



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE
CLINICALLY VULNERABLE FAMILIES

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 Clinically Vulnerable Families ("CVF" or "the Applicant") 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 9 July 2024 (the “Provisional Decision”). The Applicant was provided with an opportunity to renew the application in writing by 4pm on 16 July 2024.
5. On 16 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. The Applicants have provided me with a 10 page renewed application, as well as 521 pages of additional documents to consider alongside their application. I refer to the

Inquiry's [Core Participant Protocol](#) which states that applications for Core Participant status should not exceed four pages.

9. I have not considered the additional 521 pages of material upon which CVF relies as part of the application. The protocol specifies a page limit for a reason. The Inquiry receives large numbers of applications for Core Participant status across its Modules. Each requires careful consideration and it takes significant time and resources to deal with each one. Other applicants for Core Participant status have demonstrated that they are well able to address the reasons why they ought to be granted Core Participant status within the four page limit. It would be unfair to other applicants who have complied with the Core Participant Protocol if I was to consider the 521 page bundle of documents. The Applicant has not provided an overview of what this material demonstrates but explains in the renewed application that it contains examples of the work that it has been involved in when championing issues experienced by clinically vulnerable children and those who live in clinically vulnerable households. I accept for the purposes of this determination that the Applicant has been involved in championing issues relevant to clinically vulnerable households. The Applicant can therefore be assured that I have proceeded on this basis without recourse to the bundle.
10. Despite the failure to comply with the Protocol, In the interests of fairness to the Applicants, I have considered with great care everything that is said in the Applicant's original application and in its renewed 10 page application. I have reassessed the merits of the application for Core Participant status.
11. The Applicant's renewed application provides helpful further submissions and information, which I have also considered with care. 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.
12. In its renewed application, the Applicant submits that it has a wealth of experience and knowledge relating to the experience of clinically vulnerable children and children living in immuno-suppressed households. It submits that by virtue of this experience

and knowledge, CVF are able to assist the Inquiry in offering a unique perspective into the lives of clinically vulnerable (including immunosuppressed) children and children who live in clinically vulnerable (including immunosuppressed) households. The Applicant submits that these issues will not be a focus of other Core Participants to this Module. The Applicant argues that it is crucial that the voices of children and young people with clinical vulnerabilities are heard in this Module by recognising CVF as a Core Participant. They insist that Core Participant status is required "*to enable full and effective participation*" and that CVF are uniquely placed to assist the Inquiry in ensuring clinically vulnerable families are not forgotten.

13. The Applicant sets out suggestions as to the assistance it might provide to this Module, including the experiences of children and young people (particularly those living in clinically vulnerable households) and submits that it is essential to ensure the credibility of future recommendations that the voices of those who would be most impacted by decisions made by the government, public health services and other specialist bodies in preparing for or responding to a future pandemic are heard in this Module.
14. The Applicant specifically addresses a number of aspects of the Provisional Determination. It disagrees that it does not represent the interests of children and states that clinically vulnerable children are part of its cohort and one of its main focus areas. The Applicant states that clinically vulnerable children suffered unique challenges during the pandemic, for example in relation to shielding, and that designation as a Core Participant is key for the Inquiry to understand the breadth of knowledge and experience CVF can bring to Module 8. The Applicant draws my attention to the assistance it has already provided to the Inquiry regarding children, which includes but is not limited to provision of witness statements, engagement with the Inquiry's Engagement team and the Children and Young People's Forum, as evidence of CVF's focus upon children and young people and the assistance that it is capable of providing as a Core Participant. CVF relies upon the inclusion of children and young people "from Clinically Vulnerable families" in the Children and Young People's Voices research project as a reason why it should be made a Core Participant in Module 8.

15. The Applicant also addresses the distinction between a Core Participant and being a witness to the Inquiry. The Applicant submits that as a Core Participant, CVF would be able to share its expertise (as well as its members' experiences) and what should be recommended to mitigate their risks in all settings to help shape a robust plan for future pandemics *"to ensure that this profoundly impacted group of children and young people is not marginalised and forgotten again."*
16. The Applicant submits that CVF meets the criteria, set out at Rule 5(2)(a) and (b), in particular that:
- a. CVF played a direct and significant role in relation to the matters to which the Inquiry relates and this is clear from the evidence that it has already provided to the Inquiry; and that
 - b. CVF has a significant interest in an important aspect of the matters to which the inquiry relates, as set out in its application for CP status dated 11 June 2024.
17. The Applicant has not provided any information as to how it could meet the criterion in Rule 5(2)(c) (that is, that it may be subject to explicit or significant criticism during the Inquiry's proceedings or in the report, or in any interim report). I cannot see any possible basis upon which it might fall within Rule 5(2)(c).

Decision for the Applicant

18. I have considered with great care everything that is said in CVF's renewed application. I have also reminded myself of what was said in the original application to enable me to assess the merits of the application for Core Participant status as a whole. Having done so, in my discretion, I consider that CVF does meet the criteria set out in Rule 5 for designation as a Core Participant in Module 8 and, therefore, I have decided to designate CVF as a Core Participant.
19. I accept that there are specific issues relating to children in clinically vulnerable families and clinically vulnerable children upon which the Applicant is well placed to offer the Inquiry assistance in this module and that it is better placed to do so than the other organisations to whom I have granted Core Participant status. The Applicant was actively involved in representing the interests of its members and in championing

issues related to the lives of clinically vulnerable (or immunosuppressed) children or children who lived with clinically vulnerable (or immunosuppressed) family members during the pandemic and played an important role.

20. I am not persuaded that this was a sufficiently significant role to justify the grant of Core Participant status standing alone, but I am also satisfied that the Applicant has a significant interest in an important aspect of the matters to which Module 8 relates. This includes the impact that the pandemic had on children's health and well being and in relation to their education.

21. Although 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 and I have made a number of children's charities and Children's Commissioners from across the UK Core Participants, I am satisfied the Applicant would bring a different and important perspective to the work of this Module.

22. Having had proper regard to my duty to manage the Inquiry effectively, to act with fairness and to avoid cost to public funds, I consider the designation of the Applicant as a Core participant is justified. For all of those reasons, having considered all of the information provided by the Applicant, in light of the Provisional Outline of Scope for Module 8, I have decided in the exercise of my discretion to grant CVF Core Participant status.

Legal Representation

23. 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.

24. I am satisfied that CVF has appointed Kim Harrison of Slater & Gordon as its qualified lawyer in relation to this Module. I, therefore, designate Kim Harrison as the Applicant's recognised legal representative in accordance with Rule 6(1).

25. 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

7 August 2024