



**NOTICE OF DETERMINATION  
CORE PARTICIPANT APPLICATION  
MODULE 4 - SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**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 6 October 2023, the Inquiry received an out of time application from the Secretary of State for the Home Department ("**SSH**D") for Core Participant status in 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 SSHD 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. SSHD explains that the SSHD is a member of the Cabinet and responsible for the Home Office. Having regard to Rule 5(2) and the Provisional Outline of Scope for Module 4, the SSHD initially decided not to apply for Core Participant status.
8. Thereafter, at the preliminary hearing of Module 4 on 13 September 2023, submissions were made by a Core Participant, Migrant Primary Care Access Group ("**MPCAG**") which directly concern the conduct of the Home Office. In particular, that Home Office

policies relevant to migrants may have created barriers to access and uptake of Covid-19 vaccines. SSHD explains in its submissions that it did not anticipate this issue arising within Module 4.

9. In light of these submissions, SSHD made an application for Core Participant status on 6 October 2023. The application says that the issue raised by MPCAG directly concerns the policy and the conduct of the Home Office and is framed in a way which is relevant to Module 4 issues. It notes that the issue is ‘controversial, contestable and sensitive’ and is likely to impact on the reputation of the Department and ministers. It says there is a legitimate question as to whether, and to what extent, the substance of the allegation relates to the scope of Module 4. It further notes that MPCAG is inviting the Inquiry to make the Home Office and its ministers subject to explicit and significant criticism and on the basis that the issue will be considered by the Inquiry, the SSHD falls within Rule 5(2)(c) (and on the same analysis, Rules 5(2)(a) and (b)). The application states that SSHD is likely to wish to make submissions on the issue and ought to be allowed to do so as a matter of fairness and is likely to be best placed to assist the Inquiry on the issue.

### **Decision for the Applicant**

*Whether the application should be considered out of time*

10. The deadline for applications for Core Participant Status to Module 4 was 30 June 2023, meaning that this application was received late, over 3 months after the deadline expired.
11. 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.”*
12. 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.

13. Given the timing of MPCAG's submissions at the preliminary hearing, SSHD's submission that it did not anticipate this issue arising within the scope of Module 4, and the fact that the application was made promptly following the preliminary hearing on 13 September 2023, I consider that SSHD has provided an acceptable explanation for its late application.

#### *Decision on the application*

14. Having considered SSHD's application, I have decided, in my discretion, to designate the SSHD as a Core Participant in Module 4.
15. 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.
16. For the reasons set out in its application, I consider that SSHD falls within both Rule 5(2)(b) and Rule 5(2)(c), as it has a significant interest in important aspects of Module 4, and may be subject to explicit or significant criticism during the Inquiry proceedings or in any report.

#### **Legal Representation**

17. 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.*

18. I am satisfied that the SSHD has appointed Paul Calderhead of the Government Legal Department as its qualified lawyer in relation to this Module. I, therefore, designate Mr Calderhead as the SSHD's recognised legal representative in accordance with Rule 6(1).

19. 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**

**7 December 2023**