



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE
PETER WEIR MLA AND MICHELLE MCILVEEN 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 Peter Weir MLA and Michelle McIlveen 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 Applicant 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 Ministers of Education in Northern Ireland. Lord Peter Weir served from 11 January 2020 to 14 June 2021 and Ms Michelle McIlveen MLA served from 14 June 2021 to 27 October 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 as Ministers of Education, they were responsible for all aspects of education in Northern Ireland, with the exception of third-level education which falls within the remit of the Department for the Economy, and that during the pandemic they focused on the continued delivery of education for young people together with related matters such as provision for those normally in receipt of free school meals, followed by recovery measures as the pandemic subsided. The Applicants submit that they played a significant role in a number of areas, including ministerial decision-making, the closure of schools and mitigations to minimise the impact thereof, non-pharmaceutical interventions (NPIs), 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 have determined that the criteria in Rule 5 are not met. I do not consider that the Applicants played a direct and significant role in relation to the matters to which Module 8 relates. I have had regard to the matters set out in the application, particularly at paragraph 10, but do not consider that these demonstrate that the Applicants played a direct and significant role in respect of relevant matters. I note that many of the most significant decisions were taken at the level of the Executive Committee, that some of the matters referred to at paragraph 10 of the application do

not appear to fall within or relate directly to the remit of the Department of Education, and that other matters do not appear to relate to specific decisions or actions.

13. I also do not consider that the Applicants have a significant interest in important aspects of the matters to which Module 8 relates. The Applicants are former Ministers who are applying in their personal capacity and do not represent the Department of Education. Whilst the Applicants state there may be the potential for them to be criticised, it is too early at this stage in the Inquiry for me to determine whether any criticism will be made, particularly whether it might amount explicit or significant criticism, and so Rule 5(2)(c) is not met at this stage.
14. 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.
15. While I am bound to consider the factors in Rule 5(2), it is also open to me to take into account other relevant matters. I am not obliged to designate any particular person or organisation as a Core Participant. It is relevant in this regard that the Department of Education Northern Ireland has sought and been granted Core Participant status and the Applicants have provided no information as to why they ought to be granted Core Participant status in their own right, nor explained why their interests in the Inquiry are not co-extensive with those of the Department that they formerly led. In making this decision, I have also had regard to the need to manage the Inquiry effectively and efficiently and to the requirements of proportionality. I have determined, therefore, that there is no information available to me that would justify the Applicants being made a Core Participant when the Department for Education has been designated as such.
16. 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 will be able to provide material for the Inquiry, if appropriate, in their personal capacity.

17. 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 Applicant may wish to consider applying for Core Participant status in relation to future modules which are of relevance to them.
18. 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.
19. 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 it 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