



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 Trades Union Congress (TUC) 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. The Applicant states that it is working in partnership with TUC Cymru, the Scottish TUC, and the Northern Ireland Committee of the Irish Congress of Trade Unions.
8. The Applicant submits that 10 of its 48 affiliated unions have particular relevance to Module 8. These include EIS (representing over 80% of Scotland's teaching professionals); NAHT (representing over 38,000 senior leaders in education in England, Wales and Northern Ireland); NASUWT (representing teachers and headteachers); NEU (representing the majority of teachers and education professionals in the UK); UCAC (representing teachers, headteachers, lecturers and

tutors in Wales); UCU (representing university workers); and Unite (representing school support staff).

9. The application is made pursuant to Rule 5(2)(a) and (b) of the Inquiry Rules 2006. The Applicant states that it played a direct and significant role in relation to matters to which Module 8 relates by issuing guidance; conducting research; undertaking consultations of staff and union representatives in the education sector; attempting to engage with government in relation to decision-making impacting on the education sector and children and young people; and making representations to relevant public bodies and employers. The Applicant further states that it has a significant interest in important aspects of Module 8 because school staff were often required to work in crowded and poorly ventilated rooms and had to "reinvent" their provision of education to suit online, and subsequently hybrid, formats. The Applicant refers to statistics regarding infection rates in pupils and the numbers of teaching and educational staff living with Long Covid.

Decision for the Applicant

10. I have considered with great care everything that is said in the application. In my discretion, I have decided to designate the Applicant as a Core Participant in Module 8.
11. I have considered the activities undertaken by the Applicant during the pandemic as set out in its application. I do not consider that these amount to the Applicant having played a direct and significant role in relation to the matters to which Module 8 relates. Nor do I consider that the Applicant's concern about the health of its members, whilst understandable, gives it a significant interest in an important aspect of the matters to which Module 8 relates: this Module is concerned with the impact of the pandemic on children and young people rather than on those working with them.
12. However, I do consider that the fact that the Applicant comprises several unions representing teachers and school support staff, including some of the largest teaching unions, gives it a sufficiently significant interest such that Rule 5(2)(b) is met. The impact of the pandemic on the education of, and early years provision for, children and young people are key matters to be considered under Module 8. The Applicant can

assist the Inquiry by putting forward the perspective of a large group of educators who were involved in the frontline delivery of education during the pandemic.

Legal Representation

13. 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.

14. I am satisfied that the Applicant has appointed Gerard Stilliard of Thompsons Solicitors as its qualified lawyer in relation to this Module. I therefore designate Gerard Stilliard as TUC's recognised legal representative in accordance with Rule 6(1).

15. 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