



**NOTICE OF DETERMINATION**  
**CORE PARTICIPANT APPLICATION**  
**MODULE 8 - CHILDREN AND YOUNG PEOPLE**  
**NORTHERN IRELAND COVID BEREAVED FAMILIES FOR JUSTICE (NI CBFFJ)**

**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 Northern Ireland Covid Bereaved Families for Justice ("NI CBFFJ" or the "Applicant") for Core Participant status in Module 8.
4. I made a provisional decision not to designate NI CBFFJ as a Core Participant in Module 8, thereby declining their application on 8 July 2024 (the "Provisional

Decision”). NI CBFFJ 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. 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. The application is made on the basis of Rules 5(2) (a) and (b) of the Inquiry Rules 2006, that NICBFFJ have played a direct and significant role and have a significant interest in respect of important matters to which Module 8 of the Inquiry relates. The application relies on Rules 5(2)(a) on the basis that as the Applicant group includes individuals who are young people themselves, or who are parents or carers of young people, "*the applicants had direct and significant experience of many of the matters the Inquiry will investigate in this module*". The Applicant sets out a number of individual case studies from its members, including a first hand experience of losing a child just hours after birth during the pandemic, young people impacted by the refusal of a university place and the experiences of members who worked as social workers and teachers who observed the impact of the pandemic on the children and young people with whom they worked. The application highlights that many of their group have experiences of their children and grandchildren suffering severe mental health issues as a result of the pandemic, in addition to coping with bereavement. The applicant identifies the inability to seek comfort and mourn with others because of the lack of funeral rites and the challenges associated with dealing with the shock and trauma of losing a loved one.
10. In relation to Rule 5(2)(b), the Applicant submits it has a significant interest in important aspects of the Provisional Outline of Scope for Module 8.
11. The application states that NI CBFFJ have a particular interest in, and can assist the Inquiry with, the extent to which the Northern Ireland Assembly planned for and considered the impact of a pandemic on children and young people. The Applicant also states that it is important from the perspective of the community in Northern Ireland that Module 8 includes a proportionate representation of non-state actors in Northern Ireland.

### **Decision for the Applicant**

12. I have considered with great care everything that is said in NI CBFFJ's application. Having done so, in my discretion, I consider that NI CBFFJ 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 NI CBFFJ as a Core Participant in Module 8.

13. I wish to extend 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.
14. Whilst I appreciate that NI CBFFJ brings a representative voice from bereaved families in Northern Ireland, 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.
15. The focus of the Applicant group is on bereaved families rather than the impact of the pandemic on children and young people. NI CBFFJ, in keeping with the other bereaved groups, has an interest in understanding those decisions which may have impacted upon the number of people who died during the pandemic or who may have been put at risk from Covid-19. NI CBFFJ is also concerned about the circumstances in which some people lived prior to their becoming ill with Covid-19 (for example about the experiences of those in care homes). To this end, I made NI CBFFJ a Core Participant in both Module 2 and Module 2C. They are also Core Participants in Modules 1, 3, 4, 5, 6 and 7. This has enabled NI CBFFJ 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.
16. The application appears to be largely based upon the fact that some of the families that constitute the membership of NI CBFFJ 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. Most of the impact on children and young people noted in the application could be said to have been common to all children during the pandemic, and were not related specifically to bereavement. I do not consider that the application has shown that NI CBFFJ played a direct and significant role in relation to the matters to which Module 8 relates.
17. 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.

18. Whilst I accept that as parents or carers of children and young people, some members of NI CBFFJ 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 it 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 as to grant it Core Participant status in this Module.
19. Even if I were wrong about whether SCB has a sufficiently 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. 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 my duty to act with fairness and with regard to the need to avoid cost to public funds which is not justified.
20. 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.

21. 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.
22. Having considered all of the information provided by NI CBFFJ in light of the Provisional Outline of Scope for Module 8, I consider that NI CBFFJ did not play a direct and significant role in relation to the matters sought to be investigated in Module 8, nor does NI CBFFJ have a sufficiently significant interest in an important aspect of the matters to which Module 8 relates. I have therefore decided that NI CBFFJ should not be designated as a Core Participant in Module 8 and I confirm that this is my final decision.
23. 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 NI CBFFJ 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**