



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - MS MICHELLE MCLLVEEN MLA**

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 the same day, the Inquiry opened Module 1 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 16 August 2022.
2. The [Provisional Outline of Scope](#) for Module 1 provides that this module will examine the resilience and preparedness of the United Kingdom for a 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 12 August 2022 the Inquiry received an application from Ms Michelle Mcllveen MLA ("the Applicant") for Core Participant status in Module 1.
4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 1, thereby declining the application ("the Provisional Decision"), on 7 September 2022. The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 September 2022.
5. The Applicant did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.



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 of Rule 5(2) in relation to the issues set out in the Provisional Outline of Scope for Module 1.

Summary of Application

8. The application is put on the basis that Ms McIlveen was involved at various stages and in various ways in the government of Northern Ireland, including as Minister for Education from 14 June 2021 to present, Minister of Agriculture, Environment, and Rural Affairs from 25 May 2016 to 2 March 2017, Minister for Regional Development periodically from 21 September 2015 to 30 March 2016, Junior Minister at the Office of the First Minister and deputy First Minister from 11 May 2015 to 10 September 2015 and



Member of Ad Hoc Committee on the COVID-19 Response from 31 March 2020 to 28 March 2022.

9. The application says that given the breadth of the scope of the Inquiry and the likelihood that a wide range of government departments would have been required to take steps to prepare for a pandemic, Ms McIlveen played, or may have played, a direct and significant role in relation to the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(a). The application also suggests that Ms McIlveen satisfies Rule 5(2)(a) on the basis that, following the return of the Northern Ireland Executive after a three year hiatus in January 2020, she will no doubt have played a significant role in assessing and addressing the state of preparedness of her respective Department at that stage, as it tackled the myriad issues that developed as the pandemic took hold. Ms McIlveen's current role as a Minister is also cited as relevant in the context of planning for future pandemics.
10. The application also suggests that Ministers overseeing Departments in which key decisions on preparedness may have been made prior to 2020 may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report, for Module 1 for the purposes of satisfying Rule 5(2)(c).

Decision for the Applicant

11. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, not to designate Ms McIlveen as a Core Participant in Module 1. Whilst I appreciate Ms McIlveen has had various roles in the government of Northern Ireland, there are a number of departments of the Northern Ireland Executive which will have had a more significant institutional involvement in relation to the matters to which the Outline of Scope for Module 1 relates, to whom I already intend to grant Core Participant status. Furthermore, some of Ms McIlveen's roles commenced from 11 January 2020 onwards, whereas the focus of Module 1 is on



the resilience and preparedness of the UK, including Northern Ireland, before that time. I therefore do not consider that Ms McIlveen's application meets the criteria set out in Rule 5 for designation as a Core Participant in Module 1.

12. In my Opening Statement I noted that I will publish more information about the issues intended to be covered by later modules in the coming months. Ms McIlveen may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with Northern Ireland's response to the Covid-19 pandemic.
13. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to 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.
14. For all of those reasons, having considered all of the information provided by Ms McIlveen in light of the Provisional Outline of Scope for Module 1, I consider that Ms McIlveen did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does Ms McIlveen have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that Ms McIlveen should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision
15. I will keep the scope of Module 1 under review. My decision not to designate Ms McIlveen as a Core Participant in Module 1 does not preclude Ms McIlveen from making any further applications in respect of any later modules. I will consider any future applications Ms McIlveen 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
29 September 2022