



**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 14 June 2024, the Inquiry received an application from the Convention of Scottish Local Authorities (COSLA) 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.
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## 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. COSLA (the Applicant) is the representative body of all of Scotland's 32 local authorities.
8. The application is made pursuant to Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006. The application states that in Scotland responsibility for delivering education and social services to children rests with local government. Each local authority is an education authority in accordance with the Education (Scotland) Act 1980 as well as having statutory responsibility for promoting the welfare of children in need pursuant to the Children (Scotland) Act 1995. Given these responsibilities, the Applicant

submits that it is the body best placed to assist the Inquiry with the Scottish local government aspects of Module 8. The application addresses in turn each of the eight topics set out in Module 8's Provisional Outline of Scope and sets out the role played by the Applicant (or its members authorities) in respect of each matter. The Applicant submits that it could assist the Inquiry by critically examining documentation and evidence, making submissions, suggesting lines of questioning, and obtaining and collating information from member authorities as required. The Applicant submits that as a Core Participant it would bring not only its own knowledge of matters but the collective knowledge gained from its member local authorities to the Inquiry. The Applicant further submits that local government is likely to be criticised for the part it played in relation to the matters under investigation by this Inquiry in Module 8.

### **Decision for the Applicant**

9. 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 and/or its members played a direct and significant role and has a significant interest in the matters under investigation. The Applicant represents all 32 local authorities in Scotland, each of which is an education authority in accordance with the Education (Scotland) Act 1980 and has statutory responsibility for promoting the welfare of children in need pursuant to the Children (Scotland) Act 1995. Many of the areas listed in the Provisional Outline of Scope either fall directly within, or touch upon, matters for which the Applicant's members are responsible, and during the pandemic they played a key role in decision-making in the spheres of education and children's social care in particular.
10. The Applicant therefore meets the criteria in Rule 5(2)(a), and (b) of the Inquiry Rules, that is (a) it (or its members) played a direct and significant role in several of the areas under consideration in this Module, and (b) it has (or its members have) a significant interest in those matters.

## Legal Representation

11. 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.*

12. I am satisfied that the Applicant has appointed Jennifer Jack of Harper MacLeod LLP as its qualified lawyer in relation to this Module. I therefore designate Jennifer Jack of Harper MacLeod LLP as COSLA's recognised legal representative in accordance with Rule 6(1).

13. 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 DBE**

**Chair of the UK Covid-19 Inquiry**

**8 July 2024**