



NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 8 - CHILDREN AND YOUNG PEOPLE
NHS ENGLAND

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, including in 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 NHS England (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 (the "Provisional Decision"), on 8 July 2024. NHS England was 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. The application by NHS England (the Applicant) is made pursuant to Rule 5(2)(a) and (b) of the Inquiry Rules 2006.
9. NHS England submits that it has a direct and significant role and a significant interest in a number of matters to which Module 8 relates. Specifically, the Applicant highlights its role in delivering a national strategy for providing healthcare to children and young people during the pandemic, and its role in directly commissioning certain specialised

mental and physical healthcare services for children and young people such as healthcare services for children and young people in prison and other secure accommodation. The Applicant also outlines its role during the pandemic such as providing advice and guidance to parents, carers and families of disabled children and young people around accessing health services during the pandemic, working to address the return of children and young people's elective and community services, and keeping the list of clinically extremely vulnerable children updated.

10. The Applicant identifies children's mental health as a particularly affected area during the pandemic, and summarises its work in this area. This included providing guidance and communications to providers of mental health learning, and working with government departments to support schools and early intervention providers.
11. The Applicant submits it has a significant interest in the Inquiry's conclusions and the lessons to be learned in Module 8, by virtue of both its lead role within the NHS and its statutory duty to exercise its functions with a view to securing continuous improvement in the quality of services under section 13E of the NHS Act 2006.
12. The Applicant further submits that the rights that would be conferred upon it, should it be granted CP status, to suggest questions or lines of inquiry to CTI, and make Opening and Closing Statements, are important to ensure that the Inquiry is properly informed of matters relating to the perspectives of health services in England.

Decision for the Applicant

13. I have considered with great care everything that is said in NHS England's application. Having done so, in my discretion, I consider that the Applicant does 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 NHS England as a Core Participant in Module 8.
14. In relation to the submission that NHS England satisfy Rule 5(2)(a), I do not consider that the Applicant's role as the body with oversight of healthcare services, and its role in directly commissioning some specialist services for children and young people, such as those in custody, amounts to playing a direct and significant role in Module 8

matters. The focus of this Module is primarily upon the impact of the pandemic on children and young people in a number of respects, including the impact on their physical and mental health, rather than the impact of the pandemic on the healthcare system.

15. Turning to the Applicant's submission that it satisfies Rule 5(2)(b), I do not consider that the Applicant has a significant interest in an important aspect of the matters to be examined in Module 8. The only issue within Module 8's Provisional Outline of Scope in which the Applicant could be said to have a significant interest is access to healthcare services, which is but one aspect of issue 4, within a wide-ranging scope numbering eight different topic areas.
16. Even if that were not the case, in the exercise of discretion, I would not include the Applicant as a Core Participant in Module 8. Whilst I appreciate that NHS England played various roles in relation to healthcare services for children and young people, I consider that other applicants are better placed to assist the Inquiry in this Module. I am granting Core Participant status in this Module to the Department of Health and Social Care, which I consider will have had a more significant institutional involvement in relation to the matters within the Provisional Outline of Scope for Module 8.
17. It is not necessary for the Applicant to be granted Core Participant status in order to share information with the Inquiry. Further, 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 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.
18. 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 it and not everyone can be granted Core Participant status for the purposes of the Inquiry hearings.

19. 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 consider that NHS England did not play a direct and significant role in relation to the matters sought to be investigated in Module 8, nor does NHS England have a significant interest in an important aspect of the matters to which Module 8 relates. I have therefore decided that NHS England should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.

20. 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 NHS England 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