



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - ANNE LONGFIELD, USFOR THEM LTD, OASIS CHARITABLE TRUST,
PROFESSOR HANNAH SMITHSTON AND DR ROSIE GRAY

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 23 September 2022 the Inquiry received an application from Anne Longfield, UsforThem Ltd, Oasis Charitable Trust, Prof. Hannah Smithson and Dr Rosie Gray ("the Applicant Group") for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicant Group as a Core Participant in Module 2, thereby declining the Applicant Group's application ("the Provisional Decision"), on 13 October 2022. The Applicant Group was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.

5. On 20 October 2022, the Applicant Group submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicant Group's application for Core Participant status in Module 2.

Application

6. 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.*

7. 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.
8. I have taken into account all of 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

9. The Applicant Group's original application stated that they have a collective unique and unparalleled breadth of experience in relation to children and young people. It explains Anne Longfield CBE held the role of Children's Commissioner for England between 2015-2021 and sets out her involvement in relation to the Government's response to the Covid-19 pandemic. Professor Hannah Smithson is an expert in the fields of youth justice, youth gangs and youth engagement and Dr Rosie Gray is a Registered Forensic Psychologist who specialises in child safeguarding. Both Professor Smithson and Dr Gray have conducted research on the impact of Covid-19 in their fields of expertise. UsForThem is an organisation covering all aspects of the impact of Covid restrictions upon children and the Oasis Charitable Trust provides national and international community development and education services to children and was active during the pandemic in continuing its work to protect the interests and improve the lives of children.
10. The application sets out the activities of each member of the Applicant Group in detail, both generally and in response to the Covid-19 pandemic. The application is put on the basis that the Applicant Group has a significant interest in an important aspect of the matters to which Module 2 relates, specifically how the government's response to Covid-19 and the non-pharmaceutical interventions used, impacted on children and young people, and whether the full extent of the harmful effects of the NPIs in relation to the young was sufficiently assessed and balanced against any proven advantages of imposing the NPIs. The application sets out in detail those aspects of the government's response to Covid-19 in relation to children and young people which are of particular interest to the Applicant Group.
11. In its renewed application, the Applicant Group maintains it was involved directly in the 'high level core political and administrative decision making in the coronavirus response' and to a degree not matched by any other organisation or set of individuals with an interest in children and young people. Further and in any event, it is at the level of this 'high-level' of level of decision-making that the Applicant Group contends that the decisions were taken that adversely – but foreseeably – harmed the interests of children and young people and/or failed correctly to take into account such empirical data as existed.

12. The application sets out the activities of Anne Longfield as Children's Commissioner. It states that UsForThem led informed, empirically-based, challenges to Government decision-making insofar as it related to children and young people; made no fewer than four specific legal challenges to Government actions and produced a book addressing all of the themes that will be covered during Module 2. The application submits that the OasisCharitable Trust, Dr Rosie Gray and Professor Hannah Smithson each offer a unique and specialist perspective in terms of the effect of high-level decisions on specific aspects of the interests of children and young people. It adds that the academic group were widely and actively engaged during the pandemic and made informed challenges to high-level decisions taken in the coronavirus response on behalf of the most vulnerable children, including by making specific recommendations. It conducted empirical investigation of issues such as the impact of Covid on children in the youth justice system, including those in custody, the potentially heightened risk of online sexual exploitation, the harm to which primary aged children were exposed during the pandemic and the effect of COVID on social work caseloads and safeguarding.

Decision for the Applicants

13. I am mindful of the impact the pandemic has had on children and young persons. I wish to reassure the Applicants of my ongoing commitment that inequalities will be at the forefront of the Inquiry's investigations. This will include a focus on the disparities evident in the impact of the pandemic on different categories of people.
14. I have considered with great care everything that is said in the Applicants' renewed application. I have considered the position of the Applicants both individually and collectively. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole.
15. I am grateful for the further submissions including those setting out the role of Anne Longfield as Children's Commissioner. I accept that a number of aspects of her work meet the threshold for Rule 5(2)(a). In relation to the remaining Applicants, whilst I appreciate the valuable and important work undertaken during the pandemic, I am satisfied that they played no role in core political and administrative decision-making. I

do not therefore consider that those Applicants played a direct or significant role in core political and administrative decision-making (Rule 5(2)(a)).

16. As I have previously indicated I consider that the Applicants have a significant interest in the matters for investigation in Module 2 (Rule 5(2)(b)).
17. The Core Participant Protocol provides that while I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant matters. I am also not obliged to designate a person or organisation that meets the criteria set out in Rule 5 of the Inquiry Rules as a Core Participant. It further explains that I particularly invite applications from groups of individuals and organisations with similar interests, rather than from individual persons and organisations and that the designation of Core Participant status to groups representing the interests of more than one person would assist the fair and efficient running of the Inquiry. I additionally have regard to my duty to act with fairness and with regard to the need to avoid any unnecessary cost to public funds.
18. In my discretion, I consider that although the Applicants as a whole have a significant interest (Rule 5(2)(b)), there are more representative organisations to advance and ensure consideration of that interest in Module 2. The Applicants should be aware that I have sought to ensure that the interests of at risk and other vulnerable groups (including specifically children and young persons and those with protected characteristics) are considered during Module 2 in accordance with the provisional outline of scope and the Terms of Reference. In furtherance of those aims I have designated those I consider to be most representative or best placed to advance their interests as Core Participants for this Module. There is a broad spectrum of designated organisations across a number of at risk and other vulnerable groups. I am satisfied that those organisations taken together provide sufficient representation. I will of course keep this under review.
19. Accordingly, I do not consider, having regard to the need to manage the Inquiry effectively and efficiently, that either the role played by Anne Longfield (bearing in mind that she is no longer the Children's Commissioner) or the Applicant Group's interest in decision-making by the UK Government is sufficiently significant as to grant it Core Participant status in this Module. I am determined to run the Inquiry as

thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people and organisations in this country could potentially have an interest in it and a significant one at that, but not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

20. In my discretion, therefore, I have decided not to designate the Applicants as a Core Participant in Module 2. I confirm that this is my final decision.
21. My decision not to designate the Applicants as Core Participants in Module 2 does not preclude them from making any further applications in respect of any later modules. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. The Applicant may wish to consider applying for Core Participant status in relation to future modules likely to deal directly with education, children and young persons, and public services including the justice system and prisons.
22. I note the assistance the Applicants believes it can provide. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. In relation to this application, I consider the provision of evidence best meets the aims of the Inquiry. The Applicant may have relevant information to give in relation to matters being examined in the Inquiry and the Inquiry will be reaching out in due course to a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
23. The Inquiry will also listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic, through the listening exercise. I made clear in my Opening Statement that this listening exercise is a significant and important task which will lead to summary reports of the impact of the pandemic on those who come forward to be used as evidence during the Inquiry's module hearings. The Applicant and those it represents will have the opportunity to contribute to the Inquiry, through the listening exercise if they choose.

24. Finally, may I take this opportunity to thank the Applicant for their helpful submissions and willingness to assist the Inquiry.

Rt Hon Baroness Heather Hallett DBE

Chair of the UK Covid-19 Inquiry

25 October 2022