

Public inquiries: are they fit for purpose?

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Executive summary

This briefing paper considers what public inquiries offer, how they operate within the justice system as a whole, and what are they trying to achieve. It considers their drawbacks in formation, operation, and outcomes and analyses proposals that have been put forward to make them more effective.

The paper's main purpose, though, is to present a different vision for public inquiry, one that would position it as a key component of a public right to justice. Through the analysis of current processes (and subject to research into missing information, particularly the lived experience of those involved), it advocates for public inquiry as a standing institution to investigate systemic harm for the benefit of both those affected and the wider public. Its primary purpose is to uncover the truth(s) of the issue. All other aims depend on this being met.

Reimagined forms of public inquiries would then have to be suitable for fulfilling that idea. Currently this is not the case. To be just in themselves, they would have to be launched for the right reasons, at the right time, by the right means, and with the right outcomes.

The paper concludes by recommending that:

- (1) The concept of public inquiry as a standing institution be developed with public justice in mind and according to right reasons, time, means, and outcomes.
- (2) Government should not have exclusive powers to order a public inquiry.
- (3) Parliament, on the advice of an independent, permanent Council of Inquiries, should have parallel power to order a public inquiry in accordance with set criteria.
- (4) The power should be exercised when the criteria are satisfied and where government has failed to do so.
- (5) The criteria should be founded on the primary purpose of finding the 'truths' of a matter, where they are obscured by suspected cover-ups, governmental or institutional secrecy, or complexity.
- (6) Further criteria for holding a particular public inquiry (developing suggestions made by the then Public Administration Select Committee in 2005), should include (a) a clear and general systemic problem (whether on-going or historic) exists; (b) a government or public body has failed in some respect, causing harm, failing to prevent it, or failing to find a remedy; (c) there are clear policy implications that can be resolved through careful examination; (d) a high level of public concern is evident; (e) public confidence in state institutions have been impacted; and (f) other methods of justice have been exhausted.

- (7) Howsoever launched, public inquiries should take the form appropriate to uncovering the truth as broadly conceived. They should not follow the current legalistic model, unless required to fulfil human rights law demands, but should take inspiration from good practices and principles of social science and other disciplines too.
- (8) As they are for the public and in public, inquiries should be people-centred and trauma-informed – protecting, respecting, and supporting those harmed as a priority.
- (9) Just outcomes recommended by an inquiry process should be implemented by government under the review and scrutiny of the Council of Inquiries reporting to Parliament.

With such recommendations, this paper argues that public inquiry may develop as an idea and institution of justice that is more productive for people harmed and the public, and more effective and timely as an instrument of public justice, change, and accountability.

Introduction: Public inquiries examining the state of us

When the Infected Blood Inquiry opened in July 2018, Chris Smith, one of the victims, said, “There needs to be some sort of accountability. There’s been no blame in any way. What we would all like to see is the truth.”¹

The inquiry was supposed to do exactly that. Many of those affected and who were to participate in the process trusted that it would deliver justice after the horrific details of abuse and inaction had been covered up for years. With thousands of people afflicted by blood disorders having died or suffered terribly because they had been treated with products infected with HIV or forms of Hepatitis, the need to find out what had happened was acute. As the journalist Caroline Wheeler, who had reported on the story of the contaminated blood products for over a decade, wrote later, “Finally the stories of the campaigners ... would be heard. And finally that insatiable quest for answers and justice would be realised.”²

This has been the hope for many independent public inquiries: that they will do something that no other process has done or will do. They will right various wrongs and achieve some alternative form of justice that ordinary civil, criminal, or regulatory systems cannot offer; they will uncover the truth of a major tragedy; they may say who was responsible; and they will help prevent a repetition of the wrongs. Their unique role rests in the targeting of the institutions of state, those public bodies or public actors who have caused the harms directly or failed to protect people from them, or have simply ignored the wrongs and placed barriers in the way of them being brought to light. As the Public Administration Select Committee said in 2005, the “tradition of the public inquiry has become a pivotal part of public life in Britain, and a major instrument of accountability”.³

Over the last 30 years or more, the most high-profile public inquiries have helped shaped the public view of the British state and its institutions. Dramatically in televised hearings on occasion,

¹Chris Smith, victim of the infected blood scandal: The Guardian, (24 September 2018) ‘Infected blood victims “may still not know they have hepatitis C”’ <https://www.theguardian.com/society/2018/sep/24/infected-nhs-blood-inquiry-opens-with-tribute-to-victims>.

²Caroline Wheeler, *Death in the Blood: the inside story of the NHS infected blood scandal* (Headline, 2023) at 299.

³Public Administration Select Committee, (2005) ‘Government by Inquiry’ at 7. The Scottish Parliament’s Finance and Public Administration Committee defined them as “Established under statute, with the power to compel evidence, they investigate issues of major public concern, often triggered by disasters, systemic failures, or issues that can erode public trust.” See Scottish Parliament, Finance and Public Administration Committee, (2025) ‘Report on the Cost-effectiveness of Scottish Public Inquiries’ at 1.

but mostly behind closed doors, they've been investigating and exposing institutional ineptitude, systemic wrongdoing, and cover-ups in increasing frequency. Not in any joined-up, coherent way, but one by one they've shone a light on those state bodies which are supposed to protect us, care for us, look after our welfare. From NHS trusts to the police, from the armed forces to the emergency services, from care homes to detention facilities, they've laid bare individual wrongs and systemic inadequacies that have provoked outrage because of the harm inflicted. Sometimes through their detailed public examination of those involved, sometimes through their recommendations, they have prompted institutional and systemic reform to prevent those wrongs being repeated.

None of this is the product of a plan or policy for investigating systemic problems through public inquiries. Nor is it reflected in the statutory legal framework, the Inquiries Act 2005, which for the most part governs their establishment and operation. There's no parliamentary control over what specific public inquiries are for or why and when they should be called, or how their proposals for change or redress can be realised.

Their appeal nonetheless rests in lying outside established investigating systems, outside the system itself as independent processes, so that they can examine state institutions and actors on a case-by-case basis untainted by association with either.

Inevitably, then, when some scandal or crisis breaks, members of the public or concerned politicians or activists or campaigning journalists rush to demand a public inquiry. In the six months straddling 2025 and 2026 alone there were demands for public inquiries into the killing of Sir David Ames MP in 2023, the repeated failures of the North East Ambulance Service, the Glasgow Art School fires of 2014 and 2018, the Peter Mandelson / Jeffrey Epstein scandal, the Windrush-generation outrage, and many other issues.

The hopes invested in successful calls for public inquiries are frequently undermined in practice. Individual inquiries are criticised for costing significantly more than merited by the benefits they deliver. Or they take so long they appear to embody the saying 'justice delayed is justice denied'. Or they appear to serve government by pushing tricky and embarrassing political matters far into the distance. Or for those members of the public caught up in their proceedings as victims or witnesses, their processes seem too legalistic and exclusionary, failing to look after those for whom they have supposedly been created. Even when deemed relatively successful, redress for those harmed can be delayed and systemic change may not follow. Prosecutions of those found responsible for criminal actions are few.⁴

This complicated picture of promise and disappointment provides the initial context for this briefing paper. It's focused on those statutory inquiries designed to examine major scandals or disasters or specific harms "when something goes seriously wrong within government or a public body".⁵ Public investigation independent of government is deemed necessary either because the state or its agents are embroiled in the harm concerned or there is a perception that there may be vested interests that cast doubt on the independence of a government- or state institution-led investigation into the

⁴In May 2026, the commander of the Police Operation 'Olympus', investigating 53 individuals in the Post Office Horizon IT affair, warned that it might take five years to complete its work: <https://www.bbc.co.uk/news/articles/c2422y4ldymo>. No prosecutions followed the Baha Mousa Inquiry Report 2011 despite its findings of criminal conduct. Files have yet to be put before the Crown Prosecution Service in the Grenfell Tower case although in May 2026 this was promised by September (<https://news.met.police.uk/news/met-investigation-into-grenfell-tower-fire-on-track-to-submit-all-charging-files-to-cps-509435>).

⁵See Graeme Cowie, (2022) 'Statutory public inquiries: the Inquiries Act 2005', House of Commons Library at 5.

suspected wrong. Public inquiries can be touted as the path to truth and perhaps systemic change, preventing harms being repeated.

With the number of these inquiries into shocking state failures growing exponentially over the past 20 years, political interest in their value and perceived failings has increased too. There have been substantial inquiries into public inquiries by the House of Lords (2014 and 2024), the human rights organisation JUSTICE (2020), the Institute for Government (2017 and 2025), the Scottish Parliamentary Finance Committee (2025), and now the Public Administration and Constitutional Affairs Committee of the House of Commons.⁶ Even the Infected Blood Inquiry report reflected on the current, unsatisfactory, approach to public inquiry.⁷ None of these interventions have prompted government to coordinate efforts and proposals for reform despite recognising the need to do something about how public inquiries are initiated, how they are run, and what should happen after they have concluded their work.⁸ This is a significant political failure in its own right.

This briefing paper considers this context and offers a different perspective on what is right and what is wrong with the present model of public inquiry. And what potentially could lay the foundations for a better approach. It argues that this will require a re-imagining of public inquiry. Rather than left as an occasional, government-controlled means for correcting some institutional failures, it has the potential to become a people-centred institution within the justice system, one that focuses on systemic problems and their root causes that repeat public harm. In this way it could help realise a 'public right to justice' and enhance trust in the institution of public inquiry as an agent for public redress and future protection.

The paper is divided into four parts. First, it considers what public inquiries really offer: how do they operate within the justice system as a whole and what are they trying to achieve, as far as it is possible to tell?

Second, what have been the acknowledged drawbacks in their formation, operation, and outcomes?

Third, what has been said about how public inquiries can be reformed to make them more effective? Where are the gaps in knowledge despite all this review?

And finally, in part four, this paper sketches alternative futures for public inquiry and presents recommendations for a more radical, public-oriented model.

⁶See House of Lords, Select Committee on the Inquiries Act 2005, (2014) 'Report of Session 2013–14 The Inquiries Act 2005: post-legislative scrutiny' <https://publications.parliament.uk/pa/ld201314/ldselect/ldinquiries/143/143.pdf>; House of Lords, Statutory Inquiries Committee, (2024) 'Report of Session 2024–26 HL Paper 9 Public inquiries: Enhancing public trust' <https://publications.parliament.uk/pa/ld5901/ldselect/ldstating/9/9.pdf>; JUSTICE, (2020), 'When things go wrong' https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/689f556e18900acde0134087_When-Things-Go-Wrong.pdf; Institute for Government, (2025) 'Public Inquiries: How can the government ensure inquiries are set up to succeed?' <https://www.instituteforgovernment.org.uk/sites/default/files/2025-12/how-government-inquiries-succeed.pdf>; Scottish Parliament, (2025) n3.

⁷Recommendations 11 and 12, Infected Blood Inquiry Report Vol 1.

⁸Government response to the 2024 House of Lords report (see n6): Rt Hon Nick Thomas-Symonds M, (2025) 'Government response to the House of Lords Statutory Inquiries Committee's Report on "Public Inquiries: Enhancing public trust"' <https://www.gov.uk/government/publications/government-response-to-the-house-of-lords-statutory-inquiries-committee-report-enhancing-public-trust/government-response-to-the-house-of-lords-statutory-inquiries-committee-report-enhancing-public-trust.html>.

1 Public inquiries, their nature, aims, achievements, and value

1.1 The nature of public inquiry

Independent public inquiries are nothing new. For a hundred years and more they have been called by governments to investigate various disasters and scandals. Prior to 2000, they tended to be quite rare. Since the turn of the century, they have become much more frequent.

The introduction of the Inquiries Act 2005 was an attempt to give them some more formal definition, but the version passed into law left the power to call a statutory inquiry solely in the hands of ministers, fundamentally reducing the role of Parliament (whether central or devolved) to bystander. As the Public Administration Select Committee reported at the time, there was dismay at this government control over whether a public inquiry into any particular matter was called or not.

There has since been no pattern to their use that might give a greater sense of coherence. Some events, from individual to widespread and long-term harm, have led to public inquiries, while others have not. There have been many occasions when calls for an inquiry have been denied involving similar matters to those that have been opened.⁹

Occasionally civil litigation through judicial review succeeds in prompting an inquiry. The group action against the Post Office eventually forced the government to open one.¹⁰ Those involving state failures to investigate unlawful deaths in accordance with the right to life or the right not to be tortured under articles 2 and 3 of the European Convention on Human Rights (ECHR) have had more impact.¹¹ But these cases are relatively rare. The courts have been generally reluctant to interfere with the principle of ministerial discretion.

But we know that the statutory public inquiry, when actually appointed, is designed to examine major scandals or disasters, or specific harms. It has to be independent of government either because the state or its agents are embroiled in the harm concerned or there is a perception that there may

⁹The announcement of an inquiry into the Omagh bombings as contrasted with the Government's refusal to hold a similar process into the 1974 Birmingham pub bombings is one notable example. See statement 30 October 2025 at <https://questions-statements.parliament.uk/written-statements/detail/2025-10-30/hcws1008>.

¹⁰Alan Bates and Others v. Post Office Ltd [2019] EWHC 3408 (QB).

¹¹The Baha Mousa and Brook House inquiries, for instance, were to remedy failures in the investigative duty.

be vested interests that cast doubt on the independence and efficacy of a government- or state institution-led investigation into the purported wrong.

Either way, the public inquiry professes to act in public wherever possible and for the public (at least rhetorically), as an alternative mechanism of accountability. In this sense it falls within the range of measures that contribute to good public administration and has been acknowledged as “a fundamental tool for social investigation in contemporary society”.¹² The current government readily accepts this:

Recent years have provided ample demonstration of the value of public inquiries – they are widely considered to be an independent, legitimate and trusted method of investigating complex issues of deep public concern. They have shown to be a way to shed light on injustices of the past, provide a means for victims and survivors to finally have their voices heard, and to help rebuild trust in national institutions.¹³

The Scottish Parliament’s Finance and Public Administration Committee’s review has provided a general political view: “They are seen as the only viable route to change, when issues are not acknowledged by governments or public institutions”.¹⁴

Even critics of inquiries have recognised their benefits.¹⁵ They are acknowledged as a “major instrument of accountability”¹⁶ and “a more effective means of achieving the goals of scandal-control, blame-attribution and lesson-learning than parliamentary investigations or litigation”.¹⁷

Recent inquiries may support this view, with the Post Office Horizon IT and the Infected Blood inquiries in particular appearing to shame and blame as well as unpick the complex details of deep institutional injustices.¹⁸ Media reporting of the moments when apparently guilty official figures are confronted with their wrongs may reflect a form of public satisfaction not unlike ancient rituals of public justice. As a whole they perhaps do not qualify as ‘show trials’, but the staging of some of the recent live-streamed questioning of politicians and officials in the COVID-19 and Post Office inquiries are not far off.

This is nothing new. The public inquiry was recognised in the 1990s as a “face-to-face ceremonial occasion organised by the state”.¹⁹ Seen as a sort of de-politicised way of dealing with crises of confidence in the ability of the state to protect, this has led some to see the public inquiry as an instrument of state control despite its supposed independence. The legalised nature of proceedings

¹²Dr Karl Mackie CBE and Frederick Way, (2015) ‘Setting up and Running a Public Inquiry’, Centre for Effective Dispute Resolution at 8.

¹³Government response, (2025) n8 at 1.

¹⁴Scottish Parliament, (2025) n3 at 6.

¹⁵See for instance, Marny Requa, (2007) ‘Truth, transition, and the Inquiries Act 2005’, E.H.R.L.R. 12:4, 404–426, who was sceptical of the Act remedying failings in the process of public inquiry but accepted its value as a “truth-recovery” process.

¹⁶Emma Ireton, (2023) ‘Public inquiries: irreconcilable interests and the importance of managing expectations’ Journal of Social Welfare and Family Law 45:3, 212–233.

¹⁷Iain Steele, (2004) ‘Judging judicial inquiries’ PL, 738–749 at 742.

¹⁸<https://www.postofficehorizoninquiry.org.uk/> and <https://www.infectedbloodinquiry.org.uk/>.

¹⁹Robert P. Gephart, Jr., (1992) ‘Sensemaking, communicative distortion and the logic of public inquiry legitimation’ Industrial Crisis Quarterly 6, 115–135 at 117. See more generally Nathan Critch, The Politics of Public Inquiries: Crises, Containment and Contestation (Springer 2026).

reinforces the idea that the system is still policing the system and is therefore “unlikely to produce the innovative ideas and suggestions for change” needed.²⁰ The public inquiry then becomes so embroiled in the maintenance of the neo-liberal state system, it has been argued, that they are preconditioned to reinforce state apparatus rather than holding it to account.²¹ Its formal process is inevitably designed and operated in order to maintain a hierarchical logic. “The proper conduct of the inquiry per se, according to the rules and regulations of the state” thus legitimates the state through a top-down interpretation of information and evidence and through a logic based on the authority of the established institutions.²²

Though this doesn’t preclude findings critical of state agents or government from time to time (and some change might follow), the underlying premise of inquiry is to shore up the state and its institutions and avoid more impactful individual responsibility.

This specific critique that public inquiries replicate the logics of the ‘system’, ‘depoliticising’ the disasters and crises they address, has practical implications.²³ In particular, there is much less prospect of significant systemic change occurring, making it likely that the harmful events will repeat themselves. The number of NHS inquiries over the past 25 years that have identified the same issues of institutional cultures that lack care and respect for patients and protect medical professionals suggests this criticism has considerable weight.²⁴ But whether this undermines the idea of public inquiry, such as it is, is another matter.

Regardless of varying perspectives, the Inquiries Act 2005 recognised the importance of public inquiries in serving a number of accountability and political ends. It regularised when and how statutory inquiries should be established and operated. By doing so, the legislation set the framework for the most empowered and guided form of inquiry.²⁵ More than 30 such statutory inquiries have been created since 2005, many of which are still active having been launched recently.²⁶ Non-statutory forms of inquiry have also been employed regularly, although without the same powers to compel witnesses to give testimony.²⁷ All, whether statutory or not, have been engaged with various issues where individual deaths or widespread injury or suffering have provoked outrage and where “ordinary civil or criminal processes may not be adequate or appropriate” in resolving the matter satisfactorily.²⁸

²⁰Gephart n19 at 133.

²¹Ibid at 116.

²²Ibid at 119.

²³Andrew D. Brown, (2003) ‘Authoritative Sensemaking in a Public Inquiry Report’ *Organization Studies* 25:1, 95–112.

²⁴The necessity of multiple reviews into maternity care conducted currently by Donna Ockenden is a good example: see <https://www.ockendenmaternityreview.org.uk/>.

²⁵Paul Craig, *Administrative Law* (London: Sweet & Maxwell, 8th ed, 2016) at 266. Under s1 Inquiries Act they may be called where a minister responsible believes that “(a) particular events have caused, or are capable of causing, public concern, or (b) there is public concern that particular events may have occurred”. As the Cabinet Secretary has advised, this is a permissive provision. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/60808/cabinet-secretary-advice-judicial.pdf.

²⁶The Institute for Government track the number of inquiries here: <https://www.instituteforgovernment.org.uk/explainer/public-inquiries>.

²⁷The Chilcot inquiry into the Iraq War was a non-statutory inquiry. See also the Hillsborough Independent Panel.

²⁸Cabinet Office, (n.d.) ‘Inquiries Guidance’ at 2 <https://www.parliament.uk/globalassets/documents/lords-committees/Inquiries-Act-2005/cabofficeguide.pdf>.

A single inquirer or panel of inquirers is appointed who will act only in accordance with the terms of reference established by the appointing minister.²⁹ Assessors with expertise, which makes them “a suitable person to provide assistance to the inquiry panel”, may also be selected.

Once appointed, the inquiry Chair has the discretion to determine the “procedure and conduct” of the inquiry, but they “must act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others)”.³⁰ Proceedings should be in public, subject to restrictions if the minister responsible or the Chair “considers [them] to be conducive to the inquiry fulfilling its terms of reference or to be necessary in the public interest”.³¹ Various matters may be taken into account in making that determination, but they are not exhaustive. They include paying regard to “the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern”.

These parameters set by the Inquiries Act are generally vague but embed two fundamental principles. First, power lies in the hands of the minister to call an inquiry, appoint the Chair and panel, and set the terms of reference. Second, the inquirer or inquirers have largely unencumbered discretion to determine how the inquiry is to be conducted. Both minister and inquirer are subject to minimal statutory control, presenting something of a vacuum in terms of norms and expectations. This has given rise to litigation aimed at either provoking a government to order a public inquiry or persuading an appointed inquirer to carry out their investigations in a particular manner and with a particular focus.

The idea of public inquiry as an identifiable instrument for pursuing some form of justice in undetermined circumstances of scandal or disaster and significant public concern, nonetheless, remains of great political and constitutional importance. It supports a form of public justice that does not exist in any other form. Sir Brian Langstaff concluded his inquiry with a letter to the government stating the public inquiry is:

“reflective of a mature democracy, by providing a form of justice where other means cannot. This can help citizens to trust in a state which, when it seems that things might have gone wrong, does not wrap itself in denial, nor hide behind the costs and difficulty those citizens might otherwise have in bringing it to account, but is prepared to expose whether wrong has been done, and how and why it came about.”³²

The public inquiry is therefore not a true part of the justice system. It might intervene at odd times, and correct the failings of day-to-day justice mechanisms, but it has never assumed a place as a dependable instrument of justice or democratic accountability. Nonetheless, it has become associated with the general range of mechanisms available to hold the state to account.

1.2 Types of public inquiry

Given this nature, as an ad hoc process, there may be little point in identifying different types of public inquiry. The basic distinction between the statutory and non-statutory form may be as far as one

²⁹s5(5) Inquiries Act 2005: “Functions conferred by this Act on an inquiry panel, or a member of an inquiry panel, are exercisable only within the inquiry’s terms of reference”.

³⁰s17 Inquiries Act 2005.

³¹s19(3) Inquiries Act 2005.

³²Chair of the Infected Blood Inquiry, Sir Brian Langstaff, final letter to the Minister of the Cabinet Office 31 March 2026 at 12.

needs to go. Both forms can be equally effective. Though the Hillsborough Independent Panel did not have the powers of an inquiry under the Inquiries Act, it was generally perceived as highly successful in uncovering long suppressed truths about the events leading to the deaths of 97 Liverpool FC supporters and finally treating the casualties and bereaved with due respect.³³

Beyond that distinction, some inquiries have been concerned with individual incidents (Stephen Lawrence's killing), others with widespread issues (Infected Blood). Some follow disasters (Piper Alpha; Grenfell Tower fire) and others focus on one incident (Dawn Sturgess's Novichuk poisoning by suspected Russian state agents; and the Southport and Nottingham killings). Some address matters that attract immediate media and political attention (Grooming Gangs, Lucy Letby), others are more historic (Orgreave, Undercover Policing, Afghanistan killings). Certain state institutions are repeat objects of inquiry, particularly the NHS, the military, and the police.

Other than these connecting themes, the public inquiry defies easy categorisation. "All inquiries are different", Sir Brian Langstaff wrote at the conclusion of the Infected Blood Inquiry.³⁴ They may have in common "the existence of sufficient public concern to drive ministers to action", as the Institute for Government have said, but the system allows for different circumstances to produce different forms of inquiry.³⁵

Some academic literature has nevertheless attempted to categorise public inquiries. Nicholas Timmins argued they fall into three types: the "forensic, the social, and the remedial".³⁶ The forensic looks to uncover "the truth" and "learning what went wrong". The social seeks some state (or state agent) accountability, "but it also includes catharsis and healing – most notably for those affected by the events being inquired into, but also, on occasion, for a much wider public". The remedial is concerned with the future, aiming to prevent wrongs from recurring by acknowledging systemic and individual failures and putting them right. This provides a basic categorisation although many combine all three. With so many inquiries arising across different sectors and involving multiple issues and objectives, such a typology perhaps fails to capture the complexity.

Fundamentally, whether these inquiries take statutory or non-statutory form, and whether they have been prompted by political pressure or legal proceedings,³⁷ all typically have two characteristics: people have been harmed wrongfully and there is evidence of wider systemic injustice (state institutions have either caused this harm or failed to prevent it or to achieve some form of justice in its aftermath).³⁸

But what are they *really* for?

³³Hillsborough Independent Panel Report now available in the National Archives at <https://discovery.nationalarchives.gov.uk/details/r/C14176659>.

³⁴Ibid at 5.

³⁵Institute for Government, (2017) 'How public inquiries can lead to change' at 6.

³⁶Nicholas Timmins, (2019) 'An Elementary Primer for Politicians and Potential Chairs on Public Inquiries' *The Political Quarterly* 90:2, 238–244 at 239.

³⁷Various public inquiries have been prompted by the state's obligations to properly investigate breaches of Articles 2 (right to life) and 3 (right not to be tortured or subjected to cruel, degrading and inhuman treatment) ECHR: the Brook House and Baha Mousa inquiries are good examples.

³⁸Some effort at defining public inquiries has been undertaken. Raanan Sulitzeanu-Kenan, (2006) identified several criteria in 'If they get it right: an experimental test of the effects of appointment and reports of public inquiries' *Public Administration* 84, 623–653.

1.3 The aims of public inquiries

The House of Commons Public Administration Committee's detailed examination of public inquiries in 2005 ran in parallel to the then government's presented Inquiries Act passed in the same year. The two didn't align – the Committee objected specifically to the reduction in influence of Parliament in calling and overseeing inquiries – but its report, *Government by Inquiry*, was a well-considered examination of the subject. The Committee identified several aims attributed to inquiries which still hold good for many mainstream commentators:

“Establishing the facts—providing a full and fair account of what happened, especially in circumstances where the facts are disputed, or the course and causation of events is not clear;

Learning from events—and so helping to prevent their recurrence by synthesising or distilling lessons which can be used to change practice;

Catharsis or therapeutic exposure—providing an opportunity for reconciliation and resolution, by bringing protagonists face to face with each other's perspectives and problems;

Reassurance—rebuilding public confidence after a major failure by showing that the government is making sure it is fully investigated and dealt with;

Accountability, blame, and retribution—holding people and organisations to account, and sometimes indirectly contributing to the assignation of blame and to mechanisms for retribution;

Political considerations—serving a wider political agenda for government either in demonstrating that “something is being done” or in providing leverage for change”.³⁹

This is a generous list. But it is not complete nor sufficiently specific. Identifying systemic harms (and their root causes) brought to light through particular cases of individual harm, allowing individuals a chance to publicly voice their experience, and achieving lasting systemic change could also be added. Arguably an unspoken but increasingly desired aim has also developed: a form of public ritual, adopting the tradition of inquisition or test that satisfies a yearning to see powerful and privileged figures put under rigorous questioning by a senior lawyer.

Some of these aims cross over with formal criminal, civil, and regulatory justice mechanisms. The difference, though, is that a public inquiry can achieve all at once, in the public eye, and through a sustained and coordinated process.

Those suspicious of the whole institution of public inquiry might also see them as a governmental means of suppressing political and public criticisms of itself and its personnel. The Scottish Parliament's Finance Committee report said, “establishing a statutory public inquiry may be used by governments as a way of avoiding responsibility or postponing dealing with a particular issue”.⁴⁰

Whether this negates the value of public inquiry for achieving some or all of its aims is arguable. But the current position that public inquiries can only be set up by the government of the day, and usually

³⁹Public Administration Select Committee, (2005) 'Government by Inquiry' n3 at 9-10. Jason Beer QC added a seventh in the main academic/practitioner's text on public inquiries: discharging investigative obligations under articles 2 and 3 of the ECHR. Jason Beer, *Public Inquiries* (OUP 2011).

⁴⁰Scottish Parliament, (2025) n3 at 7.

by those ministers most closely associated with any systemic wrongdoing concerned, certainly calls into question their fundamental independence, if not value.

The Infected Blood Inquiry report was highly critical of this fact. It noted the “weakness of Section 1 of the 2005 Act is that it provides a discretion liable to be exercised by someone in whose interests and inclination it may be to be defensive of their own department”.⁴¹ Even so, it is difficult to judge if these have been the reasons for blocking any particular inquiry. That often only comes to light when an inquiry exposes the resistance, as the Infected Blood Inquiry did.⁴² We won’t know whether a public inquiry would have been warranted in, say, the scandals associated with Windrush, LGBTQ+ military veterans, and many others, but were prevented unduly.

Whatever commentators say, there is minimal statutory guidance on the aims of public inquiry. In Scotland, the parliamentary review agreed: “inquiries would benefit from setting a clearer ‘core’ purpose at the point of establishment”.⁴³ The Explanatory Notes to the Inquiries Act suggest one already exists. It states that the aim of an inquiry “is to help restore public confidence in systems or services by investigating the facts and making recommendations to prevent recurrence”.⁴⁴

Despite the lack of statutory guidance, there is substantial general agreement on what public inquiry should aim to do even if the trigger for a minister appointing an inquiry may be unpredictable. *The Government by Inquiry* report reflects this well but is not entirely accurate.

Geoffrey Howe, writing in response to the 1996 Scott Inquiry into arms sales to Iraq, suggested that “the search for truth, the assignment of responsibility, and the reassurance of the public” were acknowledged and well-established purposes for all public inquiries of the kind provoked by a major disaster or scandal.⁴⁵ Sir Ian Kennedy applied a richer gloss in the Bristol Royal Infirmary Inquiry report of 2001.⁴⁶ He identified three additional aims inherent to public inquiry: it should (1) “attempt to promote understanding, not only of what may have gone on, but also what led to the events which are the subject matter of the Inquiry, and what may have been the motives and intentions of those involved”; (2) “be a means whereby all those affected by the events under investigation can feel that their concerns have been aired and heard and that life can move on”; and (3) enable “the opportunity for a form of communal catharsis” whereby “those in authority” should be held to account, allowing “for the public venting of anger, distress and frustration” and providing “a public stage on which this can take place”.⁴⁷ These were particularly important in the context of that inquiry, where NHS personnel and patients and their families weren’t necessarily in opposition. People in both camps may have been harmed by systemic failings.

Together these aims have become engrained in academic and governmental analysis. But the question that hasn’t been resolved is whether every public inquiry should involve a combination of them. Some might reasonably suggest that whether all are applicable has to depend on the subject

⁴¹Infected Blood Inquiry Report Vol 1 at 277.

⁴²Ibid at Vol 1 Recommendation 11 at 276–279.

⁴³Scottish Parliament, (2025) n3 at 50, para 288.

⁴⁴Explanatory Notes to the Inquiries Act 2005, para 8, available at <https://www.legislation.gov.uk/ukpga/2005/12/notes>.

⁴⁵Geoffrey Howe, (2002) ‘The Management of Public Inquiries’ *Political Quarterly* 70, 294–304 at 296. He may have seen this consensus challenged by the conduct of the Scott Inquiry, but for him the consensus and attached good practice remained the expected norm.

⁴⁶The 2001 report ‘The Report of the Public Inquiry into children’s heart surgery at the Bristol Royal Infirmary 1984–1995: Learning from Bristol’ is available at https://www.bristol-inquiry.org.uk/final_report/the_report.pdf.

⁴⁷Ibid, paras 10–16 at 32–34.

matter and type of inquiry required. Catharsis may not be relevant to all circumstances if no member of the public has been harmed.

The issue is clouded by the general rule that the terms of reference will set the objectives for each specific inquiry. What happens where the terms of reference do not mention any aim generally ascribed to public inquiries? Do the core purposes outlined above apply anyway?⁴⁸ Sir Ian Kennedy was at pains to emphasise that his formulation was apt whatever an inquiry's terms. And it is arguably right that the primary purpose has to be discovering the truth. From this flows all other concerns.

This might be called the 'epistemic core' of the idea of public inquiry. Uncovering the truth about an event, its causes and context, the nature of the harm inflicted (recognising the perspectives of those affected or involved in some way), and the recording and presentation of this for public assessment and systemic learning – these set the epistemic imperatives for an inquiry's direction. Without the acquisition, interpretation, and presentation of this knowledge and understanding, the public inquiry cannot fulfil any of those expectations attributed to it. Trust in institutions requires truth. There is no satisfactory accountability without truth. Lessons cannot be learned. And catharsis and restoring public confidence in state institutions is undermined without it.

Public inquiry is not, however, concerned with finding individual legal responsibility (which should be dealt with by the criminal or civil justice systems). It is, by nature, more premised on discovering how collective actions or omissions may have caused or contributed to significant harm.⁴⁹ Even though the behaviours of individuals are likely to be examined, it is invariably predicated on scrutinising those practices, systems, and cultures developed within and by institutions which have deliberately, negligently, or through indifference, caused or allowed harm that was or is preventable. This epistemic purpose has therefore more in keeping with uncovering and encompassing harms that extend beyond legally defined crimes or wrongs. In other contexts these have been called "social harms".⁵⁰ The concern there is with "instances of mass harm caused by routine practices, Standard Operating Procedures, lines of organisational responsibility and accountability, general modus operandi, cultures of fear, indifference, and thoughtlessness".⁵¹ Finding the truth about such matters is a little more complex than finding the 'facts'.

Recent public inquiries have reflected this. In the Undercover Policing Inquiry, then Home Secretary Theresa May announced to the House of Commons that it would be instituted to "review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice".⁵² The Infected Blood Inquiry, originally announced in 2017, was founded on the premise that "[t]he victims and their families who have suffered so much pain and hardship deserve answers as to how this could possibly have happened".⁵³ In the same year, then Prime Minister May also announced the Grenfell Tower Inquiry with its purpose

⁴⁸See, Fiona Donson and Darren O'Donovan, 'Public Inquiries and Administrative Justice' in Marc Hertogh, Richard Kirkham, Robert Thomas, and Joe Tomlinson (eds.), *The Oxford Handbook of Administrative Justice* (Oxford: OUP, 2021).

⁴⁹The public inquiry is avowedly not a process for determining criminal or civil liability. s2(a) Inquiries Act provides that an "inquiry panel is not to rule on, and has no power to determine, any person's civil or criminal liability". Those matters are for the appropriate courts to decide.

⁵⁰This is the terminology adopted by Paddy Hillyard and Steve Tombs in their article on social harm. See (2007) 'From "crime" to social harm?' *Crime, Law and Social Change* 48, 9–25.

⁵¹Ibid at 19–20.

⁵²The Secretary of State for the Home Department Statement to the House of Commons on 12 March 2015 at HCWS381, available at <https://hansard.parliament.uk/commons/2015-03-12/debates/15031225000045/UndercoverPolicing>.

⁵³PM statement on contaminated blood inquiry: 11 July 2017' <https://www.gov.uk/government/news/pm-statement-on-contaminated-blood-inquiry-11-july-2017>.

“to get to the truth about what happened and who was responsible – and to provide justice for the victims and their families who suffered so terribly”.⁵⁴ The emphasis throughout has been, and should be, uncovering truth of how and why harm has been done or allowed to be done.

All other purposes flow from, and depend upon, an effective realisation of this primary aim. Learning lessons, establishing responsibility, enabling catharsis, reassuring the public, restoring confidence and trust in public institutions – all rely on the success of finding the truth of how such harms have arisen.

But this priority brings with it a problem. What and whose truth should be sought? That this will involve multiple ‘truths’ – different interpretations of the same events – is part of that picture. Sir Ian Kennedy, again, recognised this in the Bristol Royal Infirmary Inquiry. It is not as simple as, or equivalent to, “determining the facts”, which the Inquiries Act mentions in terms of any inquiry’s terms of reference. As Kennedy noted: “in the sorts of circumstances giving rise to public inquiries, it may be rare for there to be ‘one truth’. There are often a number of ‘truths’, all held with sincere conviction by those advancing them”.⁵⁵

The complexity of truth was something that the South African Truth and Reconciliation Commission (TRC) grappled with. Its approach provided an inspirational template for all inquiries worried about ‘getting to the truth’ and what a more sophisticated appreciation will mean for the way an inquiry goes about its work. The TRC identified four “notions of truth”.⁵⁶ The factual or forensic was the first, taking an objective approach on documentation and evidence. “Personal or narrative” truth encompassed the subjective experience. “Social or ‘dialogue’ truth” was achieved through “the process whereby the truth was reached”, reflecting “the essential norms of social relations between people”, maintaining respect and dignity. And finally “healing and restorative truth” where acknowledgement of people’s harm was maintained through “placing information that is (or becomes) known on public, national record”, restoring “the dignity of victims” and establishing an accessible archive to combat institutional and social forgetting.⁵⁷

Each dimension requires different methods. By fully appreciating the complex aims of all public inquiries in this way, the means of their realisation then becomes more possible. The latter should be fit to accomplish the former.

1.4 How do public inquiries fit within the justice system?

There is no coherent place that the public inquiry occupies within the general justice system. Its traditional ad hoc nature means that it cannot be relied upon to be called to resolve systemic injustices as a rule. Rather, tensions arise because of uncertainty about this position. The most prevalent conflict develops in relation to criminal proceedings. Which process should take precedence? Or is it possible to run them in parallel? The Muckamore Abbey Inquiry suggests it is.⁵⁸

⁵⁴PM Commons statement on Grenfell Tower: 22 June 2017’ <https://www.gov.uk/government/speeches/pm-commons-statement-on-grenfell-tower-22-june-2017>.

⁵⁵See Bristol Report n46 above, para 11.

⁵⁶Vol 1 P110.

⁵⁷TRC Report Vol 1 at 114, available at <https://www.justice.gov.za/trc/report/finalreport/Volume%201.pdf>.

⁵⁸Muckamore Abbey Inquiry at <https://www.mahinquiry.org.uk/>.

That inquiry was ordered by the then Minister of Health in 2020 and has been examining ill-treatment of vulnerable people with severe learning disabilities in the facility in Northern Ireland. At the same time, the Police Service of Northern Ireland has conducted its investigations and prosecutions have been brought against alleged abusers. One of the defendants sought to have the inquiry suspended until their trial was completed. But the Supreme Court decided the minister's decision not to do so was justified.⁵⁹

Sometimes holding back on an inquiry might be sensible, however. The power rests with the minister concerned to suspend an inquiry already underway if deemed "necessary" to complete other investigations or criminal proceedings.⁶⁰ The opposite is also true: it can be appropriate and necessary to continue an inquiry even before a criminal trial is held. Whatever the particular decision made, there is a relationship that sometimes must be resolved.

Civil proceedings are in the same position. Similar questions of inquiries prejudiced by or prejudicing court actions brought by individuals may need to be addressed. But these actions are invariably aimed at individual compensatory remedies. They are less adept at resolving systemic matters let alone unpicking the root causes. Group litigation promoted by campaigning organisations may seek a public inquiry through judicial review but the costs of bringing a claim are high and prospects of success low.

The position in relation to other justice mechanisms can also be complicated. Deciding to continue with an inquest into a death or proceed to a public inquiry has sometimes been contentious. The House of Lords report into inquiries in 2014 debated the point and concluded: if "public concern extends significantly beyond a death itself to wider related issues, an inquiry may be preferable to an inquest".⁶¹ That may not be ideal for some, but the power sits with the minister to decide, although that decision is subject to judicial review.

If the justice system is thought of more broadly, then other bodies and agencies involved in considering harm suffered by members of the public also potentially overlap with public inquiries. The **Parliamentary and Health Services Ombudsman** investigates complaints from those who believe they have suffered some injustice because of "maladministration" by government departments or some public bodies. Sir Rob Behrens as Ombudsman was particularly concerned with patient care in various NHS settings. But despite seeing patterns of poor care or abusive cultures through receiving individual complaints, the office cannot trigger a public inquiry to go deeper. As Behrens stated to the Thirlwall Inquiry (established to examine events at the Countess of Chester Hospital following the trial, and subsequent convictions, of former neonatal nurse Lucy Letby), he "could not widen the scope of our investigation to include the pattern of deaths on the unit, leaving grieving families without answers. Families have since had to wait four more years for a statutory inquiry into these deaths to begin in earnest."⁶²

Other agencies occupy a similar frustrating position. The Armed Forces Commissioner – previously the **Service Complaints Ombudsman for the Armed Forces** – responds to individual complaints from armed forces personnel about how their internal complaints are handled. A significant number

⁵⁹In the matter of an application by JR222 for Judicial Review (Appellant) [2024] UKSC 35.

⁶⁰s13 Inquiries Act 2005.

⁶¹House of Lords 2014 report n6 above, para 92.

⁶²Written Statement of Rob Behrens on behalf of the Parliamentary and Health Service Ombudsman 13 March 2024 <https://thirlwall.public-inquiry.uk/wp-content/uploads/thirlwall-evidence/INQ0014599.pdf>.

involve sexual abuse and harassment, which has warranted reviews by Parliament and NGOs. But again there is no influence on whether systemic issues might be better dealt with by public inquiry.

The Equality and Human Rights Commission similarly concerns itself with matters that could justify public inquiry to resolve but has no power in that respect.

The most recent relevant body to be created is the **Independent Public Advocate (IPA)**.⁶³ Theresa May argued that this role could both support victims and their families in the aftermath of a “tragedy” – seeking information which might “obviate the need for some public inquiries” – or provide them with support when an inquiry is called.⁶⁴ The Victims and Prisoners Act 2024 established the office, and provided that a minister designated a ‘major incident’ (as was done with the Manchester synagogue attack late in 2025) the IPA is to advise them on the victims’ interests as regards their “treatment by public authorities”, including within inquiries. But again the role doesn’t involve deciding whether a public inquiry is warranted, although the IPA might informally be called to give her opinion on just that.

There are many other specialist regulatory and oversight bodies from the Chief Coroner to NHS independent investigations that also acquire information about systemic issues. In many ways they can operate so as to resolve matters without the need for a public inquiry. But there is no clear coordination of these institutions to identify where a public inquiry might be highly appropriate.

1.5 What have public inquiries achieved and why do they matter?

If we know the aims of public inquiries, then assessing their value/achievements against fulfilling those aims would make sense.⁶⁵ Sadly, there has been no systematic and comprehensive evaluation of this kind. It is a general lack which merits redressing in its own right. This hasn’t helped the construction of a coherent account of what public inquiry has come to mean, let alone what it might offer for the future.

The problem this creates is one of conjecture. Without a full and detailed study into past examples, it is often assumed that public inquiries collectively have achieved some or all of the various aims. *The Government by Inquiry* report in 2005 provided a useful potted history of inquiries and their value, but it was more a sketch than a rigorous review. Instead, assertions of success are made without systematic evidence. So the Institute for Government recently reported that “[a]t their best, public inquiries can identify lessons and prevent the same mistakes happening again. They can also provide an independent account of events and offer people with a stake in the issue – often survivors, or families of victims – accountability and a sense of catharsis.”⁶⁶ The House of Lords’ Inquiry into Statutory Inquiries had already used the same kind of language in their evaluation of inquiry achievements.⁶⁷ In recently submitted written evidence to the Public Administration and Constitutional Affairs Committee, the Cabinet Office also declared that inquiries “shed light on

⁶³<https://independentpublicadvocate.org.uk/>.

⁶⁴Response Letter from The RT Hon Theresa May MP to House of Lords Statutory Inquiries Committee Report 21 May 2024.

⁶⁵It’s worth repeating, though, these aims are by no means officially engrained as of right and some continue to claim that not all aims are relevant for all inquiries.

⁶⁶IfG, (2025) n6 at 8.

⁶⁷House of Lords, (2024) n6 at 3: ‘At their best, they conduct detailed investigations into major failures and disasters, establish facts, find where mistakes have been made and identify who is accountable for them. This information is used to establish what lessons must be learned, while recommendations for change are given to the Government to prevent disasters from recurring. In addition, inquiries can provide catharsis for those most closely affected by a tragedy— victims, survivors and their families—giving them confidence that a similar tragedy is less likely to be repeated.’

injustices of the past, provide a means for victims and survivors to finally have their voices heard, and can help to implement change”.⁶⁸ These may all be valid, but there is a general absence of testing such assumptions. How do we know “a sense of catharsis” was met in any particular inquiry? When have they been at their “best”? And how do we know victims and survivors have been heard effectively?

A cursory look at the record of past inquiries regarding the aims ascribed to them might help at least in setting a template for the research that’s needed.

If finding the truth and uncovering knowledge of an issue is the primary aim, as argued above, more might be required than showing that most, if not all, statutory inquiries have contributed to the public record of systemic and individual wrongdoing. Every inquiry report published has, by definition, provided an account of matters of public concern and made that available for general consumption. But whether public inquiries have enabled those harmed to be heard, or have constrained voices and accounts through their formalistic proceedings, is impossible to tell without much better-informed research into the experiences of those affected.

From a public level of understanding too, do the final reports and the proceedings leading up to them provide an account that is accessible? The sheer length of these reports and the style in which they are invariably written (namely formalistically and in careful legalistic prose) do not lend themselves to an easy read. In recent years, having live-streamed videos of hearings has given more direct public access, but again the formal and protracted nature of these proceedings make them difficult to follow. Sometimes the inquiry broadcasts have been newsworthy enough to attract public attention – the evisceration of Post Office officials in the Horizon IT Public Inquiry and the examination of many political figures in the Grenfell Tower and COVID-19 inquiries have made for quite a spectacle on TV news broadcasts. But drama documentaries like *Mr Bates v. The Post Office* and verbatim theatre such as *The Colour of Justice* (staging excerpts from the Stephen Lawrence inquiry in 1999) and *Grenfell: In the words of the survivors* (put on by the National Theatre to significant acclaim) may have had more influence on public thinking about an issue, even if the source has been the forensic examination that inquiries have undertaken.⁶⁹

Finding the facts is less easy to evaluate. It presumes there are ‘facts’ waiting to be found. It may be more apt to see each finalised inquiry report as stating what the Chair ‘believes’ to be the facts. Often they have to clarify what standard of proof they require to reach that position. Some note distinctions between what they are certain about, what they’re fairly sure happened, and where there are disputes that can’t be resolved. This alone means the final report is never wholly about ‘facts’. It’s more about varying degrees of knowledge and belief.

We have little if any concrete research conducted into the fulfilment of most of the other aims. Whether those caught up in inquiries as victims or bereaved families have experienced catharsis, whether the public’s trust has been restored in state institutions, whether all the relevant people have been truly held to account – are all a matter of conjecture for each public inquiry.

⁶⁸Written evidence from the Cabinet Office (IBI0005) Public Administration and Constitutional Affairs Committee Inquiry into the recommendations of the Infected Blood Inquiry (Stage 1).

⁶⁹Guardian review: <https://www.theguardian.com/stage/2023/jul/21/grenfell-in-the-words-of-survivors-review-dorfman-theatre-london> (With these media related outputs having such effect, it might be thought sensible for particular inquiries each to produce their own.)

Where there is a little more certainty, perhaps, is in learning lessons. Some concrete achievements have been tracked. The Stephen Lawrence Inquiry led directly to the creation of the Police Complaints Commission. The 2003 Bichard Inquiry into the Soham murders fundamentally changed how people worked in schools, and prompted new legislation safeguarding children and the creation of an embedded vetting and barring scheme (now DBS).⁷⁰ Enhanced obligations on those “responsible for certain public premises and events to take reasonably practicable steps to be prepared and ready to keep people safe in the event of an attack” were instituted by the Manchester Arena Inquiry with the introduction of the Terrorism (Protection of Premises) Act 2025 (known as ‘Martyn’s Law’, named after one of the victims of the attack).⁷¹

The 2017 report into inquiries by the Institute for Government mentioned a number of other legislative changes.⁷² From overhauling laws controlling handguns following the inquiry into the Dunblane attack to improved safety regulations for offshore platforms in the wake of the Piper Alpha disaster, it’s possible to point to laws adopted as a result of learning from public inquiry findings. Whether they would have been enacted anyway without a public inquiry is difficult to say.

These legislative developments are perhaps the most obvious indicators of impact. But most inquiries have dealt with harms through multiple recommendations that have sought detailed improvements to institutional practices and policies as well as legislation. In 2018, the National Audit Office examined the overall effect of these recommendations since the Inquiries Act 2005.⁷³ It wasn’t a comprehensive review and focused on only six completed statutory inquiries and four non-statutory inquiries. And though it found there was “no organisation across government or Parliament with responsibility for monitoring and tracking whether recommendations have been implemented and ensuring that inquiries have the intended” outcomes, it could show some achievements of note.

Overall, even without detailed evidence, some achievements of each and every public inquiry in the UK are probably identifiable. But a better form of accounting and assessment of outcome is needed.

⁷⁰Safeguarding Vulnerable Groups Act 2006 and see <https://www.gov.uk/government/publications/2010-to-2015-government-policy-helping-employers-make-safer-recruiting-decisions/2010-to-2015-government-policy-helping-employers-make-safer-recruiting-decisions>.

⁷¹<https://www.gov.uk/government/collections/terrorism-protection-of-premises-act-2025>.

⁷²IfG, (2017) n35 above.

⁷³NAO, (2018) ‘Investigation into government-funded inquiries’ <https://www.nao.org.uk/wp-content/uploads/2018/05/Investigation-into-government-funded-inquiries.pdf>.

2 Public inquiries: the key problems

Any individual public inquiry is likely to be a mixture of success and failure. The aims ascribed to them are so wide-reaching that it's hard to believe all would be fulfilled in all circumstances, particularly as some aims are so nebulous. That alone makes criticising particular public inquiries straightforward.

Nonetheless, conventional critiques typically focus on four problems. How much they cost, how long they take, how they operate, and a lack of rigorous implementation of their recommendations.

2.1 Costs

With the COVID-19 Inquiry already costing £204m by end of 2025 (with additional government response costs then standing at £111m) it is unsurprising public and political questions about value-for-money are prevalent.⁷⁴ The Institute for Government recently reported that between “2005 and 2014 the average cost of an inquiry was £8.2 million; in the subsequent 10 years that average cost rose to £69.4m”.⁷⁵ As a result, inquiry Chairs often defend their expenditure or try to explain it. Baroness Hallett recently closed the COVID-19 hearings with a rather defensive admission and as yet unsubstantiated assertion:

“I hope that when all ten reports have been published, they will prove the value of this Inquiry, prove the value and worth of the work that you have all done, and justify the costs. I said at the outset that this Inquiry would cost a lot of money and take time. It has done. But I genuinely believe it has been worth it”.⁷⁶

Will the inquiry address the huge injustices experienced during the pandemic and achieve some form of accountability and protection for the future? The media and many politicians are unpersuaded that it was “worth it”. Paul Johnson of the Institute for Fiscal Studies, writing in 2025, called the inquiry “overblown, overlong, and absurdly expensive”.⁷⁷ This may have more to do with his belief that it was a waste of time, a “bureaucratic, lawyer-driven, backwards-looking, largely pointless exercise”.

Not all inquiries have suffered the same reproach. Where the injustice examined is so blatant and involves the most vulnerable of society, comments about ‘waste of money’ are fewer. The Infected Blood Inquiry, though also hugely expensive, has provoked few detractors given the harm done

⁷⁴Covid-19 Inquiry: Costs’, 21 Apr 2026, Hansard Written Answers, available at <https://www.theyworkforyou.com/wrans/?id=2026-03-26:124125.h>.

⁷⁵IfG, (2025) n6 above at 10.

⁷⁶Transcript of Module 10 Public Hearing on 5 March 2026 at 127.

⁷⁷Paul Johnson, IFS, ‘Spending £200m on the Covid inquiry is symbolic of Britain’s failure’, originally published in The Times 17 February 2025, available at <https://ifs.org.uk/articles/spending-ps200m-covid-inquiry-symbolic-britains-failure>.

to so many victims of institutional abuse, carelessness and cover-up.⁷⁸ It suggests that in some circumstances, ‘whatever it takes’ to get to the truth justifies the cost.

The Chair, Sir Brian Langstaff, understood this. He wrote to the government at the conclusion of the inquiry saying,

“Very generally, the greater the adverse effect on people caused by the matter of concern, the more important it is likely to be for many people to learn what happened, and why and for action to be taken to minimise the chances of recurrence”.⁷⁹

He went on to capture the belief that cost shouldn’t be calculated in monetary terms alone when seeking public justice:

“The benefit of inquiries is ... not merely to be judged in financial terms. There is a value to be placed on helping people – and the general public – to understand what happened, and why; there is a value in helping to avoid future pain and distress to individuals from a similar recurrence. It will in many cases bring justice, and sometimes closure, to the people to whom it relates”.

As to the criticism that lawyers’ fees were the problem, Langstaff was at pains to say it “would be a great pity if concern about the money received by lawyers ... obscured the utility and advantages of inquiries, and led to them being seen as profiting lawyers rather than as an important part of securing a just and accountable democracy”.⁸⁰ He said fees were kept under control. The assumption he made was that lawyers were necessary for the process to operate and to succeed.⁸¹ Given the importance of public inquiries and the findings they may reach, those involved, particularly public victims and bereaved, should have proper representation to protect their interests. And with proceedings now being highly legalised, lawyers are presumed to be the most appropriate people to conduct this work. They are appointed in large numbers. (One of Baroness Hallett’s first acts as Chair of the COVID-19 Inquiry was to announce the appointment of 50 junior counsel and 11 QCs to act for the inquiry.)⁸²

This costs a lot of money. Lawyers’ fees are expensive even if paid at “public service rates” as Langstaff noted. The consequence has been a whole industry of lawyers and law firms vying for public inquiry business. As one witness to the Scottish Parliament’s review warned: “It has to be recognised that inquiries are a source of substantial income for some large legal firms and as such the question arises as to the extent to which they are motivated to keep costs to a minimum and within budget.”⁸³ Ex-government legal employees have moved to private firms to carry out what has become highly lucrative work.⁸⁴

⁷⁸There has been one detractor – Christine Lee, who was involved in the medical work examined by the IBI – who criticised the inquiry. See Christine A. Lee, (2025) ‘The UK Infected Blood Inquiry: A Personal Reflection’ *Haemophilia* 31, 601–606. This paper and its criticisms were challenged in the same journal in Richard Gorman, et al, (2026) ‘The Value of Public Inquiries, Ethical Accountability, and Patient Voices: Reflections on the Infected Blood Inquiry’ *Haemophilia* 32:3, 593–599.

⁷⁹Sir Brian Langstaff letter n32 above at 12.

⁸⁰*Ibid.*

⁸¹The Scottish Parliamentary review noted that the Explanatory Notes to the Inquiries Act admits that “legal costs of participants often constitute the most significant part of the total cost of an inquiry”.

⁸²See Press releases 20 June 2022 <https://covid19.public-inquiry.uk/news/inquiry-welcomes-the-appointment-of-49-junior-counsel-to-legal-team/> and 4 May 2022 <https://covid19.public-inquiry.uk/news/inquiry-welcomes-the-appointment-of-49-junior-counsel-to-legal-team/> respectively.

⁸³Professor Sandy Cameron CBE, written submission quoted at 35, para 203, in Scottish Parliament, (2025) n3.

⁸⁴A trawl through the websites of solicitors’ firms shows more than 80 claiming experience with public inquiry work. There are some large firms who have acquired instructions for a number of inquiries.

If public inquiries are necessary processes of justice and lawyers are deemed the most appropriate personnel to achieve their aims, then this is the price that has to be paid. This reasoning is rarely challenged. The heavily legalised nature of statutory inquiries encourages it too. By establishing a formalistic model designed to balance various interests – protecting the rights of all involved through separate legal representation – costs have soared.⁸⁵

What is frequently ignored, however, are the costs borne by those victims, survivors and bereaved, who have shouldered so much of the burden of fighting for their issue to be heard. Even when an inquiry is called and that burden is supposed to be in the hands of inquiry staff, those members of the public involved provide significant unpaid labour. Their legal costs may be covered by government – once accepted as a core participant – but they make vital contributions to achieving every inquiry's aims. Evaluating such efforts is rarely, if ever, researched even though the work is for the public benefit not solely their own.

2.2 Time

The time taken to complete inquiries provokes the same kind of criticisms and justifications. According to the Institute for Government, the average duration of inquiries over the past couple of decades is about 2.5 years.⁸⁶ But there are outliers. The Undercover Policing Inquiry was announced in 2015 and is far from completing its work.⁸⁷ The Bloody Sunday Inquiry took 12 years, substantiating the feeling that vital issues are 'kicked into the long grass' or simply dragged out by the process.

Much depends on the purpose of these inquiries, though. If they are about learning lessons – preventing recurrence of great harm – then the quicker recommendations are made and acted upon the better. Interim reports are acknowledged as sensible if that would help, particularly if recommending immediate compensation for those harmed. Other aims – truth telling, catharsis, etc – may benefit from more time too. Historic inquiries will not have the same time pressures. But claims that inquiries take too long to reach their conclusions, often because of the slowness of legalistic proceedings, persist.

2.3 Operation

There are many operational issues that have attracted and deserve criticism. Five key areas are: (1) the people suitable to run an inquiry; (2) whether a panel should be employed; (3) who and how the precise terms of reference are decided; (4) how those harmed are involved and treated; and (5) how the inquiry is staged.

(1) Who is best suited to Chair or be a panel member of an inquiry?

More often than not, judges or lawyers take on the role.⁸⁸ In Scotland, the practice has been only to appoint judges, much to the disappointment of the Scottish Parliament Finance Committee's

⁸⁵This is not the only source of high cost. The Ockenden Reviews into various NHS maternity units has attracted some poor publicity regarding the way in which the independent inquiries are conducted by a company owned by the Chair. The Guardian, (24 December 2025) 'Midwife leading Nottingham maternity inquiry charging NHS up to £26,000 a month' <https://www.theguardian.com/society/2025/dec/24/midwife-leading-nottingham-maternity-inquiry-charging-nhs-up-to-26000-a-month>.

⁸⁶IfG, (2017) n35 above.

⁸⁷Undercover Policing Inquiry official website: <https://www.ucpi.org.uk/>.

⁸⁸IfG, (2017) n35 above states 64% of inquiries since 1990 have been chaired by a judge or former judge <https://www.instituteforgovernment.org.uk/explainer/public-inquiries>.

report.⁸⁹ This isn't always the case across the UK, and other professionals have been chosen. But why are lawyers generally deemed such a good fit?

There are arguments for and against. Senior lawyers – particularly judges – possess analytical skills and legal knowledge that are generally appreciated for a forensic-type inquiry. They are also likely to be trusted to be independent of political interference. But they are fundamentally part of the legal establishment, not necessarily expert in the matters under review or indeed skilled in dealing with those who have been impacted by the harm at the heart of the inquiry. They may also be “wedded by their courtroom experience into thinking that an inquiry is a version of the same”.⁹⁰ Having someone who comes from a different background, more capable of understanding the experiences and lives of those harmed, more specialised in the subject matter, might be a better bet.

This was a specific concern in the Grenfell Tower Inquiry. Early in proceedings Leslie Thomas QC representing the bereaved pointed to the diversity of his clients. Then he said, “Now look at the lawyers ... look at the suits. I've already told you to look at the victim core participants. I've asked you to take a long hard look at your panel, your assessors, your team, and ask yourself: does it pass the smell test? Because that relates to perception, public perception. Do they understand us? Do they speak our language?” He concluded, “a lack of participation from the very people who matter will affect justice. And a lack of justice is injustice”.⁹¹

In a judicial review brought by representatives for the bereaved (who contended the Prime Minister should have appointed a diverse panel to maintain public confidence and achieve a fair and balanced inquiry), the court held that the Inquiries Act imposed no duty to appoint a panel, diverse or otherwise. Its only concern was that those appointed, either as a single Chair or as a panel, had to have the necessary expertise.⁹² In that regard, the court found that the Prime Minister was “plainly entitled to reach the conclusion that Sir Martin Moore-Bick has the necessary expertise to undertake the inquiry, particularly having regard to the assistance that he will receive from his assessors”.⁹³ It accepted the contention of the Government Legal Department that, being “a highly respected and experienced former Court of Appeal Judge and former Vice President of the Civil Division of the Court of Appeal”, Moore-Bick brought:

“very considerable breadth of experience to the Inquiry, as well as particularly extensive knowledge of relevant law. He has the technical skills, range of expertise and broad experience necessary to give rigorous consideration to all the matters set out in the terms of reference, and to satisfy the needs of the Inquiry as the sole panel member.”⁹⁴

Whatever the qualities of the Chair as a lawyer, the fact is that public inquiries are increasingly seen as legitimate only if run and judged by members of the legal profession. The limited understanding of how ‘truth-finding’ should take place replicates familiar legal processes rather than more inclusive methods of inquiry. They preference those members of the legal profession as best suited as truth-

⁸⁹Scottish Parliament, (2025) n3, para 294.

⁹⁰Sir Brian Langstaff letter n32 above at 13–14.

⁹¹Grenfell Tower Inquiry, Procedural Hearing, 11 December 2017, at 137–38 <https://webarchive.nationalarchives.gov.uk/ukgwa/20250319155650/https://assets.grenfelltowerinquiry.org.uk/documents/transcript/Transcript-of-Procedural-Hearing-11-December-2017.pdf>.

⁹²*R (Daniels) v The Rt Hon Theresa May, The Prime Minister* [2018] EWHC 1090 (Admin).

⁹³*Ibid*, para 32.

⁹⁴*Ibid*, quoted at para 22.

finders, whatever the subject matter. Together, this is an undue and ultimately counterproductive juridification of public inquiry that can and has undermined its purposes and aims.

(2) Should the inquiry be run by a panel or one chair alone with experts and assessors to help them?

Views vary here. Generally, though, there are benefits to selecting a panel for some issues. The House of Lords noted that ministers should “not feel limited to appoint a single Chair only, particularly when the inquiry is expected to be wide-ranging or when the subject matter is particularly technical, as a panel of experts could be particularly useful in those instances”.⁹⁵

(3) How should the terms of reference guiding the work of the inquiry be drawn up?

Government establishes the parameters of each inquiry under the current system. It has become increasingly the case, however, that the Chair is engaged in drawing up the details. Prior consultation with those likely to be involved is also taking place. In December 2025, the appointed Chair to the Grooming Gang Inquiry wrote to victims and survivors saying, “We intend to meet with groups of victims and survivors over the first initial months of the inquiry while we consult on our terms of reference and get the inquiry up and running.”⁹⁶ Adopting trauma-informed processes to help with this is developing as recognised good practice. But how this might take root has yet to be determined.

(4) How should survivors, bereaved, and families of victims be involved?

In JUSTICE’s report of 2020 much emphasis was placed on the treatment of grieving families and survivors in inquiry procedures.⁹⁷ From the collection of evidence to the public hearings, a significant burden is placed on people who have already been harmed. That can be intense simply by reason of having to recount terrible events. It can be even more impactful if one of the designated core participants. Though that will bring funded legal representation, as already mentioned, no lawyer appearing on their behalf acts without substantial client input. The time and unpaid and emotional labour this involves is rarely considered. Constructing a caring and supportive inquiry has occupied many Chairs’ minds but there are always questions as to whether more could and should be done.

(5) What form should proceedings take?

The emphasis on legal control over the running of the statutory public inquiry is written into the Inquiries Act and the Inquiry Rules 2006. The latter assumes that a Chair will appoint either a counsel and/or a solicitor to the inquiry. Rule 10(1) implies that such a “qualified lawyer” will play an instrumental part in proceedings:

⁹⁵House of Lords, (2024) n6 above, para 45.

⁹⁶Home Office, Anne Longfield, et al, (2025) ‘Independent Inquiry into Grooming Gangs: Chair and panellists open letter to victims and survivors’ <https://www.gov.uk/government/publications/independent-inquiry-into-grooming-gangs-chair-and-panellists-open-letter-to-victims-and-survivors/independent-inquiry-into-grooming-gangs-chair-and-panellists-open-letter-to-victims-and-survivors>.

⁹⁷JUSTICE, (2020) n6.

“where a witness is giving oral evidence at an inquiry hearing, only counsel to the inquiry (or, if counsel has not been appointed, the solicitor to the inquiry) and the inquiry panel may ask questions of that witness.”

Many criticisms have been made about the legal dominance evident in inquiry hearings. At the conclusion of the Bristol Royal Infirmary Inquiry, Sir Ian Kennedy said that if “a Public Inquiry is made to look like a court of law, and behaves like a court of law, in which certain professionals (particularly lawyers) feel comfortable, the more likely the public will feel excluded”.⁹⁸

Other Chairs have tried to address this. But when walking into any public inquiry today, Leslie Thomas’s smell test would remind one of a courtroom. It may not be set up in the same way exactly, and it may purport to be inquisitorial rather than adversarial, but does this make much difference for witnesses and the bereaved?

Some Chairs have tried to disrupt the formalism of their proceedings. At the Infected Blood Inquiry, Sir Brian Langstaff changed the room layout so that “there won’t be ranks of lawyers in the front row”.⁹⁹ Lawyers were to one side, press on the other, and “members of the public” in front of the witnesses.

Whatever room arrangements are made, the formalities of proceedings may be something that the victims of any wrongdoing wish to see. Then they can be assured the ‘system’ is taking their accounts seriously. The formality may well reinforce the idea that justice is being done. Yet some have advised that their evidence at least could be better delivered “without the pressure of the formal process and constraint of giving evidence”.¹⁰⁰ Adopting “a non-evidential forum to facilitate the therapeutic giving of testimony by bereaved people and survivors” could assist in the healing of those harmed while still giving them a voice.

Whether and how proceedings can be staged so that those involved (witnesses as well as those harmed) feel fully included while maintaining the sense of an independent and impartial process is left to individual Chairs and their teams to create. Fully considered guidance on this by professionals who deal with victims and survivors remains elusive. Equally, the extent to which and how an inquiry is made accessible to the public remains underexplored.

2.4 Aftermath

With so much time and money invested in any public inquiry, one would think that recommendations reached at its conclusion would be taken seriously. This is not always the case, or at least, it appears not to be so. Sir John Saunders, the Chair of the Manchester Arena bombing inquiry commented:

There have been reports of occasions when an inquiry has made detailed findings and recommendations only for that work to be side-lined and the important learning from that inquiry lost, until another disaster or tragedy leading to another inquiry causes the same issues to be examined again. I had direct experience of this problem myself, in that failings identified in the 7/7

⁹⁸Bristol Report n46 above, para 16.

⁹⁹Sir Brian Langstaff letter n32.

¹⁰⁰JUSTICE, (2020) n6 at 99.

Preventing Future Deaths Report had not been adequately addressed and reoccurred on 22 May 2017.¹⁰¹

Kate Eves, Chair of the Brook House Inquiry into abuse and practices experienced at Gatwick immigration detention centre, went on the record a year after her inquiry concluded, saying that the government had only implemented 1 of her 33 recommendations. The BBC reported that it “was not possible to be sure whether another 23 proposals have been accepted, and there was ‘no information at all’ about a further five”.¹⁰² Judicial review into alleged government failure to implement the recommendations followed but ultimately to no avail.¹⁰³

When JUSTICE published its report into inquiries in 2020, it noted that “there is little to prevent inquiry recommendations vanishing into the ether where the political will to implement is lacking”.¹⁰⁴ It argued there was “a serious lack of transparency in how public inquiry recommendations are implemented”. This has become an enduring focus of complaint.

The problem takes on added dimension when an inquiry recommends compensation for the victims of any harm it may find. This doesn’t happen often. But it is a way of encouraging specific and individual redress to accompany suggested systemic change. ‘Encouraging’, that is, because inquiries do not have the power to order compensation. If the government accepts the recommendation, then it assumes responsibility for whether and to what extent it is implemented. The matter becomes part of the general process of compensation recognised by government although sometimes takes the form of specific schemes.¹⁰⁵

In the Infected Blood and Post Office Horizon inquiries, compensation has been a very prominent issue given that there are survivors whose lives have been ruined and who deserve monetary redress as soon as possible. But along with other schemes not resulting from inquiries (the Home Office Windrush scandal and the abuse and appalling ill-treatment of LGBTQ+ military veterans), the experience of those harmed has not been good. In June 2026, the Public Audit Committee of the House of Commons heard evidence from campaigners across schemes. Sir Alan Bates, who has been the face of the Post Office Horizon affair, said the scheme was “an utter disaster. There are so many reasons why they were wrong and why they have caused so much grief, even now”.¹⁰⁶ Peter Gibson of Fighting with Pride agreed. He referred to a “whole retraumatising effect” on LGBT veterans. Lack of transparency, delay, poor communication, and a general absence of trust were noted.

It appeared to be a common experience, which Sir Alan Bates argued was down to government control. He lamented how the scheme “got bogged down in lawyers”. Reminiscent of critiques against the running of public inquiries, he said the government:

¹⁰¹Chairman for the Manchester Arena Inquiry: Hon. Sir John Saunders s14 letter to Secretary of State for the Home Department 1 August 2023 <https://webarchive.nationalarchives.gov.uk/ukgwa/20231101051945/https://manchesterarenainquiry.org.uk/conclusion-of-the-inquest-into-the-death-of-salman-abedi/>.

¹⁰²BBC News, (2024) ‘Only one change made at “toxic” migrant centre’ <https://www.bbc.co.uk/news/articles/cvgl46441jeo>.

¹⁰³<https://www.judiciary.uk/wp-content/uploads/2025/07/D1914-and-AAA-v-Secretary-of-State-for-the-Home-Department-and-AVY-v-SSHD.pdf>.

¹⁰⁴JUSTICE, (2020) n6.

¹⁰⁵Public bodies provide compensation for harm in various systemic ways. From payments for criminal injury to NHS harms, there are some established means in place that are supposed to be governed by general principles identified by HM Treasury and the Parliamentary and Health Service Ombudsman. See <https://www.ombudsman.org.uk/about-us/our-principles/principles-remedy/putting-things-right> and https://www.ombudsman.org.uk/sites/default/files/Our-guidance-on-financial-remedy-1_0.pdf.

¹⁰⁶Oral evidence 1 June 2026 at 4 available at <https://committees.parliament.uk/oralevidence/17642/pdf/>.

“went away and hired a big firm of lawyers to put the whole scheme together, but the minute they do that, they turn it into this enormously complex and threatening thing for the victims, who then need their own lawyers to start getting in there. Then you have lawyers against lawyers, it goes on and on, and it costs millions to do every time.”¹⁰⁷

He advocated for an independent body to run these schemes with full and proper funding from the state. The National Audit Office has also conducted its own review and identified a number of lessons for the design and planning of compensation schemes.¹⁰⁸ But for public inquiries, there remains the unresolved question of how and when this element of redress should interact with its work and findings.

¹⁰⁷Ibid at 8.

¹⁰⁸National Audit Office, (2024) ‘Lessons Learned: Government compensation schemes’ Session 2024-25 HC 121.

3 Analysis of proposals for reform

With so many areas of concern associated with public inquiries, it is unsurprising that a number of bodies have proposed reform over the past 20 years. This paper has already referred to some.

Between them, a large quantity of suggestions for change have been made. They try to address the recurring criticisms of cost, time, mode of operation, and implementation of recommendations in greater or lesser detail. But despite recognition that things could be done better, there has been no coordinated approach to consider reform by government.

Some proposals have been adopted despite this lack of consideration. For instance, a permanent Inquiries Unit within the Cabinet Office now exists. In response to the House of Lords 2024 report, the government claimed:

“there should be an active “community of practice” for teams involved in working on public inquiries, and welcomes the Committee’s recognition of the good work of the Inquiries Unit in establishing this community. Building the networks and systems which enable and encourage lesson learning and sharing of best practice between and across inquiry and sponsor teams will remain a priority for the Inquiries Unit. The Inquiries Unit already engages with non-governmental experts, and will continue to do so. The Government agrees that inquiry chairs should welcome support in ensuring that inquiry recommendations are practicable and implementable, and will continue to offer this support.”¹⁰⁹

The government has also established an online dashboard charting some recent public inquiry recommendations and how they are being implemented (or not).¹¹⁰ And it has committed to making guidance on inquiries publicly available “in due course”.

Touted as a significant alteration is the Public Office (Accountability) bill, if it passes through Parliament.¹¹¹ Dubbed the ‘**Hillsborough Law**’, it introduces a statutory duty of candour on public bodies when it comes to providing inquiries with the information they need. Criminal sanction may be imposed if officials fail to do so. Section 1 imposes “a duty on public authorities and public officials to act with candour, transparency and frankness in their dealings with inquiries and investigations and imposing criminal liability for breach of that duty”. The proposed legislation also creates a duty to enable “affected persons” – particularly bereaved family members – to “participate fully and effectively” in any relevant inquiry.

¹⁰⁹Government response, (2025) n8 at 5.

¹¹⁰Public inquiry recommendations and the government’s response webpage: <https://www.gov.uk/government/collections/public-inquiries-recommendations-and-the-government-response>.

¹¹¹Public Office (Accountability) Bill available at <https://bills.parliament.uk/bills/4019>.

Whether this achieves much in practice is questionable. It might speed up the flow of information and documents from government to an inquiry, which remains a particular problem.¹¹² It won't resolve the many other barriers to disclosing the truth, and crucially it only takes effect once an inquiry is announced.

Various other minor recommendations as to what form inquiries should take and how they should be run have been adopted in practice by individual inquiry Chairs and teams, as well as by government departments in setting up inquiries.¹¹³

Proposals to address the implementation problem include establishing a National Oversight Mechanism, a scheme developed and promoted by the organisation inquest. Suggested as an independent body, this would track how government has responded to recommendations. Parliament has also been nominated as a proper home for holding ministers to account. The Public Administration and Constitutional Affairs Committee was mentioned in the Infected Blood Inquiry as potentially taking on this role. The Committee is actively exploring this now.¹¹⁴

One fact unites all these proposals and changes: they still assume that the authority for establishing a statutory public inquiry should remain with ministers. Even the Hillsborough Law has force only once a minister calls a public inquiry. In other words, the power to institute an inquiry remains a governmental, political, decision.

This may seem attractive to serving politicians and officials, but it undermines the sense of public inquiry being independent and intent on finding the truth or truths of a matter.

The dangers of the power resting here (in successive governments of the day) were identified by Sir Brian Langstaff in the Infected Blood Inquiry. He was appalled by how long it took for an inquiry into the scandal to be called. He said the “decades-long refusal and failure to examine, interrogate or understand what went wrong and why cannot easily be excused”.¹¹⁵

His recommendations noted two specific and crucial shortcomings inherent in the current system.¹¹⁶ First, a minister has to determine if there is a matter of “public concern” to justify establishing an inquiry. This is wholly within the relevant minister’s discretion. But “the minister most likely to understand whether there is public concern may very well be the minister for the department of state which is most concerned with the subject matter”. If the department is potentially responsible in whole or part for the harm inflicted, then there may also be a great reluctance to unpick this in the glare of an independent public inquiry.

Second, the concept of “public concern” is such a “flexible” one that it lacks any definition to be useful. Currently, the relevant minister has no formal guidance as to when, or if, this criterion has been met, leaving those affected by any scandal or systemic wrongdoing at the mercy of the minister’s interpretation and the political and media environment from time to time. Inquiries are therefore sometimes called when there is an outcry but more often not.

¹¹²The delays in providing documentation to the Afghanistan Inquiry into alleged unlawful killings by Special Forces in that conflict have severely interfered with the investigations.

¹¹³The government’s responses to the House of Lords’ 2024 report show many acceptances of its proposals. See Government response, (2025) n8.

¹¹⁴See <https://committees.parliament.uk/work/9497/inquiry-into-the-recommendations-of-the-infected-blood-inquiry-stage-1/>.

¹¹⁵Infected Blood Inquiry Report Vol 7 at 179.

¹¹⁶Ibid Vol 1 at 277.

So, if public inquiry is so valued and valuable, why should its initiation be left in the hands of ministers? And if government ministers are not the most appropriate to initiate public inquiries, who or what is?

Inquiry reform proposals also suffer from significant knowledge gaps. Dawn Goodwin et al have identified the key areas where more needs to be found out.¹¹⁷ They noted that “[w]e lack a detailed understanding of how inquiries are run, how and on what basis decisions are made as to form and procedure, and what effects these decisions have on the experience of participants”.

More importantly, there is relative silence concerning harmed members of the public and their experiences of inquiries. The views of those for whom a public inquiry is primarily called are largely unknown.¹¹⁸ There has been no systematic exploration of the lived experience of the bereaved and survivors or the campaigning organisations who often represent them as groups. Analysing why some are successful in having an inquiry ordered and others are not needs to be explored.

The same is largely true for the views of the general public, the “client of an inquiry” as Langstaff acknowledged.¹¹⁹ The Institute for Government asserted, “Some non-statutory inquiries, including reviews into maternity care failings, have been successful in achieving public trust.”¹²⁰ But how can this be substantiated? Little public opinion research has been conducted.¹²¹

All reforms proposed are likely to suffer from this lack of primary research. This has to be addressed if reform is to have a chance of embracing the value of public inquiry and deal with the problems.

¹¹⁷Dawn Goodwin, Laura Clarry, Garrath Williams, and Sara Fovargue, (2025). ‘What we do and do not know about public inquiries: a narrative review’ *Contemporary Social Science* 20:5, 713–730.

¹¹⁸There are some exceptions. See for instance Natalie Ohana, (2021) ‘The politics of the production of knowledge on trauma: the Grenfell Tower Inquiry’ *J Law Soc* 48, 497–523.

¹¹⁹Sir Brian Langstaff letter n32 above at 13.

¹²⁰IfG, (2025) n6 at 15.

¹²¹A notable exception is Crest Advisory who published three annual reports on the public’s view of public inquiries. The last 2023 results are here: <https://www.crestadvisory.com/post/the-publics-view-of-public-inquiries-2023-results>. But more information about the survey sample is needed to judge the value of this information. Incidentally, Crest “provide Chairs, secretaries and legal teams with flexible ‘plug in’ support or provide an end-to-end service, depending on circumstance and need” <https://www.crestadvisory.com/inquiries>.

4 Recommendations: a reimagined public inquiry system

On 27 June 2022, the Grenfell Tower Inquiry heard closing submissions from the barristers representing each of the core participants on what happened in the aftermath of the fire. This took place in the same, sterile venue near Paddington basin that had been used for most of the previous hearings. The carpet was grey patterned, the chairs were grey, video screens were hung from various points on the walls and the columns holding up a low ceiling. The two members of the public present sat in the grey chairs squeezed between the desk for the panel in front and banks of lawyers behind. All the lawyers were dressed alike, in black suits with white shirts. There was a row of desks reserved for the press but there were no reporters in the room that day.

No one stood when the panel of three led by its Chair, Sir Martin Moore-Bick, appeared. But that was the end of informality. One after the other, the barristers walked from their places around the room to a small lectern closer to the panel and read out their prepared speeches. One of the video screens focused on the Chair throughout. There was no emotion or drama or revelation. James Maxwell-Scott QC for the local council read out a list of admissions: there had been failings that had a detrimental impact on individuals and a disproportionate impact on those from diverse backgrounds and with disabilities. There were “deep regrets and apologies”. It was mundane, ordinary, and relentlessly formal, lasting most of the day. By 3pm the two members of the public had gone. The lawyers – familiar from their appearances in many different inquiries – stayed and took turns to deliver their measured, restrained statements.

Not every day of the Grenfell inquiry was like this: dull, unengaging, somehow devoid of emotion even though dealing with institutional injustices. Nor is it typical of every public inquiry. When Sir Brian Langstaff released the Infected Blood Inquiry report in the Methodist Central Hall in Westminster, he did so to a packed audience of many hundreds. He was welcomed by a standing ovation for him and his team. The survivors and bereaved clearly felt seen and heard through his commitment and approach, and the sudden outpouring of regard was palpable.

But that experience of the Grenfell inquiry, replicated many times over elsewhere, points to the danger of a process that can slip into a legalistic formalism that excludes the public and those individuals it is supposed to serve.

Despite this and the many problems sketched in this paper, public inquiries have filled a vital if partial gap in democratic state accountability. Invariably through the prism of individual cases of suffering, they

excavate systemic issues that affect many or all of us. Safe public housing, responsible policing methods, caring health institutions, law abiding military operations, sensible planning against violent harms, honest government: public inquiries have time and again examined fundamental public concerns. No other independent, resourced, and rigorous process does the same or to the same degree.

But the potential of public inquiry is not being fully realised. If it is to become an integral part of a public right to justice then we should distinguish between the idea of ‘public inquiry’ as a standing institution on the one hand and public inquiries as the means by which it is fulfilled on the other.

Public inquiry as a standing institution

The progressive approach would see public inquiry as a standing institution and an alternative means for achieving justice in circumstances where systemic injustice is suspected as affecting people or communities. Brought to light by stories of individual or group harm, it is this systemic element that makes an issue worthy of sustained, independent, impartial examination, something that is not offered by other mechanisms. The combination of individual impact and collective, public interest marks public inquiry as an essential and just response.

Many jurisdictions do this through parliamentary or executive-driven processes. That does not preclude a separate, independent mechanism. Either way, it is recognition that the subject of inquiry is necessary ‘for’ the public. Specific individuals may be directly affected, but there are overlapping interests in getting to the truth of a suspected systemic wrong. We (or a significant proportion of us) will all be potentially affected by NHS systems of care, or justice processes, or policing methods, or building regulations.

It will also be ‘for’ the public where inquiry relates to historic wrongs which may or may not recur. Even in that situation, there is public interest in seeing justice done for those harmed in the past and who continue to suffer (through lack of catharsis or understanding about why and how harm was done, or an absence of redress). Getting to the truth of systemic harm remains the primary and necessary purpose. On this basis, public inquiry as a standing idea and institution should rest.

Public inquiries as the means of fulfilling public inquiry

If public inquiry takes on this mantle, the basis upon which it is delivered has to be trusted as a mechanism of justice. And that will require a form of public inquiries which abides by coherent justice principles. The most salient of these would be: they are used for the **right reasons**, at the **right time**, by the right means, and with the **right outcomes**.

To fully flesh out each of these will require filling gaps in knowledge identified in this paper and elsewhere. That should be a research priority. Even in the absence of this more detailed knowledge – though subject to it – some brief recommendations should be considered for each of these four dimensions:

(1) Right reasons

Getting to the ‘truth’ of a matter has been a primary purpose for all public inquiries. That follows suspicion that the truth has been hidden to the detriment of those who have suffered and the public in general. Cover-ups and governmental or institutional secrecy – such as in the Undercover Policing

Inquiry – may be apparent. Patterns of abuse may indicate cultures of harmful actions or omissions, as seen in multiple NHS-related inquiries. Or complex interactions between different agencies, both public and private, may have created unacceptable risks to the public, as was seen in the Grenfell Tower fire. In these circumstances, finding out the truth in and for the public is a necessary act of public justice or state accountability and will bring demands regarding the meaning of ‘truth’ in this context, as already seen.

This should remain the primary right reason for holding a particular public inquiry. But it isn’t sufficient. With the current reasons opaque for holding one particular inquiry but not another, other triggering reasons are necessary.

A suitable list already exists. In 2005, the then Public Administration Select Committee offered its suggestions.¹²² With some alteration it remains apt for a reimagined idea of public inquiry. The following conditions should all be met:

1. There is a clear and general systemic problem (whether on-going or historic) to resolve.
2. It is likely that a government or public body has failed in some respect, either causing harm, failing to prevent it, or failing to find a remedy.
3. There are clear policy implications.
4. A high level of public concern is evident.
5. Public confidence in state institutions have been impacted.
6. Other methods of justice have been exhausted.
7. Benefits of holding an inquiry (for individuals harmed and the general public) outweigh the likely costs.

Other factors may be adopted but these appear reasonable.

(2) Right time

While not every claim of injustice will merit a public inquiry, currently – with power resting with ministers – there is no trust that one will be called when needed. This was evident in the infected blood scandal and has also been a feature of many NHS-related issues concerning, for instance, maternity care.

Reconceptualising public inquiry as a vital element of a public right to justice therefore requires an inquiry to be launched when the right reasons for holding one exist.

As things stand, with the public inquiry less a part of, and more a corrective for, the justice system, it operates seemingly indiscriminately.

This central characteristic means the public inquiry is always on the periphery of public justice. The fact that inquiries are only called when government ministers decide to do so reinforces the position.

¹²²Public Administration Select Committee, (2005) ‘Government by Inquiry’ n3 above at 66.

They are initiated when it is politically expedient or a court advises that an Article 2 or 3 European Convention on Human Rights compliant investigation can only be met through public inquiry, or circumstances have reached a point where it would be politically dangerous not to order an inquiry. If that remains the case, no end of tinkering with the form will change a fundamental problem: inquiries are not being held when they should and need to be.

For the reconceived public inquiry to fulfil its potential it has to be capable of being initiated *without* government consent. Ministers might still retain power to call an inquiry, but that right shouldn't be exclusive.

So who else might initiate an inquiry? Parliament acting under the advice of an independent body would enhance the democratic responsibility associated in pursuing the justice of public inquiry. It used to be the case that Parliament would have the final say about whether there should be a public inquiry.¹²³ Democratising the process would be one way of avoiding the sense of governmental control. But it is fraught with problems. How would Parliament agree? Would MPs have sufficient detailed information to know when to intervene? And would the underlying political influence of the majority party in government still ensure that politically sensitive matters are avoided to the detriment of those harmed?

Leaving the matter with Parliament might indeed also be subject to political manipulation but it's a method followed in other systems. The Scottish Parliament's Finance and Public Administration Committee commissioned research into Scandinavian approaches as part of their review.¹²⁴ Approaches in Sweden and Norway were considered. In both cases, inquiries were predominantly instituted by government, although the Norwegian Parliament has the power to do so too, and were investigative in nature. Quicker and cheaper, the inquiries of Norway and Sweden are not undertaken in public. The focus appears to be on concluding what has gone wrong and how similar problems can be avoided in future.

If Parliament were to be given this role – as it used to have – it should not act on its own. Rather, those agencies already collecting information about systemic wrongs – those repeated harms inflicted by institutions or practices (think NHS cultures or organisational discrimination) – would be far better placed to determine the need for public inquiry. The various Ombudspeople, the Care Quality Commission, the Victims Commissioner and others, the newly formed Independent Public Advocate, the Chief Coroner, and the Equality and Human Rights Commission are candidates. Others will come to mind. These agencies are designed to review concerns expressed by the people who experience harm, rather than react mostly to media and political pressure.

To harness this knowledge, some form of facilitated and resourced Council of Inquiries could bring together these relevant independent bodies – who already receive information about, and analyse, patterns of wrongdoing committed by public authorities, but do not necessarily coordinate their efforts at present. In advocating for the interests of members of the public and guided by the right reasons criteria, such a collective would be well placed to determine whether a public inquiry was merited in any specific circumstances. It should possess the expertise to understand where the current justice mechanisms are failing or have failed, offering an independent, people-centred alternative to the current political control.

¹²³s1(1) Tribunals of Inquiry (Evidence) Act 1921 provided that both Houses of Parliament could resolve to establish a tribunal of inquiry.

¹²⁴Kira Pronin, (2025) 'Report: Public inquiries in Sweden and Norway' https://www.parliament.scot/-/media/files/committees/finance-and-public-administration-committee/publicinquiries_scandinaviareportfinal_22oct25.pdf.

Such a Council of Inquiries could also fulfil a number of functions currently distributed across government. The Cabinet Office and other departments have inquiry units and are deploying significant resources generally and specifically when inquiries are called. Relocating these to an independent body would remove the suspicion that political interests outweighed justice aims.

(3) Right means

Whoever launches an inquiry, the right means for its delivery should be met. Many of the proposals for reform speak to elements of how this might be done. Avoiding a 'one-model fits all' approach, any form should nonetheless follow principles of good inquiry, which would include ensuring the means adopted followed each of the aims set out earlier in this paper.

So, with a more sophisticated understanding of truth and its many dimensions installed, some existing alternative justice ideas could usefully influence how inquiries proceed. As mentioned previously, diverse sources and types of knowledge are frequently dismissed or not fully respected. Epistemic justice, as it has been termed, requires explicit consideration of whose truths are heard and how. Epistemic injustice has to be avoided if the process is to be a truer form of accounting 'for' the public as a whole and those harmed.¹²⁵ The same applies to some of the principles of restorative justice, where impartiality, safety, and emotional repair are important drivers of process design.

The right means also have to include acknowledging the sacrifices suffered by individuals who take part in inquiries. These efforts are for the public benefit. And as noted, they entail significant emotional, financial, and time costs before and during proceedings, which are not fully or properly met by granting legal fees alone. (Knowing more about the experiences of those who have been in this position will help determine what kind of support should be provided.)

Overall, this should lead to people-centred, trauma-informed approaches committed to uncovering the truth through appropriate means while protecting, respecting, and supporting those harmed as a priority. Inquiries have become increasingly aware of this aspect. But significantly more practical expertise and thought on principles and methods, drawn from restorative and transformative justice ideas, should help fashion an inquiry's form.

Investigations should also look to principles of inclusivity as well as rigour and investigative care to form the basic virtues of inquiry, as they do in many social science disciplines.¹²⁶ Other virtues will come to mind. What might be called inquiry vices must also be avoided: lack of curiosity, lack of respect to those involved, inattention to detail, failure to obtain relevant expertise, delay, etc.

On these foundations, an alternative to the dominant legalistic model that has developed over the last 20 years or more should be shaped. This does not mean removing lawyers from the mix. But it would require a rebalancing of their influence as inquirers. The commercialised model of operation – where solicitor firms and barristers provide one-stop services – appears administratively attractive as an easy and ready-to-use form. But it unwittingly encourages entrenched ways of doing things that may be counterproductive to the aims and principles of inquiry introduced above.

¹²⁵See Miranda Fricker, *Epistemic Injustice: Power and the Ethics of Knowing* (OUP, 2007).

¹²⁶Kieran Walshe questioned why the long-developed processes of good social science were not embraced by public inquiries in Kieran Walshe, (2019) 'Public Inquiry Methods, Processes and Outputs: an Epistemological Critique' *The Political Quarterly* 90, 210–215.

A better appreciation of what 'in' public means would help. The public deserves to be kept informed of what is being done in its name. More than live-streaming hearings or the publication of a many-volume report is needed. Transparency as a founding principle will undoubtedly recognise there have to be exceptions for good reasons, and that will take us into all sorts of protective mechanisms for those who have been harmed or are giving testimony. Interests of 'security' often emerge too, but as a rule, openness should be the hallmark of being 'in' public. Too much of the inquiry process is hidden currently – we only see a fraction of the efforts of the inquiry team.

Greater transparency costs money, particularly if creative methods of documenting the inquiry's work are adopted (fly-on-the-wall documentaries for instance). But advertising more regularly the discovery of harm and the systems or cultures which have allowed it to happen would be more effective in raising awareness of the scale and nature of any wrong and the importance of doing something about it. Too frequently we hear the critique that past inquiries in the health context produce numerous recommendations in long reports only for them to be quickly forgotten, requiring repeat inquiries leading to the same suggestions. Publicity as a perhaps unlikely principle of justice could be developed in this context to good effect.

(4) Right outcomes

What happens when inquiries are concluded is the final area where justice principles should be met. Some of an inquiry's aims will be fulfilled simply through adopting means that are designed to achieve them (primarily truth-finding). But systemic change, as well as adequate redress for those specifically harmed, will not result through the process alone. Implementation of recommendations to amend policy and institutional practice to deal with root causes of harm and to protect against repetition, requires proper administration. Government bear primary responsibility for this and Parliament should contribute to holding it to account. This much has been recognised in existing proposals. Achieving that through the oversight of a national independent mechanism, as INQUEST have promoted, could avoid charges of political control and bureaucratic inertia. A Council of Inquiry with powers, as proposed, might fulfil that role too.

Providing individual redress and compensation is more politically sensitive and complex. It is not always about money. Recognition, apology, and change are all sought after as well. But where monetary compensation is deemed relevant (as in the Infected Blood and Post Office IT inquiries), justice requires proper and speedy payment for those wrongfully harmed. Government bureaucracy and financial constraints combine to interfere with this. The experience of those reporting on schemes relating to infected blood victims and their families, and sub-postmasters, highlight the re-traumatising and newly harming effects they have experienced. The principle of just resolution through independent people-centred processes must therefore be part of the public inquiry model; while it is a separate element from the investigative purpose, it nonetheless would contribute to providing the right outcomes.

These recommendations require detail to realise. Leaving that reform primarily to the government and inquiry lawyers who have made an industry of public inquiries is unlikely to be productive. Much greater analysis is needed to flesh out the details and explore ways in which they may be fulfilled. But ultimately a public right to justice requires an approach which is public-oriented, sensitive to those harmed, and effective in achieving its aims. That alone needs a fundamental change in thinking, towards public inquiry as an idea and as a practice.

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