



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 8 - CHILDREN AND YOUNG PEOPLE**  
**BARONESS ARLENE FOSTER AND PAUL GIVAN MLA**

**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. 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. This will include 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.
3. On 17 June 2024, the Inquiry received an application from Baroness Arlene Foster and Paul Givan MLA (the Applicants) for Core Participant status in Module 8.
4. I made a provisional decision not to designate the Applicants as a Core Participant in Module 8, thereby declining the Applicants' application on 8 July 2024 (the

“Provisional Decision”). The Applicants were provided with an opportunity to renew the application in writing by 15 July 2024 at 4pm.

5. The Applicants did not renew the application by the prescribed deadline. Accordingly, this Notice sets out my final decision on the application.

## **Application**

6. 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.*

7. In accordance with the approach set out in my Opening Statement and the Inquiry’s [Core Participant Protocol](#), I have 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**

8. In making this determination, the fact that I have not referred to every matter or detail which is set out in the application does not mean that I have not considered it. The points addressed below are intended to capture what appear to be the most important points made in support of the application.

9. The Applicants are former First Ministers of Northern Ireland. Baroness Arlene Foster DBE served from 11 January 2020 to 14 June 2021 and Mr Paul Givan MLA served from 17 June 2021 to 4 February 2022.
10. The application is made under Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006. The Applicants' original application stated that decisions relating to education and measures affecting children more widely were devolved matters for Northern Ireland and, as First Ministers, they each played a substantial and significant role in Executive decision-making in Northern Ireland. The Applicants submit that they played a significant role in a number of areas, including the closure of schools and mitigations to minimise the impact thereof; Non-Pharmaceutical Interventions; and the postponing and then cancellation of the AQE exam. The Applicants state that they believe it is inevitable that there will be considerable scrutiny of their decision-making on the issues under consideration in Module 8. The Applicants submit that they have a significant interest in the issues under consideration in Module 8 and that they may be subject to explicit and significant criticism.

### **Decision for the Applicant**

11. I have considered with great care everything that is said in the Applicants' application. Having done so, in my discretion, I consider that the Applicants do not meet the criteria set out in Rule 5 for designation as a Core Participant in Module 8 and, therefore, I have decided not to designate the Applicants as a Core Participant in Module 8.
12. I note the application states that decisions relating to education and measures affecting children more widely were devolved matters for the government in Northern Ireland, and that the Applicants played a substantial and significant role in Executive decision-making in Northern Ireland. However, high-level decision-making was examined in Module 2C, in which both Applicants were granted Core Participant status. The Applicants do not represent the Executive Committee. The Department of Education, which I consider will have had more significant institutional involvement in relation to the matters to which Module 8 relates, has sought and will be granted Core Participant status in this module.

13. In any event, in the exercise of my discretion, even were the criteria to be met I would have declined to designate the Applicants as Core Participants. I am determined to run the Inquiry as thoroughly and as efficiently as possible, bearing in mind the Inquiry's wide-ranging terms of reference and the need for the Inquiry process to be rigorous and fair. Given the vast numbers of people who were involved with, or adversely affected by, the Covid-19 pandemic, very many people in this country could potentially have an interest in the Inquiry. Not everyone can be granted Core Participant status for the purposes of the Inquiry hearings. I am not obliged to designate any particular person or organisation as a Core Participant.
14. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants may have relevant information to give in relation to the matters being examined in the Inquiry and the Inquiry is currently engaging with a range of individuals, organisations and bodies to seek information, to gain their perspectives on the issues raised in the modules and, where appropriate, to ask for witness statements and documents. The Applicants can provide material for the Inquiry, if appropriate, in their personal capacity.
15. In my Opening Statement, I said that I will publish more information about the issues intended to be covered by later modules in the coming months. The Applicants may wish to consider applying for Core Participant status in relation to future modules which are of relevance to them.
16. For all of those reasons, having considered all of the information provided by the Applicants, in light of the Provisional Outline of Scope for Module 8, I consider that the Applicants did not play a direct and significant role in relation to the matters sought to be investigated in Module 8, nor do the Applicants have a significant interest in an important aspect of the matters to which Module 8 relates. I have therefore decided that the Applicants should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.
17. I will keep the scope of Module 8 under review. My decision not to designate the Applicants as Core Participants in Module 8 does not preclude them from making any further applications in respect of any later modules. I will consider any future

applications the Applicants may wish to make on their merits at the time they are made.

**Rt Hon Baroness (Heather) Hallett DBE**

**Chair of the UK Covid-19 Inquiry**

**30 July 2024**