



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 2 – CHILDREN’S COMMISSIONER FOR WALES

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 the Children’s Commissioner of Wales (“CCW”) for Core Participant status in Module 2.
4. I made a provisional decision not to designate the Children’s Commissioner of Wales (“CCW”) as a Core Participant in Module 2, thereby declining the CCW’s application (“the Provisional Decision”), on 13 October 2022. The CCW was provided with an opportunity to renew the application in writing by 12pm on 20 October 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 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. The application is put on the basis that the CCW is a statutory office with the principal aim and overriding objective of safeguarding and promoting 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. The application is put on the basis that CCW played a direct and significant role, and has a significant interest, in relation to the matters to which the Outline of Scope for Module 2 relates, namely the rights and welfare of children. 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 due to the nature of the Office and the very challenging circumstances.

Decision for the Applicant

10. I have considered with great care everything that is said in the Children's Commissioner of Wales ("CCW")'s application. Having done so, in my discretion, I consider that the CCW does not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 2 and, therefore, I have decided not to designate the CCW as a Core Participant in Module 2.
11. I acknowledge that many children's and young people's lives were seriously impacted as a result of the UK Government's response to the Covid-19 pandemic. I wish to repeat my ongoing commitment, as set out in the Terms of Reference and 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.
12. Whilst I appreciate the important work the Applicant does and the expertise she can offer, the focus of Module 2 is on high level core political and administrative decision making in the coronavirus response. I do consider that the Children's Commissioner for Wales has a significant interest; however it will be appreciated that many organisations, groups and individuals share that interest and that the interest is sufficiently addressed by Core Participant status in Module 2B, with a specific focus on Wales.
13. Furthermore, I do not consider, in any event, having regard in particular to the need to manage the Inquiry effectively and efficiently, that its interest in decision making by the UK Government 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 in this country could potentially have an interest in it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

14. 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 which are of relevance to them.
15. It is also not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Children's Commissioner of Wales ("CCW") 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.
16. For all of those reasons, having considered all of the information provided by the Children's Commissioner of Wales ("CCW"), in light of the Provisional Outline of Scope for Module 2, I consider that the CCW did not play a direct and significant role in relation to the matters sought to be investigated in Module 2, nor does the CCW have a significant interest in an important aspect of the matters to which Module 2 relates. I have therefore decided that the CCW should not be designated as a Core Participant in Module 2 and I confirm that this is my final decision.
17. I will keep the scope of Module 2 under review. My decision not to designate the CCW as Core Participants in Module 2 does not preclude it from making any further applications in respect of any later modules. The CCW may wish to consider applying for Core Participant status in relation to future modules likely to deal more directly with the matters which have been referred to in the application. 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

26 October 2022