

Government proposals to enhance public trust in the public inquiry process

21 February 2025  Stephanie McGarry

In the wake of recent Government announcements that there will be statutory public inquiries into the Southport and Nottingham murders, and non-statutory inquiries in five pilot local authority areas looking into grooming gangs and child sexual exploitation, we explore some of the narrative on what the future of public inquiries looks like. Historically, and today, public inquiries play a pivotal role in addressing complex societal issues and injustices. But what have we learned and how can the process be improved?

These were some of the questions concerning the House of Lords Statutory Inquiries Committee, which was set up to scrutinise the effectiveness of the legal and practical frameworks governing public inquiries, and to consider the importance of proper funding and resources, as well as the need for clear terms of reference to guide inquiries. The Committee published its report titled "Public Inquiries: Enhancing Public Trust", in September 2024 and the UK Government has recently acknowledged the findings.

Public inquiries have been instrumental in bringing to light past wrongdoings and providing a platform for the voices of victims and survivors. They are essential in restoring faith in national institutions. However, the Government recognises the growing concerns regarding the cost, duration, and overall efficacy of these inquiries. For instance, the direct public expenditure on ongoing inquiries in the fiscal year 2023/24 exceeded £130 million, with statutory inquiries taking an average of nearly five years to conclude.

In response, the Government agrees with the Committee's recommendation that improvements are necessary to the Inquiries Act 2005 (the Statute governing the powers of statutory public inquiries), and the broader governance structure of public inquiries. The detailed response from the Government addresses each of the Committee's points and outlines a commitment to considering broader reforms. These reforms may include the integration of the Independent Public Advocate - a proposed role in the United Kingdom, designed to act on behalf of bereaved families during public disasters to ensure that families receive the necessary information, support, and representation right from the initial stages of a disaster through to any subsequent inquiries or investigations; and a statutory duty of candour – a requirement on organisations to be open and honest when something goes wrong.

The Government plans to explore further amendments that could expedite the inquiry process, reduce costs, and maintain the public trust established since the enactment of the Inquiries Act 2005. There is also a focus on improving transparency and accountability concerning the implementation of accepted inquiry recommendations.

Key recommendations and Government responses

Recommendation 1: Flexible Inquiry Models - The Government agrees with the recommendation for a flexible approach to the establishment of inquiries. It supports the idea that inquiries should not be confined to a single model but should be tailored to the specific issues at hand, including the potential for non-statutory inquiries that can swiftly transition to statutory ones if necessary.

Recommendation 2: Involvement of Victims and Survivors - The forthcoming guidance on public inquiries will include protocols for involving victims and survivors, ensuring their perspectives and needs are considered right from the initial stages of setting up an inquiry.

Recommendation 3: Indicative Deadlines - Setting indicative deadlines within the terms of reference for inquiries is accepted, acknowledging that these timelines might need adjustments based on the unfolding inquiry dynamics.

Recommendation 4: Interim Reports - The Government supports the issuance of interim reports to maintain public trust and ensure ongoing accountability throughout the duration of an inquiry.

Recommendation 5: Implementation of Previous Recommendations - The response reiterates the Government's commitment to implementing viable recommendations from inquiries and considering the need for legislative changes to support these implementations.

Recommendation 6: Monitoring by the Liaison Committee - While this recommendation is directed at Parliament, the Government expresses its intention to support the monitoring of the implementation of inquiry recommendations through appropriate guidance and updates.

Recommendation 7: Implementation Monitoring by a New Committee - The suggestion to establish a new committee for monitoring the implementation of public inquiry recommendations is noted as a parliamentary matter, with the Government committing to providing a further update for any wider reforms later down the line.

Recommendation 8: Lessons-Learnt Papers - The requirement for inquiry chairs and secretaries to produce lessons-learnt papers is accepted, accentuating the importance of continuous learning and improvement in the management of public inquiries.

Recommendation 9: Resourcing the Inquiries Unit - The Government acknowledges the need for a well-resourced Inquiries Unit to foster a community of practice among inquiry professionals and enhance the support system for inquiry chairs and secretaries.

The Government's response to the House of Lords Statutory Inquiries Committee's report demonstrates a proactive approach to refining the public inquiry system in the UK. By addressing the concerns raised, and considering comprehensive reforms, the Government aims to enhance the effectiveness, efficiency, and public trust in the inquiry process. Further updates on these reforms will be provided to Parliament in due course, and we will be keeping a close eye on developments.

Key contact



Stephanie McGarry

Partner

stephanie.mcgarry@brownejacobson.com

+44(0)115 908 4113

Related expertise

Services

Constitutional and administrative law

Investigations and inquiries

Public law

Public inquiries