



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 1 - THE CHILDREN'S COMMISSIONER FOR WALES ('CCW')

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 16 August 2022 the Inquiry received an application from the CCW ("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 the CCW is a statutory office with the principal aim and overriding objective being to safeguard and promote the rights and welfare of children in Wales. The application outlines the CCW's involvement in influencing, scrutinising and holding to account Welsh Government and public services devoted to Wales during the pandemic, as well as research conducted and other steps taken during the pandemic to support children and young people.



9. The application says that the CCW's function and involvement in relation to these issues means it 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). It also says that the CCW has a significant interest in an important aspect of the matters to which the Outline of Scope for Module 1 relates for the purposes of satisfying Rule 5(2)(b). It additionally suggests that the CCW 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), due to the nature of the Office and the very challenging circumstances of having to balance children's human rights.

Decision for the Applicant

10. 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 the CCW as a Core Participant in Module 1. Whilst I appreciate the CCW's statutory role in relation to safeguarding and promoting the rights and welfare of children in Wales, the focus of Module 1 is on the resilience and preparedness of the UK in advance of the coronavirus pandemic. I therefore do not consider that the CCW's application meets the criteria set out in Rule 5 for designation as a Core Participant in Module 1.

11. 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. I would encourage the CCW to consider applying for Core Participant status in relation to future modules likely to deal more directly with the UK's and Wales' response to the Covid-19 pandemic, education and children and young persons.

12. 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.

13. For all of those reasons, having considered all of the information provided by the CCW, in light of the Provisional Outline of Scope for Module 1, I consider that the CCW did not play a direct and significant role in relation to the matters sought to be investigated in Module 1, nor does the CCW have a significant interest in an important aspect of the matters to which Module 1 relates. I have therefore decided that the CCW should not be designated as a Core Participant in Module 1 and I confirm that this is my final decision.

14. I will keep the scope of Module 1 under review. My decision not to designate the CCW as a Core Participant in Module 1 does not preclude the CCW from making any further applications in respect of any later modules. I will consider any future applications the CCW 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