



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - CLINICALLY VULNERABLE FAMILIES

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 31 August 2022, the Inquiry opened Module 2 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 23 September 2022.
2. The Provisional Outline of Scope for Module 2 provides that this module will examine the decision-making by the UK Government during the Coronavirus pandemic. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
3. On 22 September 2022 the Inquiry received an application from Clinically Vulnerable Families ('CVF') for Core Participant status in Module 2.
4. I made a provisional decision not to designate Clinically Vulnerable Families ('CVF') as a Core Participant in Module 2, thereby declining CVF's application ("the Provisional Decision"), on 13 October 2022. CVF was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 2 November 2022, CVF submitted a renewed application for Core Participant status in Module 2, further to email correspondence with the Inquiry dated 31 October 2022. By way of a Notice dated 17 November 2022 I declined that further application.

6. On 6 October 2023 I received a further renewed application for Core Participant status from CVF. This notice sets out my determination of CVF's 6 October 2023 application for Core Participant status in Module 2.

Application

7. 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.*

8. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have 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 2.
9. I have taken into account all the information upon which the Applicant has relied. The fact that I have not, in making this determination, referred to every matter which is set out in the application does not mean that I have not considered it. The summary below is intended to capture what appear to be the most important points made in support of the application.

Summary of Application

10. CVF is a representative body for people with a wide range of medical conditions and clinical vulnerabilities across all four nations of the UK. Its purposes are primarily to support, educate, assist, advocate and campaign for clinically vulnerable families in the UK due to the risks posed by Covid-19. CVF has previously stated that members have a significant interest in an important aspect of the matters to which the Inquiry relates as CVF has played a vital advocacy, information and support role since August 2020 and has important first-hand experience of those most significantly impacted by Government decisions.

11. The essence of CVF's application is the proposition that, despite it being informed that Module 2 was "not intended to be an 'impact' module", they realised when they listened to the commencement of the Module 2 oral hearing and my opening remarks in relation to the proposed evidence from other groups that the Inquiry *is* considering the extent to which the government considered the impact on the clinically vulnerable (and others) of NPIs, in this Module. It is said that the situation is now materially different.

12. CVF argues that the Inquiry cannot understand what 'impact' was, or was not, taken into account by the government unless it hears from impact groups and that hearing from groups such as the TUC, women's rights groups, FEHMO and Long Covid groups, but excluding CVF, is not fair or reasonable. The clinically vulnerable faced, it argues, greater risks to their lives than any other category of person and are in a unique position to offer a perspective not offered by other groups. They were the reason for 'a lot of the restrictions'. Not all clinically vulnerable people are disabled and not all disabled people are clinically vulnerable. It is argued that none of the groups that have been recognised as Core Participants can speak comprehensively to the impact upon the clinically vulnerable.

Decision for the Applicant

13. I have considered with great care everything that is said in CVF's further renewed application. Having done so, in my discretion, I consider that CVF does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2 and, therefore, I have decided not to designate CVF as a Core Participant in Module 2. I set out the reasons for this decision below.

14. First, the scope of Module 2 has not changed and there is no good reason to reverse my earlier determinations. Module 2 is not an 'impact' module, and my opening remarks cannot reasonably be taken to suggest otherwise. The evidence from the representative groups was, and is, designed instead to elicit an understanding of the general position, as at the start of the pandemic, of those societal groups which have historically experienced varying degrees of discrimination (for example, ethnic minority groups, women, children and the elderly) and therefore the extent to which the government should have taken their interests into account when making decisions.
15. Second, at paragraph 36 of my determination of 2 November 2022 I made clear that I recognised how Covid-19 impacted those who were clinically vulnerable and I remain very conscious of the significant number of people affected. However, the Applicant has reported a relatively limited number of Facebook supporters or Twitter (now known as X) followers. I was satisfied in November 2022 that the Applicant was not sufficiently representative of this group to meet the aims for Module 2. CVF has not advanced any submissions on this issue in its latest application of 6 October 2023 and that, therefore, remains the position.
16. Third, CVF represents the interests of people with clinical vulnerabilities. The clinical aspects of the effect of the pandemic and of the government's response, in particular shielding and the clinically vulnerable, is being considered in Module 3, in which CVF has already been granted Core Participant status. The provisional Outline of Scope for Module 3, at paragraph 11 makes clear that the Inquiry will consider expressly "the impact on the clinically vulnerable (including those referred to as "clinically extremely vulnerable")". I am satisfied, therefore, that Module 3 is the appropriate module in which to address the Applicant's concerns.
17. In the event that I declined this application, I was asked to make time available for the CVF to make oral submissions. I do not believe that oral submissions will add anything to the substance of the written Application and further it would set an undesirable precedent, given I have previously declined to hear oral submissions on Core Participant applications. Permission to make oral submissions is therefore declined.

18. I again wish to extend my sympathies to all those clinically vulnerable families who have been impacted by the Covid-19 pandemic. I repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, that inequalities will be at the forefront of the Inquiry's investigations. I can assure them that the impact of the pandemic on the clinically vulnerable and their families will be properly considered at the right time.

Rt Hon Baroness (Heather) Hallett DBE

Chair of the UK Covid-19 Inquiry

9 October 2023