



**NOTICE OF DETERMINATION
CORE PARTICIPANT APPLICATION
MODULE 9 - ECONOMIC RESPONSE
BARONESS ARLENE FOSTER AND PAUL GIVAN MLA**

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 9 July 2024, the Inquiry opened Module 9 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 6 August 2024.
2. The Inquiry has published the [Provisional Outline of Scope](#) for Module 9, which states that this module will examine how economic support was delivered by the UK Government, the Devolved Administrations and Local Government by examining a broad range of economic interventions in response to the Covid-19 pandemic. This includes economic support for business, jobs, the self-employed, vulnerable people and those on benefits. It will also consider additional funding given to relevant public services and the voluntary and community sectors.
3. On 5 August 2024, the Inquiry received an application from Baroness Arlene Foster and Paul Givan MLA (“the Applicants”) for Core Participant status in Module 9. This Notice sets out my determination of the application.
4. I made a provisional decision not to designate the Applicants as a Core Participant in Module 9 on 13 September 2024 (the “Provisional Decision”). The Applicants were provided with an opportunity to renew the application in writing by 20 September 2024 at 4pm.

5. The Applicants 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 9.

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 Applicants for designation as a Core Participant in Module 9 of the Inquiry are Baroness Foster of Aghadrumsee DBE and Paul Givan MLA. The application does not

explicitly reference Rule 5 of the Inquiry rules but paragraph 10 of the application refers to the applicants having "*played a direct and significant role*", having "*a significant interest in these matters*" and being "*subject to explicit and significant criticism*", so the application is understood to be made on grounds of Rules 5(2)(a), (b) and (c) of the Inquiry Rules 2006.

10. The Applicants were the First Ministers of Northern Ireland from 11 January 2020 to 14 June 2021 (Baroness Foster DBE) and 17 June 2021 to 4 February 2022 (Paul Givan MLA), i.e. within the temporal scope of the Inquiry.
11. The Applicants submit that the role they played as First Minister was to lead (jointly with the deputy First Ministers of Northern Ireland) the Northern Irish Executive. The Applicants submit that, in this role, they played a substantial and significant role in executive decision-making in Northern Ireland and in leading the response to the Covid-19 pandemic in Northern Ireland. This involved liaison with the UK Government at Westminster, other Devolved Administrations and the Republic of Ireland. The Applicants submit that their role is significant because of the unique constitutional arrangements in Northern Ireland which result in the First Minister and deputy First Minister being chairs of the Executive Committee, which exercises the executive authority on behalf of the Northern Ireland Assembly. The Executive Committee takes decisions on significant and controversial issues and issues which are within the remit of two or more ministers (decisions otherwise fall to the relevant minister).
12. The specific areas in which the Applicants submit they played a role and/or may be subject to scrutiny are: executive consideration of the extent to which the pandemic might impact businesses and the economy; consideration of the impact of NPIs on business and the economy; consideration of the pandemic on jobs and the self-employed and the implementation of UK-wide support in Northern Ireland; the identification of lacunae in support in Northern Ireland and the implementation of Northern Ireland specific support; consideration of the impact of the pandemic on public services; consideration of decisions of the Republic of Ireland and advice to the executive; consideration of measures to minimise the impact of school closures; the impact on businesses, employees and consumers as a result of changes to the support measures; the impact on the voluntary and community sector and measures

taken; consideration of vulnerable people, including the economically vulnerable; the trade off between schools and the economy; the extent to which the UK Government involved the devolved administrations.

Decision for the Applicants

13. I have considered with great care everything that is said in the application. Having done so, I have decided, in my discretion, not to designate Baroness Arlene Foster and Paul Givan MLA as Core Participants in this Module.
14. I note the application states that many decisions concerning supporting the economy in Northern Ireland were devolved matters for the Northern Ireland Government, taken within the context of UK-wide interventions, and that the Applicants played a substantial and significant role in Executive decision-making in Northern Ireland. However, high-level decision-making was examined in Module 2C, in which both Applicants were granted Core Participant status.
15. Whilst I appreciate Baroness Foster served as First Minister of Northern Ireland from 11 January 2020 to 14 June 2021 and Mr Givan served as First Minister of Northern Ireland from 17 June 2021 to 4 February 2022, as Former First Ministers the Applicants do not represent the Executive Committee nor any relevant Department. There are other individuals and organisations, such as the Department for the Economy itself, which will have had a more significant institutional involvement in relation to the matters to which the Outline of Scope for Module 9 relates.
16. Although the Applicants were involved in decision making in Northern Ireland and may, therefore, have an interest in Module 9, I do not consider, having regard in particular to the need to manage the Inquiry effectively and efficiently, that the Applicants' interest in Module 9 is sufficiently significant as to grant them Core Participant status. Even if this were not the case, again having regard in particular to the need to manage the Inquiry efficiently and effectively, in my discretion I provisionally decline to designate the Applicants as a Core Participants in Module 9. While 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. 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 must assess very carefully whether, in reality, Applicants can assist the Inquiry. It is not necessary for an individual or organisation to be a Core Participant in order to provide evidence to the Inquiry. The Applicants may have relevant information to give in relation to the matters being examined in the Inquiry and the Inquiry will be contacting a wide 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.

17. Whilst the Applicants state there may be the potential for them to be criticised, it is too early at this stage in the Inquiry for me to determine whether any criticism will be made, particularly whether it might amount to explicit or significant criticism.
18. 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 9, I consider that the Applicant should not be designated as a Core Participant in Module 9 and I confirm that this is my final decision.
19. I will keep the scope of Module 9 and the designation of Core Participants under review. My decision not to designate Baroness Arlene Foster and Paul Givan MLA as Core Participants in Module 9 does not preclude them from making a further application in any later module. I will consider any future applications Baroness Arlene Foster and Paul Givan MLA may wish to make on their merits at the time they are made.

Rt Hon Baroness Heather Hallett
Chair of the UK Covid-19 Inquiry
30 September 2024