

## **The future for Public Inquiries: A review of the Statutory Inquiries Committee report.**

Public Inquiries play an important role in our society and can be crucial in the aftermath of disaster or scandal in providing catharsis for victims, ensuring accountability for those at fault and, importantly, making recommendations to avoid the risk of reoccurrence.

This year alone, a number of key public inquiries have taken place (or are in progress) including the Grenfell Tower Inquiry, the Infected Blood Inquiry, the Post Office Inquiry, The Covid 19 inquiry, The Thirlwall Inquiry (examining events at the Countess of Cheshire following the convictions of Lucy Letby) and The Lampard Inquiry.

There are often calls for new inquiries to be set up, yet simultaneously inquiries are subject to criticism relating to their cost, duration and effectiveness. Given the important role that Inquiries play in our society and their potential to prevent a recurrence of suffering, a review of their operation and impact was clearly desirable

In January 2024, the Statutory Inquiries Committee was appointed to consider the efficacy of the law and practice relating to public inquiries. Following the receipt of written and oral evidence, the House of Lords committee have recently published their report. [Public inquiries: Enhancing public trust \(parliament.uk\)](#)

The Report found four main areas where improvements could be made with corresponding recommendations made, namely:

- (a) The way that inquiries are designed and established;
- (b) Ensuring that the accepted recommendations from the previous 2014 House of Lords report are put into effect;
- (c) How public inquiry recommendations are monitored to ensure that they are implemented; and
- (d) Enhancing the role of the Cabinet Office's Inquiries Unit.

Arguably some of the most significant findings relates to the monitoring and implementation of Inquiry recommendations. It is clear from the Report that, in the past, the responses to Inquiry recommendations have been both inconsistent and often deficient. This led the Committee to conclude that:

***“Insufficient implementation monitoring has damaged the reputation of public inquiries and made them less effective”. [para 115]***

This article considers the findings and conclusions in this regard in a little more detail.

#### The 2014 Report

This is not the first review of the efficacy and operation of the Inquiries Act 2005. [House of Lords - The Inquiries Act 2005: post-legislative scrutiny - Select Committee on the Inquiries Act 2005 \(parliament.uk\)](#)

The 2014 Select Committee made a total of 33 recommendations, of which 19 were accepted by the Government at the time.

Although the 2014 Committee did not consider the issue of recommendation implementation specifically, the aims of the 2014 review were the same - namely to monitor and improve the efficacy of Public Inquiries being initiated under the Inquiries Act 2005. However, as the most recent House of Lords Committee found:

***“the 2014 Committee did not have the impact it could have done on the governance structure....because many of the accepted recommendations were not subsequently implemented by the Government” [para 72]***

It is perhaps ironic (and somewhat unfortunate) that the 2024 report has recognised that failing to act on recommendations impacts both on efficacy and public trust, where none of the 19 accepted recommendations from the earlier House of Lords review have been implemented.

#### What is “Monitoring Recommendations” and why is it important?

As set out above, one of the key objectives of a Public Inquiry must be the prevention of recurrence of disasters and positive change and recommendations are a key tool to achieving this aim. Indeed, the House of Lords states that it heard evidence “*where inquiries have led to positive change*”<sup>1</sup>, citing CRB checks, changes to rail safety and changes in gun ownership as examples of successful change.

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<sup>1</sup> Para 80 of report

Between 1990 and 2017, according the Institute for Government, there have been 2625 recommendations for change made in public inquiries<sup>2</sup>. However, a lack of formal monitoring or tracking means that it is not easy to identify which, if any, of these recommendations have been implemented, still less to monitor the impact of them. Of the 68 inquiries that have taken place since 1990, only six have received a full follow-up by a select committee to ensure that Government has acted.<sup>3</sup>

The drafting of recommendations is often a painstaking part of the Inquiry process, in which the Chair will draw carefully upon the expertise and information obtained in the course of the Inquiry. Although there is a statutory duty to respond to an Inquiry, Government are not obliged to accept the recommendations. There may be good and valid reasons why recommendations cannot or ought not be acted upon and these should be set out in the Government's response. But what happens where a Government accepts recommendations but does not subsequently act upon them?

The Inquiries Act does not contain any provision to ensure that accepted recommendations are implemented, nor to monitor the impact that any changes are having. There is therefore no recourse if the Government fails to act and no reliable way of measuring the impact of an Inquiry. The potentially devastating consequence of this, to individuals and society as a whole, should be apparent. For example, the Committee heard evidence to that *“if the recommendations from the inquiry into deaths at the Bristol Royal Infirmary in 2001 been implemented, then the patient deaths investigated by the Mid-Staffordshire Hospitals Inquiry in 2013 may have been less likely to occur.... And we heard that if the changes recommended by the 2013 inquest into the Lakanal House fire had been made, then the Grenfell Tower fire might have been prevented.* [para 82]

In this regard, the House of Lords' Committee have concluded that, where recommendations *have* been accepted by Government, it is *“inexcusable”* for these recommendations not to be implemented. The current position is accurately and pithily encapsulated in this one short quote:

***“Implementation monitoring is an essential, but currently neglected, part of the inquiry process”.*** (See Box 3 of Report: *Implementation monitoring in practice*)

### The Future for Recommendations

The Committee carefully analysed some of the informal mechanisms that appear to have been used to date, such as monitoring by the Chair of the Inquiry, but identified a number of significant problems with relying on such informal procedures. Having identified the deficiency, the Report considers alternative models for formalising recommendation monitoring and implementation including:

- (i) Formal monitoring by the Chair of the Inquiry
- (ii) Independent Implementation Monitors (a role utilised to great success in Australia)
- (iii) Supreme Audit Institutions

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<sup>2</sup> [How public inquiries can lead to change | Institute for Government.](#)

<sup>3</sup> Para 93 of report, referencing Institute for Government data

- (iv) An independent body
- (v) Parliamentary Monitoring

There were a number of compelling reasons why, despite the expertise and skill that the Chair would hold at the conclusion of an Inquiry, it would not be practicable to demand a Chair to extend their role into the space of monitoring implementation. Not only would there be practical difficulties, this mechanism would be *“inferior to monitoring by a central organisation, which can perform a meta-analysis of the trends for recommendations across multiple inquiries”*. (para 97)

The Committee also rejected an alternative model of independent implementation monitors, despite the evidence received that *“in some cases the use of monitors led to a 100% success rate in implementation”* (para 99). It would appear that this option was also rejected due to the inability to obtain and process meta-data across Inquiries.

The Committee considered the desirability of a new National Oversight mechanism, which would need to be equipped with the necessary powers to follow up and alert relevant bodies if recommendations have not been enacted. They would also have a role in collating and analysing data and being accountable to bereaved people or victims. Despite a number of compelling and attractive reasons for such a body, the Committee concluded that it was undesirable as *“it would require a considerable outlay of time and resources to establish a new organisation”*<sup>4</sup> and there would be an undesirable conflict should these powers be conferred to the existing Cabinet Office Inquiries Unit.

The most frequently expressed view from witnesses was that there was a role for Parliament here. The committee considered that this would be superior to the other options because it *“plays to the strengths of the existing committee system”* and would be able to *“undertake meta analysis of wider systemic policy failures”* (para 105). As well as monitoring recommendations arising from Inquiries, the committee could review inquest recommendations.

The Committee therefore recommended:

***..”that formal implementation monitoring should be undertaken by a new, joint, select committee of Parliament: the Public Inquiries Committee. Should a new joint committee not be desired, then it should be a sessional committee of the House of Lords” (para 115)***

The functions of the new committee would be to:

- (a) Publish inquiry reports and government responses in one place, online;
- (b) Monitor the implementation of accepted public inquiry and major inquest recommendation through policy research, correspondence with Government departments and evidence sessions with Ministers and officials;

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<sup>4</sup> Para 103

- (c) Publish reports on recommendation implementation and maintain an online, publicly available, tracker. This would show the status of individual recommendations, perhaps using a traffic light grading system;
- (d) Make recommendations to the Inquiries Unit of the Cabinet Officer on best practice for establishing and running public inquiries, based on evidence from experts in inquiries;
- (e) Scrutinise the Government's sponsorship or and formal response to individual inquiries;
- (f) Conduct thematic research and meta-analysis of recommendations common to multiple inquiries, so as to identify systematic policy failures and prevent future disasters.

Whilst the collation of data and meta-analysis are important and useful tools, it is imperative that any Committee subsequently established on the back of this report does not lose sight of the key finding of this report, namely that recommendation implementation has been neglected to the detriment of public confidence and to the risk of recurrence. It is clear that care and time must now be committed to this most vital of Recommendations so that clear and effective mechanisms are in place for monitoring.

### Conclusion

Public inquiries have become an important tool in the event of disasters and scandals and so it is important that they have been given proper scrutiny. As this Report makes clear, to be truly effective, the findings and recommendations must be acted upon to ensure that lessons are learned and to prevent reoccurrence.

The Committee states that "*it is important that the recommendation of this committee are monitored in the months and years to come*" (para 71). Time will tell whether, against a history of unimplemented recommendations, this Report will mark a significant development in the field of Statutory Inquiries.

It is vital that the findings of this report are now considered seriously and acted upon as a matter of priority to ensure that public trust is, indeed, enhanced and that the integrity of Public Inquiries is maintained.

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