified lawyer in relation to this Module. I therefore designate Mr Olsen as the Office of the CMO's recognised legal representative in accordance with Rule 6(1).

13. 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 DBE

Chair of the UK Covid-19 Inquiry

17 July 2023