



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - PLAYING OUT**

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 Playing Out ("the Applicant") for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 2, thereby declining the Applicant's application ("the Provisional Decision"), on 13 October 2022. The Applicant was provided with an opportunity to renew the application in writing by 12pm on 20 October 2022.
5. On 19 October 2022, the Applicant submitted a renewed application for Core Participant status in Module 2. This notice sets out my determination of the Applicant'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 which the Applicant has relied upon. 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. Playing Out CIC is a national organisation supporting children to play outside their homes for their health and wellbeing. Their main work is supporting a large and diverse parent/resident network, local authorities and organisations to enable community-led play streets across the UK. During the pandemic, play streets were

largely unable to happen under lockdown rules and they supported and advised parents about children's lack of access to outdoor play, particularly in England.

10. The Applicant's original application stated that it was made jointly on behalf of four organisations: Save the Children UK, Playing Out, Just for Kids Law and the Children's Rights Alliance for England (CRAE). The application stated that these national organisations are committed to championing children's rights and addressing inequalities and they each work directly with children and young people. The Applicants share a concern that the UK Government's response to the pandemic did not sufficiently consider children's rights, their best interests, health and wellbeing.
11. The application was put on the basis that the Applicants have a significant interest in matters to which Module 2 relates and that the Applicants would be able to provide evidence including in relation to the ways in which government considered, or failed to consider, the impact on children, the impact of decisions concerning NPIs on children and families and how public health communications were received by families and organisations providing services to children and families. The application explained the roles carried out by the Applicant organisations during the pandemic and detailed further concerns in respect of the extent to which children's rights and wellbeing were considered as part of Government decision-making in relation to Covid-19.
12. The application stated that Playing Out and at least 20 other organisations, health experts and the Children's Commissioner campaigned and lobbied for children's wellbeing and the need for outdoor play to be prioritised alongside other public health considerations. It adds that the Applicant would very much welcome the chance to feed in evidence and learnings to the Inquiry so important lessons can be learnt, both for any future pandemic response and general public health policy.
13. In my provisional determination I considered that Save the Children UK, Just for Kids Law and the Children's Rights Alliance for England jointly are well placed to assist the Inquiry as to whether the interests of children and young people were considered as part of the process of core political and administrative decision-making in response to Covid-19 without considering in detail any individual cases. I explained that set against this, I did not consider that Playing Out is sufficiently representative to meet those aims also bearing in mind other relevant considerations.

14. In its renewed application, the Applicant states that it is at least as well placed as the other three organisations to assist the Inquiry as to whether the interests of children and young people were properly considered as part of the core decision-making process. The application helpfully lists five main reasons in support. This includes that the Applicant was a leading voice from the first lockdown and throughout the pandemic, calling for Government rules and messaging to recognise and support children's right to play outside in England, as they were allowed and encouraged to do in Scotland and Wales. Although play is seemingly a narrow topic, it was extremely significant in the pandemic response and was a central concern of parents of young children.
15. During the pandemic, the Applicant gathered real-time qualitative evidence of the direct impact of Covid regulations and messaging on children's access to outdoor time/play, in order to support calls for policy change. It has also collated a body of academic research on the longer-term impact for children's mental and physical health and their personal and social development. All of this material can be summarised for the Inquiry and the Applicant suggests is likely to be of assistance in navigating the impact of regulations on children's wellbeing.

Decision for the Applicants

16. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and repeated in my Opening Statement, 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 including children and young people. My decision to grant Core Participants to the three other organisations is a clear reflection of this.
17. I have considered with great care everything that is said in the Applicant's renewed application and further statement. 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. Having done so, in my discretion, I consider that the Applicant does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2 and, therefore, I have decided to not to designate the Applicant as a Core Participant in Module 2. I confirm that this is my final decision.

18. I have noted with care the valuable work the Applicant has undertaken in this field. However, in the context of the provisional scope of Module 2, I am satisfied that the Applicant did not have a direct or significant role in core political and administrative decision-making (Rule 5(2)(a)).

19. In my original determination, I accepted that each Applicant has a significant interest (Rule 5(2)(b)) and I remain of that view. As I have previously indicated, 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.

20. My designation of Core Participant status to other organisations that represent the interests of children and young persons, is to assist the Inquiry to achieve its aims by representing the collective interests of a broad spectrum of those affected by Covid-19 in relation to Module 2, having regard to the need to manage the Inquiry effectively and efficiently. Whilst recognising the important work the Applicant undertook in the area of play for children, it was work of a narrow focus, as is conceded by the Applicant in their submissions.

21. I consider in my discretion, that the current designation of organisations representing and promoting the interests of children and young persons as Core Participants is sufficient to assist the Inquiry. Moreover, I consider those organisations sufficiently representative to meet the aims of the Inquiry in Module 2. The work of those organisations provide a breadth of experience and knowledge. I am satisfied that there is a clear distinction between those organisations and the Applicant. I remain of the view that the Applicant is not sufficiently representative of those interests, within the context of Module 2.

22. As I have indicated previously, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant has indicated that it 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. My decision not to designate the Applicant as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. The Applicant may wish to consider applying for Core Participant status in relation to future modules likely to deal with the impact on children. I will consider any future applications the Applicant 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
25 October 2022