



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 4 - TRAVELLER MOVEMENT**

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 27 June 2023 the Inquiry received an application from the Traveller Movement ("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 Traveller Movement ("**TM**") which describes itself as the largest representative body engaging with national and local government for and on behalf of Gypsy, Roma and Traveller ("**GRT**") communities in the UK.
7. The application is put on the basis that the GRT communities which TM represents fall clearly within the provisional scope of M4, citing in particular "*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*" and "*Barriers to vaccine uptake, including vaccine confidence and access issues and the effectiveness, timeliness and adequacy of Government planning for and response to inequalities relevant to vaccine uptake.*"
8. The application notes TM's experience of GRT communities having a particularly low uptake of vaccination. It relies upon a study conducted by a US organisation "National Centre for Biotechnology Information" published on 1 May 2023 entitled "Covid-19 vaccination decisions among Gypsy, Roma and Traveller communities: A qualitative study moving beyond "vaccine hesitancy"" which considered the experience of Gypsy, Roma and Traveller groups in England.

9. TM further points to the lack of trust in healthcare services, including the provision of non-emergency routine health services within the GRT community, citing the Women and Equalities Select Committee's Report of 5 April 2019.
10. The application provides an overview of the experiences of the GRT community in relation to the Covid-19 vaccines, including a reluctance to receive vaccines based on a belief that emergency services would not attend Traveller sites if complications arose; a sense of being coerced into taking the vaccine; and impressions that concerns about side effects were not adequately addressed and that Government initiatives were perceived as dismissive of those who had concerns.
11. The application concludes by submitting that TM, as the largest representative body engaging with national and local government for and on behalf of the GRT communities in the UK, has a significant interest in the matters to which Module 4 relates. It emphasises that TM's participation in its view should not be limited to providing witness evidence only, which it says would serve to marginalise GRT communities yet further.

Decision for the Applicant

12. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate TM as a Core Participant in Module 4. I accept that pursuant to Rule 5(2)(b) TM 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. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. It further explains that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds. I consider that the Applicant is well placed to assist the Inquiry to achieve its aims by representing the collective interests of those belonging to the GRT communities across the UK as to merit designation.

Legal Representation

13. 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.

14. It is requested that Mr Martin Howe of Howe & Co Solicitors is appointed as recognised legal representative in relation to this Module.

15. 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.

16. 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.
17. I have designated the Migrants Primary Care Access Group (MPCAG) 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 TM and the MPCAG should be represented by a single recognised legal representative. I therefore invite further written submissions from Howe and Co Solicitors addressing the question of whether and why separate legal representation is necessary and reserve my determination on this issue.
18. 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 TM to have separate legal representation, proposals should be put forward about working collaboratively with MPCAG 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