



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - PUBLIC HEALTH SCOTLAND (PHS)

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 29 June 2023 the Inquiry received an application from PHS ("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 Public Health Scotland (PHS). The application explains that PHS became a fully functioning organisation in 2020 and, since then, has been Scotland's lead national agency for improving and protecting the health and wellbeing of people in Scotland. PHS is jointly sponsored by the Convention of Scottish Local Authorities and the Scottish Government. The Applicant states that, as a Special Health Board with operational autonomy, it is expected to be an authoritative voice on public health and plays a central role in relation to health protection, health improvement and health inequality in Scotland.
7. The application is put on the basis that PHS meets the criteria in Rule 5(2)(a) and (b). PHS contends that it played a direct and significant role in relation to the Covid-19 vaccination programme. The Applicant explains that it provided guidance and resources for health and social care professionals on the Covid-19 vaccine programme. It states that it also played a key role in operationalising, monitoring and promoting the vaccine programme, in particular in relation to: vaccine information and resources, vaccine delivery and workforce education, vaccine safety and surveillance, and vaccine programme evaluation. PHS explains that during the pandemic it attended meetings with the Joint Committee on Vaccination and Immunisation (JCVI) and was involved

in the Scottish Immunisation Programme Workforce Education Advisory Group (SIPWEDAG). This latter group facilitated webinars and videos on the Covid-19 vaccination programme and prepared guidance for vaccinators. The Applicant states that it also chaired and held the secretariat for the Clinical Governance Group (CGG) which produced vaccine referral forms and made recommendations, including in relation to the provision of vaccines to certain groups and the intervals between vaccines. PHS also held the secretariat for the Scottish Immunisation Programme Communication and Information Advisory Group (SIPCIAG) and published multiple reports on vaccine issues, including: vaccine uptake, deaths within 28 days of a Covid-19 vaccine, vaccination rates in pregnant women in Scotland, and equality of vaccine uptake.

8. Further, the Applicant says that, given its important role in public health in Scotland generally, as well as its role in the Covid-19 vaccination programme, it has a significant interest in Module 4 of the Inquiry. The Applicant notes that it is too early to say whether it will be subject to explicit or significant criticism during Module 4 such that the criteria in Rule 5(2)(c) are met.

Decision for the Applicant

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 PHS as a Core Participant in Module 4.
10. 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. Issues relating to the treatment of Covid-19 through both existing and new medications will also be examined.
11. I consider that PHS satisfies the criteria in Rule 5(2)(a). PHS played a direct and significant role in relation to vaccine delivery, vaccine safety, public messaging about

the vaccine and addressing vaccine inequality in Scotland. Further, given the Applicant's important role in public health in Scotland, including in respect of vaccines, I consider that it has a significant interest in Module 4 of the Inquiry. The criteria in Rule 5(2)(b) are therefore also satisfied.

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 PHS has appointed Mr Stefano Rinaldi of the NHS Scotland Central Legal Office as its qualified lawyer in relation to this Module. I therefore designate Mr Rinaldi as PHS'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 DBE
Chair of the UK Covid-19 Inquiry
17 July 2023