



STATEMENT OF APPROACH - CORE PARTICIPANT STATUS

1. Core participant status may be granted to a person or organisation under Rule 5 of the Inquiry Rules 2006.
2. Those designated as core participants may participate in the Inquiry in a number of ways:
 - (a) be provided with electronic disclosure of evidence which the Chair considers relevant to the Terms of Reference, subject to any restrictions made under section 19 of the Inquiries Act 2005;
 - (b) make opening and closing statements at certain hearings;
 - (c) suggest lines of questioning (normally through their recognised legal representatives) to be pursued by Counsel to the Inquiry;
 - (d) apply through their recognised legal representatives to the Chair to ask questions of witnesses during a hearing;
 - (e) have access to the expert groups (through the Inquiry Secretariat) and be able to propose experts to be added to those groups;
 - (f) be provided, prior to publication, with a copy of the report (or any interim report) which is to be published.
3. It is important to emphasise that it is not necessary for all individuals, groups of individuals or organisations wishing to engage with the Inquiry to be designated as core participants. They may engage in a number of ways, for example by providing witness evidence or documents to the Inquiry. Access to information will not be restricted to core participants. Except where there is a compelling reason not to do so, written statements provided to the Inquiry, the evidence that is heard and documents referred to at Inquiry hearings, and expert reports obtained by the Inquiry, will be published on the Inquiry's website. Transcripts of

Infected Blood Inquiry

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Inquiry hearings will be available on the website. Other information, such as a list of issues and regular updates on the Inquiry's progress, will also be published on the website.

4. In addition, the Inquiry is intending to hold regular engagement meetings throughout the lifetime of the Inquiry, which will offer a further opportunity for those persons who are infected and affected to engage with the Inquiry team. It will not be necessary to be a core participant in order to attend such meetings.
5. It is not necessary to be legally represented in order to engage with the Inquiry, whether as a core participant or not.

Determining applications for core participant status

6. All applications received by the Inquiry for core participant status will be determined by the Chair. In reaching decisions on these applications the Chair will have regard to the matters set out in Rule 5 of the Inquiry Rules.
7. Rule 5(2) states that when determining any applications the Chair 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.
8. While the Chair is bound to consider the factors set out in Rule 5(2), it is open to him to take into account other relevant matters. He will have regard also to the considerations set out in his Statement of Intent on

Core Participant Status. This includes consideration of whether a person has demonstrated a significant role and/or interest in the Inquiry's work, for example by associating themselves with one of the campaign groups and its activities, or by grouping together with others to instruct or authorise a firm of Solicitors to act on their behalf in connection with the Inquiry or the matters under investigation by the Inquiry, or by providing an indication in some other way as to how that person would add further to achieving the aims of the Inquiry.

9. The Chair is not obliged to designate every person or organisation meeting the considerations set out in Rule 5 of the Inquiry Rules as a core participant. He has a wide discretion that he will exercise fairly, consistently and with an open mind. The Chair must act with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others) as required under section 17(3) of the Act.
10. The Inquiry's Terms of Reference are broad. Core participants need not be core participants for all the matters in the Terms of Reference or for the entire duration of the Inquiry; they may just be core participants for a specific part.
11. The Chair may designate persons or organisations as core participants at any time during the course of the Inquiry, providing that they consent to be so designated.
12. If at any stage during the course of the Inquiry the Chair considers it appropriate to do so, he may invite a person or organisation to become a core participant. It will be a matter for each person or organisation or as to whether they wish to accept the invitation.
13. Core participants cease to be core participants on the date specified by the Chair in writing, or at the end of the Inquiry.

Call for applications by 20 July 2018

Submission of applications

14. Applicants are advised to read and take account of the Chair's Statement of Intent on Core Participant Status before submitting an application.
15. The Inquiry will aim to consider any application made by 20 July 2018 within two weeks. Applications received after this date will be considered at a later date within a reasonable timeframe taking into account the pressures on the Inquiry.
16. Except in exceptional cases, applications to be designated as a core participant must be made in writing to the Solicitor to the Inquiry, by email to solicitor@infectedbloodinquiry.org.uk or by post to:

Solicitor to the Inquiry
Infected Blood Inquiry
Fleetbank House
1st Floor, 2-6 Salisbury Square
London EC4Y 8AE

Content of applications - clients of Collins Solicitors, Leigh Day, Thompsons Solicitors Scotland, and Watkins & Gunn

17. In the case of any person who is a client of any of the firms mentioned by name at paragraph 14 of the Chair's Statement of Intent on Core Participant Status, their Solicitor should supply a signed and dated confirmation of the instruction of that firm, and a short description of how that client has been infected or affected, and tell the Inquiry that, on instruction, the client who signed that form wishes to be a core participant. To this end, a schedule of names and details supplied electronically, together with copies of the signed and dated forms of

confirmation, will suffice.

Content of applications - others

18. Other applications for core participant status should specify in what respects the applicant considers that they meet the criteria for designation. As a minimum, all applications should:
 - (a) confirm that the applicant consents to being designated as a core participant, if their application is successful;
 - (b) indicate which of the matters within Rule 5(2) of the Inquiry Rules applies to the application and why;
 - (c) indicate how the applicant would, if granted core participant status, advance the work of the Inquiry or otherwise assist the Inquiry in achieving its aims.
 - (d) indicate any other reason on which the applicant relies in support of the application;
 - (e) confirm whether the applicant is or wishes to be legally represented and, if so, provide details of the relevant or preferred lawyer (if any).

19. The Chair will give careful consideration to all such applications and, if he considers that further information is required before he can make a decision, he may require the applicant to provide such further information as he considers necessary.

20. In relation to each person or organisation making an application for core participant status, the application should not exceed four sides of A4 paper single-spaced, in at least point 12 font.

Legal representation

21. Having regard to the approach proposed in the Chair's Statement of Intent on Core Participant Status, where a core participant has appointed

a qualified lawyer to act on their behalf, the Chair will, subject to Rule 7 of the Inquiry Rules (see paragraph 22 below), designate that lawyer as that person's designated legal representative in respect of the Inquiry proceedings or the relevant part of the Inquiry proceedings, as the case may be, in accordance with Rule 6 of the Inquiry Rules.

22. However, where two or more core participants each seeks to be legally represented and the Chair considers that:

- (a) their interests in the outcome of the Inquiry are similar;
- (b) the facts they are likely to rely on during the course of the Inquiry are similar; and
- (c) it is fair and proper for them to be jointly represented,

then in accordance with Rule 7(2) of the Inquiry Rules, the Chair will direct that those core participants shall be represented by a single recognised legal representative.

23. Where the Chair makes such a direction, core participants must agree the designation of a single legal representative. If they do not do so within a reasonable period, the Chair will designate an appropriate lawyer who he considers has sufficient knowledge and experience to act in that capacity.

Applications for legal representation at public expense

24. Section 40 of the Act allows the Chair to make awards for the cost of legal representation and the attendance of witnesses subject to the conditions and qualifications determined by the Chancellor of the Duchy of Lancaster in his Notice of Determination. Under section 40, the Chair has the power to award expenses and legal costs to those who give evidence, whether or not they are core participants.

25. Applications for an award of legal expenses should be made in

accordance with Infected Blood Inquiry Statement of Approach - Legal Representation at Public Expense which is published on the Inquiry's website.

26. In determining whether an award for legal representation at public expense should be made, the Chair must take into account whether making an award is in the public interest as required under Rule 21. It should not be assumed that being granted core participant status automatically confers a right to receive funding for legal representation.

Confidentiality

27. All core participants and their lawyers must agree to treat information they receive from the Inquiry as confidential. This is very important and will allow the Inquiry to carry out its work thoroughly and fairly.
28. Core participants and their legal representatives will be required to sign confidentiality undertakings, which continue to apply even after the Inquiry has ended.
29. Where a core participant is a group of people, such as an organisation or institution, only key individuals within the group will have access to documents and evidence provided by the Inquiry, and only if those individuals have signed confidentiality undertakings. They must not disclose documents and evidence to anyone else (including people within the same organisation or institution) unless the other person has also signed a confidentiality undertaking to the Inquiry.
30. Core participants and their legal representatives must take all necessary steps to preserve the confidentiality of the information they have access to. That includes that they are not allowed to:
 - use the information for any purpose other than taking part in the Inquiry;

- allow others to use the information for any purpose other than taking part in the Inquiry;
 - disclose or publish the information.
31. Any breach of a confidentiality undertaking is a serious matter, and disclosure of personal data without the consent of the Inquiry constitutes a criminal offence under section 170 of the Data Protection Act 2018. If it happens during the Inquiry process, it could lead to the Chair deciding to withdraw a person's core participant status or restrict the extent to which they may thereafter participate in the Inquiry.

Issued by the Chair on 2 July 2018.