



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE
LONG COVID KIDS AND LONG COVID KIDS SCOTLAND

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 in relation to 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 a joint application from Long Covid Kids and Long Covid Kids Scotland ("the Applicants") for Core Participant status in Module 8. I made a provisional decision not to designate the Applicants as Core Participants in Module 8, thereby declining the application (the Provisional Decision), on 9 July 2024. The Applicants were provided with an opportunity to renew the application in writing by 4pm on 16 July 2024.

4. On 16 July 2024 the Applicants submitted a renewed application for Core Participant status in Module 8. This notice sets out my final determination of the Applicants' application for Core Participant status in Module 8.

Application

5. 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.*

6. 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

7. The Applicants have furnished me with an 11 page renewed application as well as 100 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 4 pages. Despite this, in the interests of fairness to the Applicants, I have considered the original application and the renewed application in their entirety, as well as the open letter addressed to me from the Applicants dated 14 July 2024. 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.
8. I have not considered the additional material upon which the Applicants rely 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 additional bundle of documents. In any event, I note that the remaining documents in the Applicants' bundle are documents already provided by the Applicants to the Inquiry, including the Applicants' opening and closing statements given to me during the Module 2 hearings and copies of correspondence exchanged with the Inquiry Legal Team.
9. In its renewed application, the Applicants give a detailed summary of the legal framework surrounding the establishment of public inquiries and the designation of Core Participants pursuant to the Inquiries Act 2005 and the Inquiry Rules 2006. The Applicants particularly draw my attention to the requirement that I act with fairness and with regard to the need to avoid any unnecessary cost when making decisions as to the procedure and conduct of this Inquiry. I remind myself of those requirements when reviewing the Applicants' material.

10. The Applicants reiterate their interest in Module 8, which I accepted in my Provisional Determination as having satisfied Rule 5(2)(b) of the Inquiry Rules 2006.
11. In relation to Rule 5(2)(a), the Applicants list a number of organisations to which I have already granted Core Participant status in this module, and say that none of the organisations granted to date *"represent the interests of children and young people directly affected by Covid-19 (as opposed to children who were only affected by measures taken in response to Covid-19)." The Applicants submit that this approach has placed Core Participants who have played a 'direct or significant role' in the matters to which the Inquiry relates in "a more advantageous position than those who have been burdened with the consequences of their actions, as is the case for the Applicants". The Applicants further submit that this approach fails to ensure that organisations who represent those children and young people directly harmed by the pandemic are represented in the Inquiry, which may create a perceived or actual imbalance of perspectives before this Inquiry. In particular, the Applicants submit that because I have not yet granted Core Participant status to any organisation who can effectively represent children and young people with Long Covid in this module, this gives rise to their concern that the Inquiry will not consider or investigate these conditions in sufficient depth.*
12. The Applicants further submit that as Core Participants in Module 2, they were unable to assist the Inquiry on matters affecting children and young people given the scope of that module, and that many of the lines of questioning proposed by the Applicants were not asked in Module 2 on the understanding they would be pursued in Module 8. The Applicants submit that it is difficult to understand my reasoning for designating their group as Core Participants in Module 2, and not Module 8. The Applicants also submit that not designating their group as Core Participants in Module 8 would be out of step with the Scottish Covid Inquiry, who have designated Long Covid Kids Scotland as a Core Participant in the aspects of its investigation touching on the impact of the pandemic on children and young people.
13. The Applicants submit that a refusal to designate their group as a Core Participant is *"a bar to the Applicants' effective participation in the Inquiry". The Applicants submit that they have significant expertise and understanding of Long Covid which will assist the Inquiry, and that without Core Participant status they will not be able to participate*

meaningfully in the investigation of matters which have a direct bearing upon those affected by Long Covid. The Applicants submit they have consistently engaged with and assisted this Inquiry since 2022 to represent the interests of children and young people with Long Covid, and are able to represent children's voices in a meaningful way as children themselves are excluded from giving oral evidence to this Inquiry.

14. As part of its renewed application, the Applicants also provided me with a bundle of documents to consider alongside their application. This is the bundle I have referred to above. In particular, the Applicants have written an open letter to me which I understand has also been published on the Applicants' website and is therefore publicly available. This letter has been signed by over 50 organisations and individuals supporting the Applicants' renewed application for Core Participant status. The letter contains testimonials from a number of parents of children with Long Covid, expressing their sadness and disappointment at my provisional determination, and from children themselves about their experiences during the pandemic and subsequently with Long Covid.

Decision for the Applicant

15. I have considered with great care everything that is said in the Applicant'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 the Applicants do meet the criteria set out in Rule 5 for designation as a Core Participant in Module 8 and, therefore, I have decided to designate the Applicants as a Core Participant in Module 8.
16. I have decided to designate the Applicants because, as set out in the renewed application, they sought to raise issues in Module 2 (in which they were Core Participants) about decision making that impacted children but were unable to do so (or at least not as fully as they wished). I accept that Module 2 was not able to consider decision making in relation to children in the depth that Module 8 will be able to. Additionally, I accept that the Applicants will be able to contribute to Module 8 in respect of specific issues related to Long Covid. Long Covid is relevant to decision making that impacted children. It is also one of the direct and serious impacts that the

pandemic had on the physical health of children. I accept that the Applicants will bring a very specific insight that will assist Module 8 in its investigation.

17. Taking everything that is said on behalf of the Applicants, including the further details provided in the renewed application, I am of the view that they did play, or may have played, a direct and significant role in and/or has a significant interest in an important aspect of the matters to which Module 8 relates.
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 have decided in the exercise of my discretion to grant them Core Participant status.

Legal Representation

19. 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.*

20. 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