



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 - SAVE THE CHILDREN UK, PLAYING OUT, JUST FOR KIDS LAW AND THE
CHILDREN'S RIGHTS ALLIANCE FOR ENGLAND

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. On 23 September 2022 the Inquiry received an application from Save the Children UK, Playing Out, Just for Kids Law and the Children's Rights Alliance for England ("the Applicants") for Core Participant status in Module 2. This Notice sets out my provisional decision on the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 2, which states 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.

Application

4. 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.*

5. In accordance with the approach set out in my Opening Statement and the Inquiry's [Core Participant Protocol](#), I 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.

Summary of Application

6. This application is 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 states 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.
7. The application is 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 sets out information in respect of the roles carried out by the Applicant organisations during the pandemic and details further concerns in respect of the extent to which children's rights and wellbeing was considered as part of Government decision-making in relation to Covid-19.

Decision for Save the Children UK, Just for Kids Law and the Children's Rights Alliance for England and provisional decision for Playing Out

8. I acknowledge the specific impact of the Covid-19 pandemic on children and young people. 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. Having considered with great care everything that is said in the applications, I am minded, in my discretion, to designate Save the Children UK, Just for Kids Law and the Children's Rights Alliance for England as Core Participants in Module 2. This is on the basis of a joint grant, noting that the organisations will be jointly represented. However, in the exercise of my discretion I am minded to decline to grant Core Participant status to Playing Out.
9. I consider that none of the Applicants satisfy Rule 5(2)(a) and did not play a direct or significant role in high level core political and administrative decision making. I do accept that each has a significant interest (Rule 5(2)(b)). 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.
10. I have considered with great care everything that is said in the application. For a number of reasons, I consider 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 consider that they will be able to assist me on this issue. Set against this, I do not consider that Playing Out is sufficiently representative to meet those aims bearing in mind the aforementioned considerations.

11. The Inquiry will also listen to and consider carefully the experiences of those who have suffered hardship or loss as a result of the pandemic. 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. It will be run in such a way that as many people as possible who wish to share their experience may do so.
12. As I am minded to decline Playing Out's application, I will offer Playing Out an opportunity to renew the application. If they wish to renew the application, they must do so in writing to the Solicitor to the Inquiry by **12pm on 20 October 2022**. Renewed applications should not repeat information provided in the original application but should provide any additional information that may assist me in considering the renewed application. I intend to determine any applications on paper without oral submissions, other than in exceptional circumstances. If the application is not renewed, I will confirm this Provisional Decision has become final.
13. I will keep the scope of Module 2 and the designation of Core Participants under review. My decision not to designate Playing Out as a Core Participant in Module 2 does not preclude them from making a further application in respect of any later modules. I will consider any future applications Playing Out may wish to make on their merits at the time they are made.

Legal Representation

14. Applications for designation as the Recognised Legal Representative of a Core Participant are governed by Rules 6 and 7 of the Inquiry Rules 2006, which provide:

6.—(1) Where—

- (a) a core participant, other than a core participant referred to in rule 7; or*
- (b) any other person required or permitted to give evidence or produce documents during the course of the inquiry,*
has appointed a qualified lawyer to act on that person's behalf, the chairman must designate that lawyer as that person's recognised legal representative in respect of the inquiry proceedings.

7.—(1) This rule applies where there are two or more core participants, each of whom seeks to be legally represented, and the chairman considers that—

- (a) their interests in the outcome of the inquiry are similar;*

- (b) the facts they are likely to rely on in the course of the inquiry are similar; and*
- (c) it is fair and proper for them to be jointly represented.*

(2) The chairman must direct that those core participants shall be represented by a single recognised legal representative, and the chairman may designate a qualified lawyer for that purpose.

(3) Subject to paragraph (4), any designation must be agreed by the core participants in question.

(4) If no agreement on a designation is forthcoming within a reasonable period, the chairman may designate an appropriate lawyer who, in his opinion, has sufficient knowledge and experience to act in this capacity.

15. I note that the Applicants (to whom I have granted Core Participant status) do not currently have a named legal representative. The Applicants are directed to confirm the details of their proposed recognised legal representative by **27 October 2022**. As the Applicants designated as Core Participants applied jointly it is anticipated that they will have the same legal representation. Should that not be the case, I may consider whether it is appropriate to use Rule 7 to direct shared legal representation.
16. Directions will be given in relation to applications for an award under section 40(1)(b) of the Inquiries Act 2005 of expenses to be incurred in respect of legal representation, at the forthcoming preliminary hearing. I will determine any such applications in accordance with the provisions of section 40 of the Inquiries Act 2005, the Inquiry Rules 2006, the [Prime Minister's determination](#) under section 40(4) and the [Inquiry' Costs Protocol](#).

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
13 October 2022