



**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 British Association of Social Workers (BASW) 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, the British Association of Social Workers (BASW), is the professional association for social work and social workers in the UK, and has just under 22,000 members.
8. The Applicant states that its application is made under Rule 5(2)(b) of the Inquiry Rules 2006. The Applicant states that its focus would be on the fifth matter set out in the Provisional Outline of Scope (the impact of the pandemic on children and young people in relation to access to and engagement with social care services and other agencies with a role in supporting the safety of children) but that it could also

contribute to the seventh matter (the impact on children in contact with the immigration system) due to its responsibilities for unaccompanied asylum-seeking children. The application states that social workers played a key role in many aspects of social care services throughout the pandemic and that they work with many who were disproportionately affected by the pandemic. The application states that they are, as such, a crucial voice on the impact of government policy and decisions on both social workers and those with whom they work. The application sets out some of the ways in which the pandemic impacted upon the work of social workers.

9. The Applicant states that it would be able to assist the Inquiry by drawing on a repository of information, guidance and survey evidence related to the practice of social workers under pandemic restrictions, published Serious Case Reviews (following the death or serious injury of a child), and primary research undertaken by social work academics.

### **Decision for the Applicant**

10. 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 have played a direct and significant role and have a significant interest in the matters under investigation. The Applicant represents just under 22,000 social workers. The impact of the pandemic on children and young people in relation to access to and engagement with social care services is one of the matters to be considered in this Module and the work of social workers is central to that. It is likely also to be relevant to other matters set out in the Provisional Outline of Scope, including the impact of the pandemic on children in contact with the criminal justice and immigration systems.
11. The Applicant therefore meets 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.

12. I would, however, note that the application appears to focus more on the impact of the pandemic on social workers rather than on the children and young people with whom they work. This Module is concerned with the impact of the pandemic on children and young people and the Applicant will be expected to concentrate its contribution on how the consequences of the pandemic for social workers impacted upon children and young people.

## **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 note that BASW has not yet engaged legal representation. I am satisfied that the Applicant has not appointed a qualified lawyer in relation to this Module. I therefore have not designated a recognised legal representative in accordance with Rule 6(1) for

the Applicant at this time. This does not preclude the Applicant from making an application for the designation of a recognised legal representative at a later stage.

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**