



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 8 - CHILDREN AND YOUNG PEOPLE**  
**SCOTTISH COVID BEREAVED (SCB)**

**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 6 June 2024, the Inquiry received an application from Scottish Covid Bereaved (SCB) (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 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. The Applicant subsequently submitted a renewed application for Core Participant status in Module 8. This notice sets out my final 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. SCB's original application stated that the application was based on both Rule 5(2)(a) and (b) of the Inquiry Rules 2006. They stated that SCB played a direct and significant role, and have a significant interest in, the issues to be examined by the Inquiry in Module 8.
9. I summarise the basis for the original application: some members of SCB are families with children or young people, and the Applicant can therefore provide the

perspective of parents and carers on the impact of the pandemic on the education of, and the early years provision for, children and young people. Further, the SCB can provide evidence on the impact of the pandemic on children and young people's physical and mental health, wellbeing, development, family lives and on their access to healthcare or social services. It can also comment upon the impact of the pandemic on children and young people in relation to their access to and use of the internet, social media and online resources. The SCB's membership includes teachers who undertook virtual teaching, parents working full time who had to become teachers to their children, parents of children with additional support needs who lost their support systems and parents of children who lost academic and vocational opportunities as a result of the UK and Scottish Government's decision making during the pandemic.

10. The application also states that SCB can provide evidence of children who suffered greatly when loved ones died from Covid-19.
11. SCB's renewed application provides further submissions and information, which I have 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 reiterates that, pursuant to Rule 5(2)(a) and (b) of the Inquiry Rules 2006, it played a direct and significant role in relation to the matters to which the Inquiry relates and that it has a significant interest in an important aspect of the matters to which the Inquiry relates.
13. In relation to Rule 5(2)(a), the Applicant submits that it played a direct and significant role in the issues to be examined in Module 8 by virtue of its membership consisting of bereaved families. The Applicant submits that *"Children are at the heart of many of the bereaved families. While the members of the group may be the remaining adult in a family unit, they have direct experience of their family's experiences and can provide a voice for their children."*
14. In relation to Rule 5(2)(b), the Applicant submits that it has a significant interest in the matters being examined by the Inquiry in Module 8, particularly in relation to the

extent to which children and young people were considered as part of any preparedness and planning for a pandemic. This includes a significant interest as to what, if any, specific plans were put in place to support children and young people who may be bereaved by the pandemic and the extent to which children and young people who had suffered, or were likely to suffer, a bereavement were considered by the UK and Scottish Governments in the application of NPIs and the impact of those decisions.

15. In support of its claim to have a significant interest in this module, the Applicant also draws my attention to academic literature regarding the impact of bereavement on children, for which I am grateful. In particular, the Applicant notes that parental bereavement is an adverse childhood experience and that the UK Trauma Council has identified that a sudden death can increase the likelihood of traumatic bereavement. The Applicant also draws my attention to studies relating to the incidence of mental health diagnoses amongst bereaved children and young people, including depression and anxiety.
16. However, it is not clear to me that all of the academic literature relates to children or to the pandemic. For example, the paper by Danese and colleagues (2020) referred to at paragraph 4 of the renewed application was first published in 2019 and does not appear to relate specifically to the UK Covid-19 pandemic. However, I have nonetheless 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.
17. The Applicant's renewed application submits that whilst members of their group may be able to provide evidence to the Inquiry without being designated as a Core Participant, Core Participant status would allow the group to be actively involved in the Inquiry. SCB summarises that it could contribute "*effective and efficient assistance to the Inquiry by legally-supported bereaved*" in Module 8. The Applicant further reiterates that Core Participant status would allow the Inquiry to comply with domestic law and protect the Article 2 rights of the bereaved, as well as to address public concern, ensure fairness and that the Inquiry process has legitimacy and public confidence.

## **Decision for the Applicant**

18. 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.
19. 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.
20. As I set out in my provisional determination, whilst I appreciate that the Applicant brings a representative voice from bereaved families in Scotland, 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.
21. The focus of the Applicant group is on bereaved families, rather than on the specific impact of the pandemic on children and young people. SCB, 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 experience of those in care homes). To this end, I made the SCB a Core Participant in both Module 2 and Module 2A. They are also Core Participants in Modules 1, 3, 4, 5, 6 and 7. This has enabled SCB 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.

22. SCB's original application and the renewed application are in large part based upon the fact that some of the families who are members of SCB include children and young people, who were impacted by the pandemic and by decisions taken in response to the pandemic, such as the closure of schools. The SCB is not a children's organisation. The fact that some members of this group have children in their families does not warrant SCB being made a Core Participant. I do not consider that the application has shown that the Applicant played a direct and significant role in relation to the matters to which Module 8 relates.
23. I wish to reiterate however, that the impact of Covid-19 on bereaved children and on children's mental health are issues of significant importance to the Inquiry. 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 impact of the pandemic on children's mental health and wellbeing already forms part of the scope of Module 8.
24. Whilst I accept that as parents or carers of children and young people, some members of SCB may well have an interest in the decision-making and policy matters which will be examined in Module 8, this is not the focus of SCB as a group. 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 to grant it Core Participant status in this Module.

25. Even if I were wrong about whether SCB has a sufficiently significant interest in this module, 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 the need to manage the Inquiry effectively, my duty to act with fairness and to avoid cost to public funds which is not justified.
26. 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, including bereaved children, their families and carers represented by the Applicant will be well served by the approach that I intend to take to Module 8.
27. 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.
28. Having considered all the information provided by the Applicant, 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 sought 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. Even if I was wrong about that, I would still exercise my discretion to refuse the application. I have therefore decided that Scottish Covid Bereaved should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.

29. 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**