



**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 12 June 2024, the Inquiry received an application from the Welsh Government 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 Welsh Government seeks designation as a Core Participant to Module 8 of the Inquiry on the basis of Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006.
7. In relation to Rule 5(2)(a), the application identifies the direct and significant role the Welsh Government played in the pandemic in Wales in relation to children and young people, particularly by virtue of approving legislative amendments, producing guidance to educators, and monitoring the impact of the pandemic on children and young people throughout the pandemic. The application states that a number of areas central to Module 8 (education, health and social care) have been devolved functions since 1999 and as such, the Welsh Government has a direct and significant interest in those matters. The Welsh Government will be responsible for legislating and/or making policy revisions for any changes that may be required following the recommendations from the Inquiry. The Applicant submits that this satisfies the requirements of Rule 5(2)(b).

8. The Applicant also relies upon Rule 5(2)(c), stating that given its statutory powers and responsibilities in relation to contracting authorities and institutions operating within areas of devolved competence, the Welsh Government may be the subject of explicit or significant criticism during Module 8 in the Inquiry report.

### **Decision for the Applicant**

9. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, 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 Welsh Government has played a direct or significant role and has a significant interest in the matters under investigation. As devolved matters, many of the areas listed in the Provisional Outline of Scope either fall directly within, or touch upon, matters for which the Welsh Government is responsible, and during the pandemic it played a key role in decision making in the spheres of education and training, children's health and social care, and safeguarding.
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 several of the areas 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 Welsh Government has appointed Stephanie McGarry of Browne Jacobson LLP as its qualified lawyer in relation to this Module. I therefore designate Stephanie McGarry as the Welsh Government's 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**