



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE

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 21 May 2024, the Inquiry opened Module 8 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 17 June 2024.
2. On 17 June 2024, the Inquiry received an application from the Children's Commissioner for Wales for Core Participant status in Module 8. This Notice sets out my determination of the application.
3. The Inquiry has published the [Provisional Outline of Scope](#) for Module 8, which states that this module will examine the impact of the pandemic on children and young people across society in the UK, including in education, health and social care, the criminal justice system, and the immigration system. Module 8 will also examine the extent to which children and young people were considered as part of decision-making in response to the pandemic, and the wider and long term impact of those decisions on children and young people. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.
4. Further modules will be announced and opened in due course, to address other aspects of the Inquiry's Terms of Reference.

Application

5. 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.*

6. 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 8.

Summary of Application

7. The Applicant is the Children's Commissioner for Wales. The Applicant is a statutory office-holder with the principal aim and overriding objective of safeguarding and promoting the rights and welfare of children. Pursuant to this, it has a number of powers, which are summarised in the application.
8. The application is made pursuant to Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006. The Applicant submits that it played a direct and significant role in influencing, scrutinising, and holding to account the Welsh Government and public services with respect to children and young people during the pandemic. In particular, the Applicant

highlights its lead role in the Coronavirus and Me surveys, as part of which it collected data in relation to the pandemic's impact on children and young people in Wales. The Applicant has also published additional reports on the impact of lockdowns on certain groups of children, including disabled children and children from Black, Asian and Minority Ethnic backgrounds, and has conducted research on children's access to digital devices to make sure pupils had access to online learning from home. The Applicant also summarises the actions it took during the pandemic to support children and young people in Wales, which included holding listening days, creating a Coronavirus Information Hub, and arranging discussions between government and young people.

9. The Applicant further submits that it has a significant interest in the topics to be examined in Module 8 of this Inquiry as a number of the Terms of Reference of this Inquiry sit in tandem with the Applicant's overriding objective of safeguarding and promoting the rights and welfare of children. The topics in which it has a significant interest include the impact on the mental health and wellbeing of the population, the impact on children and young people (including health, wellbeing and social care), education and early years provision, prisons and other places of detention, the preparedness, capacity and resilience of the health and social care sectors, and the management of the pandemic in care settings, insofar as these issues have affected and continue to affect the children of Wales. The Applicant particularly points to its January 2021 survey, which scrutinised and analysed the impact on children and young people of the Welsh Government's response to the pandemic and identified a number of key areas in which the Welsh Government could have done better for children in Wales.
10. The Applicant also states that it accepts that it may be subject to criticism during the Inquiry proceedings by virtue of the nature of the Office and the very challenging circumstances of having to balance children's human rights under the UNCRC.
11. The Applicant submits that it is well placed to assist the Inquiry as an independent institution and is uniquely placed to properly represent the interests of children in Wales.

Decision for the Applicant

12. I have considered with great care everything that is said in the application. Having done so, I have decided to designate the Applicant as a Core Participant in Module 8. With regard to the provisions of Rule 5(2), I am satisfied that the Applicant played a direct and significant role and has a significant interest in the matters under investigation. The application sets out how the Applicant sought to influence and scrutinise the work of the Welsh Government and how it advised, assisted, and engaged with children and young people during the pandemic, including by consulting nearly 45,000 children and young people through its Coronavirus and Me surveys.

13. The Applicant therefore meets the criteria in Rule 5(2)(a), and (b) of the Inquiry Rules, that it (a) it played a direct and significant role in the matters under consideration in this Module, and (b) it has a significant interest in those matters.

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 in its application, the Applicant states that it does not yet have legal representation, but if designated a Core Participant will seek to engage legal representation. I am satisfied that the Applicant has not appointed a qualified lawyer in relation to this Module. I therefore have not designated a recognised legal representative in accordance with Rule 6(1) for the Applicant at this time. This does not preclude the Applicant from making an application for the designation of a recognised legal representative at a later stage.
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's Costs Protocol](#).

Rt Hon Baroness Heather Hallett DBE
Chair of the UK Covid-19 Inquiry
8 July 2024