



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 11 June 2024, the Inquiry received an application from the Scottish Ministers 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 Scottish Ministers seek designation as a Core Participant to Module 8 of the Inquiry on the basis of Rule 5(2)(a) and (b) of the Inquiry Rules 2006. The application made on behalf of Scottish Ministers states that they played a direct and significant role and/or have a significant interest in all eight of the areas identified in the Module 8 Provisional Outline of Scope published by the Inquiry on 21 May 2024.
7. In particular, the application notes that the Scottish Ministers satisfy Rule 5 (2)(a) because of the Scottish Government's involvement in decisions concerning matters within the Provisional Outline of Scope of Module 8, such as: planning and preparedness for a pandemic; child protection, child welfare and youth justice during the pandemic; and the use of non-pharmaceutical interventions (NPIs) in a variety of settings that impacted on children and young people. The application states that as education is a matter fully devolved to the Scottish Parliament, the Scottish Ministers were responsible for key decisions concerning early learning and childcare and

education settings, including exams, closure and re-opening of educational settings, and the provision of technology to enable remote learning.

8. The Applicants also rely on Rule 5(2)(b), as it is submitted that by reason of their devolved responsibility, the Scottish Ministers will have a significant interest in any reports and recommendations the Inquiry may make in relation to the practice, policy, or legislation around the education of young people, the provision of early learning and childcare during a pandemic or other issues that could impact on children and young people.

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 Scottish Ministers played a direct or significant role and have a significant interest in the matters under investigation. The application states that the Scottish Government made decisions concerning planning and preparedness for a pandemic and the use of NPIs in a variety of settings that impacted on children and young people. Furthermore, the application sets out that Scottish Ministers were responsible for education and training, child protection, child welfare and youth justice in Scotland, as devolved matters. During the pandemic, the Scottish Ministers played a key role in decision making in those matters within the Provisional Outline of Scope of Module 8.
10. The Applicant therefore meets the criteria in Rule 5(2)(a), and (b) of the Inquiry Rules, that (a) it played a direct and significant role in the matters under consideration in this Module, and (b) its policy responsibilities amount to a significant interest.

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 Scottish Ministers have appointed Caroline Beattie of the Scottish Government Legal Directorate as its qualified lawyer in relation to this Module. I therefore designate Caroline Beattie as the Scottish Ministers' 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