

**IN THE UK COVID-19 PUBLIC INQUIRY**

**BEFORE BARONESS HEATHER HALLETT**

**IN THE MATTER OF:**

**THE PUBLIC INQUIRY TO EXAMINE THE COVID-19 PANDEMIC IN THE UK**

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**Submissions on behalf of Covid-19 Bereaved Families for Justice UK and  
NI Covid-19 Bereaved Families for Justice  
for the Module 4 preliminary hearing on 22 May 2024**

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1. These submissions are provided on behalf of Covid-19 Bereaved Families for Justice (CBFFJ UK) and NI Covid 19 Bereaved Families for Justice (NI CBFFJ) in advance of the Inquiry's Module 4 preliminary hearing on 22 May 2024.
2. As requested by the Inquiry team, we have confirmed that the CBFFJ UK and NI CBFFJ families' representatives intend to make oral submissions at the preliminary hearing.
3. These submissions follow the order of issues set out in CTI's note and the agenda for the preliminary hearing. We do not address every topic in this document but will be in a position to provide supplementary oral submissions as necessary to assist the Chair.

**Scope**

4. CBFFJ UK and NI CBFFJ respectfully agree with the Inquiry's indication that Outline of Scope remains provisional at this stage and will therefore necessarily be kept under review, particularly having regard to the large volume of material that has yet to be disclosed to Core Participants. We look forward to the opportunity to work collaboratively with the Inquiry in respect of the Provisional List of Issues to be circulated in September 2024.

5. We welcome the observations made by the Chair in the Ruling of 21 September 2023 in respect of the importance of examining differences across England, Wales, Scotland and Northern Ireland and their impact.<sup>1</sup> In our submission guarding against an England-centric approach to the issues will require particular care having regard to the limited timeframe of the M4 hearings.
6. We are grateful for the Chair's indication that the matter of the UK's role in global vaccine inequity will be kept under review. We maintain our previous submission that Module 4 should consider this issue alongside the UK's international collaboration in the development and rollout of vaccines and therapeutics. It is submitted that these issues are directly relevant to the Aims of the Inquiry because they relate both to the impact of the pandemic upon the UK and in particular to the lessons to be learned for future pandemic preparedness. It is relevant to note in this context that one of the three main objectives of the Vaccine Taskforce was to make provision for international distribution of vaccines, meaning that consideration of the VTF and its effectiveness should necessarily involve a proportionate consideration of this issue.<sup>2</sup>
7. In respect of eligibility and priority for vaccination (CTI §18) it is crucial that prioritisation of key workers and discrimination should be key areas of focus. We invite the Inquiry to adopt a broad approach to the examination of process in this context, and to keep under review the extent to which processes may be examined without examination of at least some of the scientific considerations which underpin them.

#### Rule 9 requests

8. CBFFJ UK and NI CBFFJ welcome the invitation to Core Participants to highlight additional individuals and organisations who should receive Rule 9 requests and look forward to assisting with this in due course.

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<sup>1</sup> Ruling of 21 September 2023, §5(a) <https://covid19.public-inquiry.uk/wp-content/uploads/2023/09/21144701/2023-09-21-Ruling-following-the-first-Module-4-Preliminary-Hearing.pdf>

<sup>2</sup> <https://www.gov.uk/government/publications/the-vaccine-taskforce-objectives-and-membership-of-steering-group/vtf-objectives-and-membership-of-the-steering-group>. See also [INQ000198101](#); [INQ000151747](#) and [INQ000088293](#) regarding international distribution.

9. While the need to avoid unnecessary delay to the Inquiry's timetable is well understood by the families we represent, CBFFJ UK and NI CBFFJ have concerns about the potential impact of the targeted approach to disclosure which is set out at CTI §26. It is only possible for the Inquiry to target material / categories of material of which it is aware, and there must be a strong onus on document providers to identify additional relevant material. The only way 'targeted disclosure' can work without negating the general approach of inquiries and allowing document providers to choose what the Inquiry can see is through the use of position statements. The Inquiry has rejected that approach. If there is another way, it is imperative to the integrity of the process that it is expressly set out for all to see and understand.
10. Similarly, while the Inquiry has ruled against our submissions on disclosure of Rule 9 requests, in our submission this makes early disclosure of documentation and witness statements particularly pressing.

### Disclosure

11. CBFFJ UK and NI CBFFJ have referred in other Modules to the need for timely disclosure in order to ensure that the families we represent are able to effectively participate in and assist this Inquiry. These considerations apply with equal force to Module 4, particularly given that the preparation for this Module will need to be conducted alongside both the Module 3 public hearings and preparation for future modules.
12. We note that according to our records, in Module 1 we received 41% of the total disclosure to date in the month before the public hearings began, as compared with 42% over the preceding five months. The significant remaining disclosure took place during and after the hearings. In Module 2 we received 22% of the total disclosure in the month before the hearing, including 38% of the witness statements provided. In Module 2c, very large volumes of disclosure, including witness statements from key individuals and significant volumes of Department of Health documents were disclosed within a few short weeks of the hearing. Indeed, disclosure problems continued up to and during the Module 2c hearings. While we appreciate the scale of the Inquiry's task and the associated time pressures on the ILT, similarly late disclosure in this Module would inhibit the families' ability to fully participate in the public hearings.

13. Having regard to the above, we invite the Inquiry to set a date for disclosure of the majority of the material to be obtained by the Inquiry team. This would provide some measure of certainty for Core Participants and enable effective and efficient preparation to be planned and undertaken. In our submission, the end of September 2024 would be an appropriate date.

#### Expert evidence and unequal vaccine uptake

14. CBFFJ UK and NI CBFFJ note the update in respect of expert evidence and seek early disclosure of both the letters of instruction and the draft reports. This is necessary to enable us to engage meaningfully with the expert evidence and in particular to assist in identifying any gaps which need to be addressed.

15. We have previously submitted that specific Module 4 expert evidence on structural and institutional racism and other forms of discrimination is necessary in order to fully examine the issue of vaccine scepticism and unequal uptake. We welcome the Chair's indication in the Ruling of 21 September 2023 that this question will be kept under careful review.<sup>3</sup> We also note that the report of Professor Kasstan-Dabush and Dr Chantler is to consider the interplay between the UK Covid-19 vaccines roll-out and pre-existing inequalities and structural discrimination. We look forward to providing further submissions on these issues once the report has been disclosed and reviewed.

16. However, at this stage we wish to emphasise our clients' concern about the use of the term 'vaccine hesitancy' which in our submission mischaracterises and diverts attention from the known causes of unequal vaccine uptake, including structural discrimination. It is submitted that the Inquiry should focus instead on the concept of 'vaccine scepticism' in this context.

#### Family member witnesses

17. CBFFJ UK and NI CBFFJ have identified a number of witnesses from our client groups

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<sup>3</sup> Ruling of 21 September 2023, §§7-9 <https://covid19.public-inquiry.uk/wp-content/uploads/2023/09/21144701/2023-09-21-Ruling-following-the-first-Module-4-Preliminary-Hearing.pdf>

who are able to illustrate the broad consequences and impact of the pandemic and the government response with particular regard to the Module 4 issues around vaccines and therapeutics and a schedule of witness summaries accompanies these submissions. A schedule of witness summaries from CBFFJ UK accompanies these submissions. Both CBFFJ UK and NI CBFFJ are in the process of inviting further evidence from our client groups so this may be supplemented in due course by additional accounts. We will provide these to the Inquiry team as soon as we are able to do so.

### Timetable

18. We note that the revised listing currently provides for twelve days of evidence for the entirety of Module 4. It is submitted that this is clearly insufficient to enable rigorous examination of the complex central issues which arise with regard to vaccines and therapeutics. Accordingly, the Inquiry is invited to review and extend the timeframe for the Module 4 public hearings.

Pete Weatherby KC  
Allison Munroe KC  
Kate Stone  
Counsel for CBFFJ UK

Brenda Campbell KC  
Peter Wilcock KC  
Counsel for NI CBFFJ

Elkan Abrahamson  
Nicola Brook  
Broudie Jackson Canter Solicitors  
Solicitors for CBFFJ UK

Conal McGarrity  
Enda McGarrity  
PA Duffy Solicitors  
Solicitors for NI CBFFJ

13 May 2024