



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 8 - CHILDREN AND YOUNG PEOPLE**  
**COVID-19 BEREAVED FAMILIES FOR JUSTICE UK**

**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 Covid-19 Bereaved Families for Justice UK ("the Applicant" or "CBFFJ UK") for Core Participant status in Module 8.

4. I made a provisional decision not to designate the Applicant as a Core Participant in Module 8 on 8 July 2024 (“the Provisional Decision”). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 15 July 2024.
5. On 15 July 2024, the Applicant submitted a renewed application for Core Participant status in Module 8. This notice sets out my determination of the Applicant’s application for Core Participant status in Module 8.

## **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. In its renewed application, the Applicant states that the families represented by CBFFJ UK are very disappointed in my provisional decision not to designate CBFFJ as a Core Participant in this Module and that they have found distressing the fact that I provisionally determined that there are other organisations to whom I intend to grant Core Participant status which are better placed to represent the interests of children and young people in relation to the matters to be examined in Module 8.
10. The Applicant submits that my provisional determination is flawed, because it:
  - a. Fails to consider that bereaved families include children and young persons;
  - b. Organisations are not better placed to advance the interests and needs of bereaved families as they do not have direct and 'lived' experience which its member families have; and
  - c. The refusal of CP status to the bereaved families in CBFFJ UK does not take account of the Inquiry's procedural obligation under Article 2 of the European Convention on Human Rights (ECHR).
11. CBFFJ UK also submits that because I have not yet made public those organisations to whom CP status has been granted in Module 8, it has limited its ability to make its submissions in support of its renewal application.
12. The Applicant submits that Article 2 of the ECHR imposes a procedural duty on the State to hold an effective public investigation by an independent body when one or more substantive obligations set out in Article 2 have been or may have been violated and it appears that the agents of the State may be implicated in some way. The Applicant submits that I must comply with Article 2 and my decision whether to grant Core Participant status to CBFFJ UK in this Module must be made having regard to Article 2, otherwise it risks infringing their right of effective participation in the Inquiry. CBFFJ UK cite *Jordan v UK* (no citation was included but the reference is (24746/94) (2003) 37 EHRR, 4 May 2001) as authority for the proposition that next of kin of victims must be "*involved in the procedure to the extent that it is necessary to safeguard his or her legitimate interests*".

## **Decision for the Applicant**

13. I have considered with great care everything that is said in the Applicant's original application and in its renewed application. I have assessed the merits of the application for Core Participant status in its totality. Having done so, I remain of the view that the Applicant does not meet the criteria set out in Rule 5(2). I have therefore decided not to designate the Applicant as a Core Participant in Module 8.
14. Once again, I reiterate my deep sympathy to all those represented by the Applicant regarding the deaths of their family members, as well as to those who have suffered, and continue to suffer, from adverse health, illness and disability as a result of the Covid-19 pandemic. I have approached this application on the basis that there are children who have been bereaved by Covid-19 and that the death of a parent or very close family member will have been deeply traumatic and life changing for them. Further, any parent who lost a child because of Covid-19 will have suffered unimaginable loss and trauma.
15. The focus of the Applicant group is on bereaved families, rather than on the specific impact of the pandemic on children and young people. Whilst I appreciate that the Applicant brings a representative voice from bereaved families, the focus of Module 8 is on the decisions which were made which specifically impacted upon the lives of children; the extent to which the needs of children and young people were considered in the course of that decision-making and the impact of the pandemic, and those decisions, on children and young people.
16. CBFFJ UK, in keeping with the other bereaved groups, has an interest in understanding those decisions which may have impacted upon their members, the number of people who died during the pandemic or the number who may have been put at risk from Covid-19. SCB is also concerned about the circumstances in which some people lived prior to their becoming ill with Covid-19 (for example about the experiences of those in care homes). I have granted Core Participant status to CBFFJ UK in Modules 1, 2, 3, 4, 5, 6 and 7. This has enabled CBFFJ UK to play a significant part in the examination of those decisions or actions which may be most relevant to their members. Module 8 will not revisit those issues.

17. In relation to the specific matters relied upon by CBFFJ UK (and summarised at paragraph 10 above), in respect of (a), I acknowledge that bereaved families include children and young persons. The bereavement of children is an important issue. However Module 8 will not revisit the decision making which relates to the reasons why people may have died. That is an issue for other Modules.
18. In respect of (b), I have granted a large number of large and leading children's charities core participant status in Module 8 because of their combined ability to represent the interests of children across society. A number of these work with children and are involved in frontline work with families or carry out research. CBFFJ UK is not a children's organisation. Those I have designated as Core Participants will bring the necessary insight, experience and expertise to the work of Module 8. As I stated as paragraph 12 of my original decision, in my view they are better placed to represent the interests of children and young people (including the bereaved) in relation to the matters to be examined in Module 8.
19. I accept that there may be issues as to whether these children have been given sufficient support and other issues related to their wellbeing. I do not accept that I need to make CBFFJ UK a Core Participant in Module 8 in order to examine these issues. I intend to call evidence from a range of witnesses with expertise or front line experience to speak to the impact on children of a number of key decisions which affected children's lives as set out in the Provisional Outline of Scope for Module 8. The targeted research work that I have commissioned will include consideration of the experiences of bereaved children. The Applicant may wish to offer information for the purposes of Module 8 and family members within CBFFJ UK may engage with Every Story Matters.
20. I also intend to call evidence about the risks to children (having regard to decisions like those to open and close schools to most children) of their getting Covid-19.
21. In respect of the Applicant's argument that my provisional decision did not have regard to the Inquiry's procedural obligation under Article 2 of the ECHR, I do not consider it necessary to make any determination as to whether or not Article 2 is in fact engaged by the Applicant and/or those individuals whom they represent. I proceed on the basis that even if Article 2 is engaged, there is no automatic obligation

under the ECHR to designate bereaved family members or survivors of an event which does engage Article 2 as Core Participants in an Inquiry that investigates that event. I am satisfied that Article 2 does not require me to grant CBFFJ UK Core Participant status in Module 8. I also consider it relevant in this regard that the Applicant has been made a Core Participant in seven modules (thus far) in the Inquiry and that this decision relates to a single module. Module 8 is focused upon those decisions which affected the lives of children during the pandemic and the impact of those decisions on children's lives across society.

22. Because Module 8 is concerned with the experiences of all children across society, it is necessarily broad in its compass. Just as almost every adult in society was impacted by Covid-19 so too were almost every parent (or carer) and every child. Any parent (or carer) or child could potentially have an interest in Module 8. The same may be said of very many organisations which work with children or with their families. There are also many different groups of children across the United Kingdom whose lives were made extremely difficult by the decisions made in response to the pandemic. They include those living in poor standards of accommodation; those exposed to violence and abuse and those children who suffered mental ill health. I do not consider that the Applicant's interest in these matters is sufficiently significant as to grant it Core Participant status in this Module.

23. For all those reasons, having considered all of the information provided by the Applicant and in light of the Provisional Outline of Scope for Module 8, I remain of the view that the Applicant did not play a direct and significant role in relation to the matters to be investigated in Module 8, nor does it have a significant interest in an important aspect of the matters to which Module 8 relates.

24. Even if I were wrong about whether CBFFJ UK has a sufficiently significant interest, in relation to the matters to which Module 8 relates, I would still decline to exercise my discretion to make it a Core Participant. Whilst I am bound to consider the factors set out in Rule 5(2), it is also open to me to take into account other relevant factors. I am not obliged to designate any particular person or organisation as a Core Participant. There are other organisations which are better placed to represent the interests of children and young people in relation to the matters to be examined in Module 8 and

who will be Core Participants. I additionally have regard to my duty to act with fairness and with regard to the need to avoid cost to public funds which is not justified.

25. 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. I am satisfied that the interests of children, their families and carers including the bereaved will be well served by the approach that I intend to take to Module 8.
26. I have also taken into account the fact that there are a number of ways in which the Applicant can participate in Module 8 without being a Core Participant, many of which have been recognised as adequate alternatives to Core Participant status in a number of other recent statutory inquiries. As I noted in my Provisional Decision, it is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicant may have relevant information to give in relation to matters being examined in the Inquiry. The Inquiry will be contacting a range of individuals, organisations and bodies to seek information and gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents.
27. I have therefore decided that CBFFJ UK should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.
28. I will keep the scope of Module 8 under review. My decision not to designate the Applicant as a Core Participant in Module 8 does not preclude it from making any further applications in respect of any later modules. I will consider any future applications the Applicant 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**

**7 August 2024**