



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE
FAMILY RIGHTS GROUP

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 20 June 2024, the Inquiry received an application from Family Rights Group (the Applicant) for Core Participant status in Module 8. The Applicant had previously sought, and was granted, an extension of time for submitting an application for Core Participant status to 20 June 2024.

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 the original application, the Family Rights Group stated that it is an independent charity operating in England, Wales and Scotland whose work is focussed on supporting children engaged with the child protection system to live safely in strengthened family and community networks. Family Rights Group provides advice and advocacy services for parents and kinship carers in England and works directly with local and national government, families and professionals to strengthen policies and resources that facilitate lifelong relationships between children in care and their families and the inclusion of children and families in the making of such decisions.
10. The original application stated that it was made pursuant to Rule 5(2)(a), (b) and (c) of the Inquiry Rules 2006. Family Rights Group emphasised that during the pandemic it monitored the impact of pandemic-related measures on kinship care and the child welfare system. The application also refers to it (for example), having contributed to two important academic reports; that it drafted the Kinship Care Alliance submission from the perspective of children raised in kinship care for the Education Select Committee's inquiry into the impact of Covid-19 on education and children's services; and that it made representations to the Education Select Committee in 2020 and the Joint Committee on Human Rights in 2020. Family Rights Group also explained that it intervened to influence the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and published its concerns about the Adoption and Children (Coronavirus) (Amendment) Regulations 2020.
11. Family Rights Group stated that it wished to represent the interests of individuals who may lack the confidence to participate directly in the Inquiry's Every Story Matters programme and may be inherently distrustful of this sort of mechanism. It wishes to ensure that the voices of the families and children it works with are heard in Module 8. It has also suggested that given its involvement in the response to the pandemic there was a possibility that it may be subject to criticism in the Inquiry and its report.
12. In its renewed application, Family Rights Group invites me to reconsider my provisional determination that the criteria set out in Rule 5(2)(a) and (b) of the Inquiry Rules 2006 has not been met. In relation to Rule 5(2)(a), Family Rights Group states

that its role in respect of lockdown measures extended beyond monitoring, challenging and advocating and included direct legal intervention which resulted in a substantive amendment to Covid-related regulations. Family Rights Group submits that by virtue of this legal challenge, which it was the only organisation to pursue, it had a significant role within the meaning of Rule 5(2)(a) which is not capable of being represented by any other current Core Participant.

13. In respect of Rule 5(2)(b), Family Rights Group also addresses my provisional determination that, although Family Rights Group does have a significant interest in the impact of the pandemic on the family lives of children and young people at risk or in the care of local authorities or who, specifically, were receiving kinship care, I would nonetheless exercise my discretion to decline the application. Family Rights Group states that if it is not granted Core Participant status, the Inquiry will not be able properly to consider the impact on infants born during the pandemic who entered the care system, children of families who experienced remote child welfare processes during the pandemic, children raised or who may be raised in kinship care, children involved in the child welfare system and those in or on the edge of care in respect of whom a family group conference or should have been offered and convened. The renewed application sets out Family Rights Group's expertise and experience in respect of these groups of children and submits that it is better placed to assist in these areas than any of the organisations designated as Core Participants.

14. Finally, Family Rights Group states that it is necessary for it to be granted Core Participant status rather than submitting evidence so that it can identify where other evidence is deficient or misleading, highlight risks or possibilities in respect of future planning recommendations, provide a critical view of Government strategy and the impact of regulations, make contributions directly informed by the families of children involved with child welfare processes, suggest lines of questioning and make submissions.

Decision for the Applicant

15. 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.

16. I have considered carefully the information provided by Family Rights Group in both its original application and its renewed application as to the role it played during the pandemic, including sending pre-action correspondence which resulted in a change to secondary legislation, monitoring variations in children's social care practice, contributing to academic reports, responding to guidance, publicising its concerns on various issues, contributing to the Parliamentary Select Committee inquiries, conducting research and providing advice and guidance to various individuals and organisations. I do not consider that this work amounts to Family Rights Group having played a direct and significant role in relation to the matters to which the Inquiry relates.
17. Family Rights Group's area of particular focus is on supporting families of children involved in the child welfare and family justice system. Much of its work consists of undertaking research into, commenting upon (whether by way of submissions to inquiries, contributions to academic reports, or otherwise), or providing guidance in respect of developments. Whilst this was no doubt important, it does not demonstrate that the Applicant played a direct and significant role in the events and decisions under consideration in Module 8. I have, in particular, carefully considered Family Rights Group's actions in sending pre-action correspondence which resulted in changes to secondary legislation but, again without doubting the value of this work, it does not amount to a significant role in relevant matters. I therefore conclude that Rule 5(2)(a) is not satisfied.
18. In relation to Rule 5(2)(b), I stated in my provisional decision that I accepted that Family Rights Group had a significant interest in the impact of the pandemic on the family lives of children and young people at risk or in the care of local authorities or who, specifically, were receiving kinship care, but my provisional view was nonetheless to exercise my discretion to decline the application.
19. I have considered with care the submissions of Family Rights Group as to why I should exercise my discretion in its favour. The Applicant states (in respect of Rule 5(2)(b))

that if I do not make it a Core Participant, the Inquiry will not be able to consider rigorously and effectively the impact on:

- a. Infants born during the pandemic who entered the care system – the ‘born into care’ group;
- b. Children of families who experienced remote child welfare processes during the pandemic;
- c. Children raised, or who may be raised, in kinship care; or
- d. Children involved in the child welfare system and those in or on the edge of care in respect of whom a family group conference was, or should have been, offered and convened.

20. I do not doubt the importance of the work that Family Rights Group does or its significance to children and young people. However, that does not mean that Family Rights Group are best placed to assist the Inquiry or that their involvement as a Core Participant is necessary to ensure the Inquiry can properly carry out its task in Module 8. I am not required to make every organisation which represents groups of vulnerable children Core Participants. Module 8 does not require that I consider the impact of the pandemic on every group of vulnerable children in society. I have granted a large number of leading children’s charities core participant status in Module 8 because of their combined ability to represent the interests of different children across society. A number of these charities work with children, are involved in frontline work with families or carry out research. They will bring insight, experience and expertise to the work of Module 8. I am satisfied that the participation of this large number of organisations will equip the Inquiry properly to consider the matters set out in the Provisional Outline of Scope including the interests of those the Applicant represents.

21. For completeness, I do not consider that there is any prospect that Family Rights Group will be criticised in the Inquiry. The provisions of rule 5(2)(c) are therefore also not met.

22. Even if I were wrong about whether Family Rights Group played, or may have played, a direct and significant role, or whether it has a 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. Again, I am not obliged to designate any particular person or organisation as a Core Participant. I must have regard to the need to manage the Inquiry effectively, my duty to act with fairness and the need to avoid any unnecessary cost to public funds. I am satisfied that those currently designated as Core Participants in Module 8 will be able to represent the interests of a broad range of children and young people in relation to the matters to be examined in Module 8.

23. 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 be said to have an interest in this Module 8. The same may be said of very many organisations which work with children or with their families.

24. 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.

25. It is because of this need to consider the experiences of a broad range of children and groups of children that I have designated the Children's Commissioners and also a number of large and leading children's charities as Core Participants. 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.

26. 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 and the Inquiry will be contacting a range of individuals, organisations and bodies to seek information, to gain their perspective on the issues raised in the modules and, where appropriate, to ask for witness statements and documents. Whilst I note the Applicant's submissions that it should be a Core Participant rather than a witness, I do not accept this.

27. I have also commissioned a research project in order to understand the perspective of children and this includes the experiences of vulnerable children and those who stood to suffer particular disadvantage because of the decisions made in response to the pandemic.
28. 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 will be well served by the approach that I intend to take to Module 8.
29. 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 therefore decided that Family Rights Group should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.
30. 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