



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 4 - DECEASED MANAGEMENT ADVISORY GROUP (“DMAG”)**

**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 Provisional Outline of Scope for Module 4 provides that this module will examine issues relating to vaccines and therapeutics. Further modules are being announced on a rolling basis to address other aspects of the Inquiry’s Terms of Reference.
3. On 17 November 2023, the Inquiry received an out of time application from the Deceased Management Advisory Group (“**DMAG**”) for Core Participant status in Module 4. Although the application refers to Module 5, following clarification with DMAG’s legal representatives, the Inquiry was informed that the application in fact relates to Module 4. This Notice sets out my final decision on 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. Applications for Core Participant status made outside the Inquiry's timescales are considered in line with paragraph 10 of the Inquiry's [Core Participant Protocol](#) which provides:

*When inviting applications, the Inquiry will set a timeframe for applications to each module, or part of a module. Applicants are asked not to submit applications outside the timelines given by the Inquiry. The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe.*

6. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I have considered whether the DMAG has provided an acceptable explanation as to why it did not submit its application within the relevant timeframe and 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 4.

### **Summary of Application**

7. The DMAG describes itself as a group founded in March 2020 representing front line key-workers who had to deal with issues relating to various death-related matters, including priority for funeral sector staff for vaccination. Its purpose was to ensure cooperation and partnership of three distinct providers: (1) funeral directors; (2) cemetery/crematoria operators; and (3) suppliers to the funeral sector to ensure

systems did not become overwhelmed due to excess deaths caused by Covid-19. DMAG says that it will have significant information and commentary to offer on any potential reforms, lessons learned and policy changes that would assist the government with any future pandemic on any scale.

8. DMAG further says that it played a significant role in the response to the Covid-19 pandemic and has a significant interest in the Inquiry. In particular, amongst other matters, DMAG submits that the UK Government and devolved nations placed increased reliance on the DMAG sector during the pandemic such that it should be permitted to engage and to contribute to any recommendations relevant to its sector for a future pandemic.

### **Decision for the Applicants**

*Whether the application should be considered out of time*

9. The deadline for applications for Core Participant Status to Module 4 was 30 June 2023, meaning that this application was received late, over 4 months after the deadline expired and 7 months before Module 4's public hearings are due to commence.
10. I remind myself that paragraph 10 of the Inquiry's Core Participant protocol states: *"...The Inquiry will not consider applications that are outside the timescales provided by the Inquiry, unless the applicant provides an acceptable explanation as to why they did not submit their application within the relevant timeframe."*
11. My aim in this Inquiry is to hold hearings and provide prompt and useful reports and recommendations. To achieve these aims, I must impose firm deadlines at different stages of the Inquiry. Compliance with those deadlines is important to ensure that the challenging timetable will be met. I also have to consider the need to be fair to all Applicants who have made their application for Core Participant status within the time period available as well as those who have made applications outside the application window and more generally that there is no unfair advantage obtained by a late application.

12. I therefore have first considered whether DMAG has provided an acceptable explanation for the failure to comply with the deadline imposed for application. However, the application does not address this issue, either expressly or implicitly.
13. Accordingly, I do not consider that DMAG has provided an acceptable explanation as to why it did not submit its application within the relevant timeframe. I am therefore minded, in my discretion, to decline DMAG Core Participant status for Module 4.
14. This determination does not prevent DMAG providing evidence to Module 4 and the Inquiry will consider that carefully.
15. I also bear in mind that simply because an applicant has been refused Core Participant status in Module 4 that does not bar them from applying for or being granted Core Participant status in a later module or from providing relevant evidence to the Inquiry.
16. For completeness, I will also go on to provide my conclusion on whether DMAG would have been granted Core Participant status in Module 4 had its application been received during the application window.

*Decision on the application*

17. I have considered with great care everything that is said in the DMAG's application. Having done so, in my discretion, I consider that DMAG would not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 4 and, therefore, if the application had been made in time, my decision would have been not to designate DMAG as a Core Participant in Module 4.
18. The application provides details of the important role played by the DMAG during the pandemic, in light of the considerable challenges under which its members were operating. However, its primary concern in relation to matters falling within the scope of Module 4 appears to be that its members were not prioritised for vaccination. DMAG, like many other organisations, groups and individuals, has an interest in matters that Module 4 will be considering, namely eligibility and prioritisation decision

making in respect of the Covid-19 vaccines, but I consider that this is not a significant interest for the purposes of the criteria in Rule 5 being satisfied.

19. I will keep the scope of Module 4 under review. My decision not to designate DMAG as a Core Participant in this module does not preclude DMAG from making any further applications in respect of any later modules. I will consider any future applications DMAG may wish to make on their merits at the time they are made.

**Rt Hon Baroness Heather Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**7 December 2023**