



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 a joint application from the Local Government Association (LGA) and the Welsh Local Government Association (WLGA) 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 Local Government Association (the First Applicant) is the national membership representative body for local councils in England. All but two English councils are members.
8. The application is made pursuant to Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006.
9. The First Applicant submits that it played a direct and significant role in relation to the first five topics in the Provisional Outline of Scope for Module 8 (preparedness and

planning; Non-Pharmaceutical Interventions; education and early years provision; health and wellbeing; and social care). This is by virtue of its statutory duties in relation to schools and education and the safeguarding of children and the role that local government played in the pandemic response. The Applicant also submits that it has a significant interest in the matters to be investigated by the Inquiry during Module 8 "as the trusted voice of the sector and a valued stakeholder of Government". The First Applicant submits that it has a unique grasp of the local government sector, the issues it faces, and its ways of working. The First Applicant also states that it is possible other organisations may wish to criticise its member councils, or the local government sector, particularly in relation to the safeguarding of children.

10. The First Applicant also notes that it has previously assisted the Inquiry during earlier modules with the collation of evidence from its member councils, and has offered its assistance in this regard for Module 8.
11. The Welsh Local Government Association (the Second Applicant) represents all 22 local authorities in Wales.
12. The Second Applicant submits that it played a direct and significant role in relation to the first five topics in the Provisional Outline of Scope for Module 8 (preparedness and planning; Non-Pharmaceutical Interventions; education and early years provision; health and wellbeing; and social care). This is by virtue of its members' duties in respect of, and responsibilities for, children and young people in Wales, which include a duty to arrange suitable full-time education, to act as corporate parents of children in care, and to prevent ill-treatment or neglect of children. The Second Applicant also highlights its relationship and interactions with the Welsh government during the pandemic and its role in highlighting its concerns about the impact of the COVID-19 pandemic on children, young people and their families, and particularly vulnerable children.
13. The Second Applicant further submits that it has a significant interest in the matters to be investigated by the Inquiry during Module 8. The Second Applicant particularly identifies that as the national voice representing all local authorities in Wales, it convened or contributed to key decision-making fora, engaged regularly with council leaders, senior officials and national partners including Public Health Wales and the

Welsh Government, and played a central role in coordinating schools and children's social care throughout the pandemic. Through the evidence of local authorities, and as an organisation working closely with the devolved government, the Applicant considers it will be able to provide an important perspective.

14. The Second Applicant notes that it anticipates criticisms may be made of local authorities' responses to the pandemic, and that recommendations made by the Inquiry may impact upon schools and children's support services. As such, the Second Applicant wishes to be party to the evidence and discussions that shape the Inquiry's recommendations.

15. The Second Applicant also notes that it can assist the Inquiry by collating evidence from its member councils to ensure the Inquiry has access to the full range of evidence from across local government and its various functions.

Decision for the Applicant

16. I have considered with great care everything that is said in the application. Having done so, I have decided to designate the Applicants jointly as a Core Participant in Module 8. With regard to the provisions of Rule 5(2), I am satisfied that the Applicants and/or its members have played a direct and significant role and have a significant interest in the matters under investigation. Many of the areas listed in the Provisional Outline of Scope either fall directly within, or touch upon, matters for which the Applicants' 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.

17. The Applicants therefore meet the criteria in Rule 5(2)(a), and (b) of the Inquiry Rules, in that (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

18. 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.

19. I note that the Applicants share the same legal representation and have consented to a joint appointment as Core Participants. I am satisfied that both Applicants have appointed Thelma Stober as its qualified lawyer in relation to this Module. I therefore designate Ms Stober as Applicants' recognised legal representative in accordance with Rule 6(1).

20. 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