



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 Department for Education (Northern Ireland) (DE) 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.

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 8.

Summary of Application

6. The Applicant applies for designation as a Core Participant in Module 8 pursuant to Rule 5(2)(a) and (b) of the Inquiry Rules 2006.
7. The application states that DE is one of the nine government departments of Northern Ireland. The application states that as education is a devolved matter, and the Department for Education is responsible for setting policy, strategy and for the central administration of all education and related services in Northern Ireland, which includes pre-school, primary and post primary education.
8. The Applicant submits it has played a direct and significant role in the matters to which Module 8 relates (Rule 5(2)(a)) by virtue of its role during the pandemic relating to children and young people's education. This included a role in pandemic planning, management and strategy in relation to education, as well as its role during the pandemic in ensuring continuity of education, and seeking to mitigate the harms

caused by the pandemic to children and young people. The application states that DE has provided advice, guidance and support to educators and financial assistance and PPE and other support to schools, and had responsibility for the guidance in relation to the use of face coverings within educational settings. The application states that the Department has specific responsibility for oversight of preparedness, response and recovery arrangements for the education sector.

9. The Applicant further submits that it has a significant interest in the matters to be examined by Module 8 (Rule 5(2)(b)). The Applicant enumerates each of the topics in the Provisional Outline of Scope for Module 8 in detail in its application, but this can be summarised by saying that the Applicant has ultimate statutory responsibility for the education of all children of compulsory school age in Northern Ireland and facilitating the delivery of a number of youth services and childcare provision. Given the Applicant's role in civil contingencies planning, the Applicant also submits that it has a significant interest in the planning and preparedness for future pandemics.

Decision for the Applicant

10. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, to designate DE as a Core Participant in Module 8. During the pandemic it played a key role in decision making and in providing support and guidance to educational and childcare settings. Due to its statutory responsibilities, the Applicant has a significant interest in a number of issues within the scope of Module 8.
11. The Applicant therefore meets the criteria in Rule 5(2)(a), and (b) of the Inquiry Rules: (a) it played a direct and significant role in several of the areas under consideration in this Module; (b) it has a significant interest.

Legal Representation

12. 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.

13. I am satisfied that the Department for Education has appointed Julie-Anne Gorman of the Departmental Solicitors' Office (DSO) as its qualified lawyer in relation to this Module. I therefore designate Julie-Anne Gorman as the Department for Education's recognised legal representative in accordance with Rule 6(1).

14. 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