



RULING FOLLOWING THE SECOND MODULE 8 PRELIMINARY HEARING ON 11 JUNE 2025

Background

1. On 11 June 2025 I held the second Preliminary Hearing in Module 8.
2. Prior to the hearing a Note from Counsel to the Inquiry was circulated to all Core Participants. Nine of the twenty-five designated Core Participants filed written submissions. At the hearing, I heard oral submissions from Ms Clair Dobbin KC, Counsel to the Inquiry and from eight of the Core Participants. The written submissions from Core Participants and a transcript of the hearing are available on the Inquiry website.
3. Module 8 is a broad module which encompasses impact on children generally and those children who were already subject to disadvantage across the United Kingdom. It will consider aspects of decision making which touched the lives of children and also consider how some decisions were implemented. Now the investigation is well progressed, it is necessary to pare down those issues to those on which we will focus in the forthcoming hearing.
4. As I have made clear on a number of occasions, I take into account all of the material put into evidence during our Module hearings, both written and oral. I have of course also now heard evidence in ten separate module hearings. This means that I come to later Modules having already heard a considerable volume of evidence relevant to the overall context within which decisions were made during the pandemic.

5. In this ruling I record my decision on those issues that I consider require determination or clarification. Not every point raised by Core Participants requires determination. The fact that I have not mentioned a particular issue raised in this ruling does not mean that I have not considered it or taken it into account in reaching the conclusions set out in this ruling.

Children in contact with the immigration system

6. I am grateful for the helpful submissions which were made in writing and amplified at the hearing about the Inquiry's approach to asylum seeking and migrant children. These submissions (developed in particular by Coram) were broadly that the Provisional List of Issues ought to be amended expressly to incorporate specific issues about children seeking asylum (including those who arrive unaccompanied) and other migrant children.
7. Coram submitted that the issues asylum seeking and migrant children face are distinct from other children and that the hardships they endured during the Pandemic set these children apart. These are children who will likely have a history of significant trauma and will lack established friends or family in the United Kingdom.
8. Further, a number of children became legal adults while waiting for a decision during the pandemic and therefore lost certain legal protections. Unaccompanied asylum seeking children were disproportionately likely to be placed in independent and semi-independent and unregulated accommodation when compared to other children in care, which compounded their isolation. No other group of children were accommodated in hotels. Coram pointed to lone children from the age of twelve-years being placed in hotels during the pandemic and 440 being recorded as going missing while living in a hotel. It also said that children within asylum-seeking families lived in contingency accommodation, with the additional hardships which this entails. Accordingly, Coram argues that the Inquiry should give greater scrutiny to the decisions which were made which particularly impacted them
9. The Provisional List of Issues is intended to provide an indication to Core Participants about the topics which will likely be a focus in the hearing. It is intended to be flexible and not exhaustive; it does not set out all of the matters that witnesses have been asked

to address in their written evidence or those matters of detail about which witnesses might be asked when they give oral evidence. The Inquiry may also only consider issues which are specifically related to the pandemic. In respect of asylum seeking and migrant children, it cannot inquire into hardships caused by the immigration system more generally. What Module 8 can consider is how the pandemic compounded the disadvantages to which many different groups of children were subject across the UK.

10. Through the evidence provided to the Inquiry by Coram, I am satisfied that Module 8 will be able to consider whether the pandemic meant that asylum seeking and migrant children were subject to even more hardship than they routinely face. Moreover, as Ms Dobbin KC indicated, as part of Module 8's work, recipients of Rule 9 requests have been asked to consider, and evidence has been gathered about, the specific difficulties faced by migrant children during the pandemic.
11. I am therefore satisfied that the Inquiry is already obtaining evidence that provides insight into the impact the pandemic had on asylum seeking and migrant children. I am content to amend the Provisional List of Issues (under the heading "The impact of the pandemic on children and young people in contact with the immigration *system*") *to state "in particular to asylum seeking and migrant children."* This makes clear that Module 8 will consider evidence about impacts on these children. The focus will be on the impact that asylum seeking and migrant children experienced, rather than decision making relating to them.

Measures to improve schools' resilience to pandemics in the future

12. A number of Core Participants submitted that Module 8 should focus on how schools could be made 'safer' in order to ensure that greater numbers of children can attend school during the next pandemic. Counsel for Clinically Vulnerable Families submitted that the Inquiry should not reach the simplistic conclusion that school closures are bad and therefore should not be repeated. By this I understood him to mean, in part, that consideration needed to be given to making schools "safer". Counsel for the TUC submitted that the Inquiry was at risk, if it focused too narrowly on the impacts of school closures, on preparing for the *last* pandemic rather than the *next*.

13. I accept Ms Dobbin KC's submission that Module 8 should not shift its focus to a technical examination of what could be done to keep schools open in a future pandemic. The school estate is vast and varied. Having heard the expert evidence in Module 3, I am aware that the implementation of infection prevention and control measures such as ventilation is heavily dependent on the nature of the buildings and the estate. Moreover, the effectiveness of specific infection prevention control measures depends to a considerable degree on the mode of transmission of a pathogen, which cannot yet be known in relation to a future pandemic.
14. For the reasons set out above, I am satisfied that the Inquiry should maintain a focus on the consequences of school closures and how closures could be better mitigated in the future. I am however persuaded that Module 8 should consider what work is being done to make schools more resilient to any future pandemic. This does not require any substantive amendment to the Provisional List of Issues. Core Participants will note that there is now a final "Planning for the Future" issue (Issue 9). Issue 9(A) (previously 3(D)(i)) already provides "*Planning for the future (i) What could be done differently in any future pandemic or civil emergency to reduce disruptions to children's education and, or to mitigate the effects of disruptions.*"
15. A written statement is being obtained by Professor McManus in relation to ventilation in schools. The Department for Education has also been asked further questions about its pilot of CO2 monitors during the pandemic, about the use of air purification devices and any work to prepare schools for future pandemics. The Module 8 team has asked further questions of UKHSA and Professor Sir Chris Whitty about steps which could be taken now to help schools withstand future pandemics. It will continue to review the evidence on this issue as it develops.

Miscellaneous Issues

16. Several Core Participants submitted that further topics be added to the Provisional List of Issues. I am satisfied that these are either points of detail or issues which fall under broader headings within the detailed list. Inequalities run throughout Module 8's work and do not need to be identified as a separate issue. I am also satisfied that Free School Meals do not need to be considered as a specific issue.

17. Core Participants have also suggested some further individuals from whom statements could be gathered namely, the Chief Social Worker, the Child Safeguarding Practice Review Panel and the Care Quality Commission. I am satisfied that other witnesses and documents can cover the issues on which they might be expected to give evidence adequately. Accordingly, it is not necessary or proportionate to issue further Rule 9 requests to these individuals.

The Right Honourable Baroness Hallett
Chair of the Covid-19 UK Inquiry
16 July 2025