

By Graeme Cowie

7 March 2022

# Statutory public inquiries: the Inquiries Act 2005



## Inquiries Act 2005

2005 CHAPTER

An Act to make provision

BE IT ENACTED by the Queen in Council, with the assent of the Lords Spiritual and Temporal, that it shall be lawful for the Queen, by Letters Patent, under the Great Seal of Great Britain, bearing the authority of the same, as

### Summary

- 1 Public inquiries: the statutory framework
- 2 Establishment of a statutory inquiry
- 3 Procedures
- 4 Personnel
- 5 Open 2005 Act Inquiries

Table 1: Active and announced 2005 Act public inquiries

Table 2: Former 2005 Act public inquiries

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## Summary

Public inquiries play a prominent part in public life in the United Kingdom. When major accidents or disasters occur, or when something goes seriously wrong within government or a public body, calls are often made for “a public inquiry” to be held. Inquiries into matters of public concern can be used to establish facts, to learn lessons so that mistakes are not repeated, to restore public confidence and to determine accountability.

This briefing examines statutory public inquiries held under [the Inquiries Act 2005](#). It sets out details of current inquiries held under the Act and analyses the procedural issues facing inquiries.

Within Government, the Cabinet Office is responsible for advising Ministers on the establishment and conduct of public inquiries, of whatever form. Statutory inquiries are not the only option open to the Government: they may instead establish a non-statutory inquiry, a Royal Commission or a departmental inquiry.

Further information on non-statutory inquiries can be found in a separate House of Commons Library Briefing:

- [Public Inquiries: non-statutory commissions of inquiry](#), SN02599

The principal advantages of statutory inquiries are that they provide legal powers to compel witnesses to give evidence, provide legal safeguards, and can set limits upon the Government’s discretionary control of an inquiry.

Public inquiries are, by their nature, controversial. At the outset of an inquiry questions are often raised over the identity of the Chair, the breadth and precision of the terms of reference, the size of the budget, the proposed timetable, and the inquiry’s working methods.

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# 1 Public inquiries: the statutory framework

## 1.1 Types of inquiry

The term ‘public inquiry’ can denote a number of procedures that are distinct in law. This paper focuses on statutory inquiries under the [Inquiries Act 2005](#).

There are four forms of non-statutory public inquiry:

- non-statutory ad-hoc inquiries (including independent panels);
- Committees of Privy Counsellors;
- Royal Commissions; and
- departmental inquiries.

The [Inquiries Act 2005](#) provides for the establishment of a statutory inquiry. It establishes a statutory framework for the appointment of chair and other personnel, the taking of evidence, the production of a report and recommendations, and the payment of expenses.

The 2005 Act replaced the [Tribunals of Inquiry \(Evidence\) Act 1921](#). That Act was perceived as inflexible and used infrequently by Government, and non-statutory and subject specific statutory inquiries predominated.<sup>1</sup> The 2005 Act sought to make statutory inquiries the default option, and to avoid problems associated with the 1921 Act.<sup>2</sup>

32 inquiries have been established under the 2005 Act, of which 15 are ongoing (see section 5). Of the open inquiries, ten were established by the UK Government, four by the Scottish Government and one by the Northern Ireland Executive. Section 5 gives further details on the statutory inquiries that are currently live.

The [Inquiry Rules 2006](#) provide a number of detailed requirements for the administration of inquiries (see section 3.1 for further detail).

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<sup>1</sup> See a table of inquiries established between 1900 and 2004 in Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, pp. 86-95

<sup>2</sup> See Roy Beldam and Judith Bernstein, *Review of Inquiries and Overlapping Proceedings*, 2002

## 1.2

# Establishing a statutory inquiry

[Section 1 of the 2005 Act](#) provides that only Government Ministers, from either the UK or the devolved administrations, can establish a statutory inquiry. The formal procedure for establishing an inquiry is set out in a [Cabinet Office Guide](#) (PDF).<sup>3</sup> This means that those that wish to see a statutory inquiry into a particular matter must persuade the relevant Minister.

A Minister must, once an inquiry is proposed, as soon as reasonably practicable make a statement to Parliament, or the relevant devolved legislature, indicating who is to chair the inquiry, any proposed members of the panel, and the terms of reference.

Statutory inquiries under the [Inquiries Act 2005](#) are generally established by the relevant government department but once they have been established they are formally independent. Their secretariats are normally newly-appointed for each inquiry, from within the Civil Service.

The Ministry of Justice has responsibility for the [Inquiries Act 2005](#) and the [Inquiry Rules 2006](#) (see section 3.1), and advises on the application of both. However, within Government the Cabinet Office is responsible for advising on whether an inquiry should be held under the [Inquiries Act 2005](#) in the first place.

## Territorial Remits

The UK Government has the power to establish an inquiry covering any part (or the whole) of the UK, and/or to establish an inquiry jointly with the devolved administrations. It can also establish an inquiry on behalf of more than one UK Government Minister.<sup>4</sup> However, an inquiry set up by a devolved administration has more constrained powers: for instance, the [Penrose Inquiry](#) (2008-15) could not compel witnesses outside of Scotland to attend. An inquiry established by the UK Government can look into matters which are devolved and use the powers in [section 21](#) to compel evidence and witnesses, provided certain conditions are met.

In order for a UK inquiry to include in its terms of reference a matter that was devolved at the time of the event being inquired into, the relevant devolved administration must be consulted. They must also be consulted if the chair is given power to compel the production of evidence.

## Other powers to establish inquiries

The [2005 Act](#) repealed several powers to hold inquiries contained in other legislation. Some similar powers still exist: these include [section 14\(1\)\(b\) of the Health and Safety at Work Act 1974](#) (incidents and accidents), [sections](#)

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<sup>3</sup> Cabinet Office, [Inquiries Guidance](#)

<sup>4</sup> [Explanatory Notes to the Inquiries Act 2005](#), para 81

[68-72 of the Financial Services Act 2012](#) (serious failure of the regulatory system), and those the [Merchant Shipping Act 1995](#). A list of inquiries established under other powers between 1990 and 2005 can be found in the House of Lords report on the 2005 Act.<sup>5</sup>

## 1.3

# Operation of the Inquiries Act 2005

## Executive control at Parliament's expense

There has been some criticism that the [2005 Act](#) represented a strengthening of ministerial control over statutory inquiries. For example, the Public Administration Select Committee (PASC) expressed concern that Parliament's involvement in inquiries would be diminished by the [2005 Act](#).<sup>6</sup> The repeal of the [1921 Act](#), as the Committee put it, "remove[d] the opportunity for formal parliamentary involvement in inquiries." Moreover: the new framework:

strengthens the Executive's position by enabling ministers not just to decide on the form and personnel of an inquiry before it has begun but also influence its operation.<sup>7</sup>

This concern about Parliamentary oversight, or the lack thereof, was reiterated more recently by the Public Administration and Constitutional Affairs Committee in its [2017 report](#) (PDF). It said:

We remain concerned about the lack of mechanisms for meaningful Parliamentary oversight over the establishment of both statutory and non-statutory inquiries.<sup>8</sup>

It argued that the House of Commons should have a greater say in a range of matters before an inquiry is set up. For example, an ad hoc Select Committee, it said, should have the opportunity to report on the Government's proposed terms of reference for a public inquiry, and to recommend whether the inquiry should be a statutory one. Moreover, it argued that there should be a vote on an amendable motion before the terms of reference are formally set, and that this motion should also indicate a timescale and budget for an inquiry. Under the 2005 Act, none of this is required and no such parliamentary activity can bind a Minister or any inquiry they set up.<sup>9</sup>

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<sup>5</sup> House of Lords Select Committee on the Inquiries Act, [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF), HL 143, 11 March 2014, p.108-117

<sup>6</sup> Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, p. 62; see also the [Government response](#) (PDF).

<sup>7</sup> *ibid.*

<sup>8</sup> Public Administration and Constitutional Affairs Committee, [Lessons still to be learned from the Chilcot Inquiry](#) (PDF), HC 656, 16 March 2017, p. 14

<sup>9</sup> *ibid.*



## Question marks over independence of inquiries

The Joint Committee on Human Rights expressed concern that certain aspects of the legislation risked compromising the independence of an inquiry, potentially breaching [Article 2 of the European Convention on Human Rights](#) where the subject matter of the inquiry concerned the right to life. These included provisions in the Act for:

- Ministers to bring an inquiry to a conclusion before publication of the report ([section 14](#));
- Ministers to restrict attendance at an inquiry or to restrict disclosure or publication of evidence ([section 19](#)); and
- the ‘default position’ on publication whereby a Minister may become responsible for publishing the conclusions of an inquiry and for determining whether any material should be withheld in the public interest ([section 25](#)).<sup>10</sup>

These powers were linked to a perception within Government that [1921 Act](#) inquiries took longer than other inquiries, though the PASC report disputed this.<sup>11</sup>

## Post-legislative review by the House of Lords

On 11 March 2014, the House of Lords Select Committee on the Inquiries Act 2005 published its report [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF).<sup>12</sup> The Committee’s overall conclusion on the operation of the 2005 Act was positive, and the report noted that concerns over ministerial interference had proved unfounded.<sup>13</sup> The Committee made thirty-three recommendations for how statutory inquiries under the Act could be improved, including a number of changes to the Act itself and to the Inquiry Rules (see section 3.1).<sup>14</sup> The Committee viewed the rules on warning letters (see section 3.5) as burdensome and causing of delays. They recommended the rules be redrafted to make the procedure more flexible and proportionate.<sup>15</sup>

- The Committee also recommended setting up of a permanent unit within Her Majesty’s Courts and Tribunals Service, to be responsible for running inquiries.<sup>16</sup> This would both act as a repository of good practice in inquiry administration and would reduce set-up costs incurred by each new inquiry. The Institute for Government’s 2017 report suggested setting up a similar unit in the Cabinet Office (see below).

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<sup>10</sup> Joint Committee on Human Rights, [Fourth report session 2004-05](#) (PDF), HC 224, 12 January 2005

<sup>11</sup> Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, p. 16

<sup>12</sup> House of Lords Select Committee on the Inquiries Act, [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF), HL 143, 11 March 2014

<sup>13</sup> *ibid.* p. 91

<sup>14</sup> *ibid.*, recommendations 6, 9, 4 and 10

<sup>15</sup> *ibid.* recommendation 25

<sup>16</sup> *ibid.* recommendation 12

The Government rejected these recommendations, but it accepted other recommendations to strengthen the way that inquiries processes are handled within Government, including:

- to ensure that on the conclusion of an inquiry the secretary delivers a full lessons learned paper from which best practice can be distilled and continuously updated;
- to review and amend the [Cabinet Office Guidance](#) (PDF) in the light of the Committee's recommendations and the experiences of inquiry secretaries, and should publish it on the Ministry of Justice website;
- to retain the contact details of previous secretaries and solicitors, and be prepared to put them in touch with staff of new inquiries;
- to collate Procedures Protocols and other protocols issued by inquiries and make them available to subsequent inquiries.<sup>17</sup>

## Institute for Government Report 2017

The Institute for Government published a report in December 2017 entitled [How public inquiries can lead to change](#) (PDF). This noted a number of features of the current practice of public inquiries:

- Inquiries are a regular feature of the administrative landscape. The authors note that “since 2000, there [had] never been fewer than three concurrent inquiries running in any month, and at the high point in 2010 there were as many as 15”;<sup>18</sup>
- The average inquiry takes two and a half years to publish its final report. This length of time risks diminishing the impact that an inquiry's findings can have. Inquiries should attempt to produce more rapid interim reports wherever possible;
- Inquiries should make more systematic use of expert witnesses, potentially via seminars at an early stage to bring the inquiry panel up to speed on key issues;
- There is no formal process by which the findings of public inquiries can be followed up and implemented. This tends only to occur to the extent that individual inquiry chairs take the initiative to follow up results; and
- To ensure that good practice in running public inquiries is retained, a central secretarial unit should be established in the Cabinet Office. This could also lead an improved follow-up process. Select committees should also follow up on the implementation of inquiry recommendations annually for the five years following an inquiry.

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<sup>17</sup> *ibid.* recommendations 13-16

<sup>18</sup> Emma Norris and Marcus Shephard, [How public inquiries can lead to change](#) (PDF), Institute for Government, 12 December 2017, p. 9

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## 2 Establishment of a statutory inquiry

### 2.1 The decision to hold an inquiry

Statutory inquiries may be established into ‘matters of public concern’, but there is no fixed threshold that identifies when this criterion has been met.<sup>19</sup> The Cabinet Secretary issued a guidance note on the establishment of judicial inquiries in 2010, which noted common characteristics of the events that had led to previous inquiries:

- Large scale loss of life;
- Serious health and safety issues;
- Failure in regulation; and
- Other events of serious concern.<sup>20</sup>

The Public Administration Select Committee’s 2005 report [Government by Inquiry](#) (PDF) endorsed six principal purposes for holding an inquiry, identified by Lord Howe:

- **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;

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<sup>19</sup> House of Lords Select Committee on the Inquiries Act, [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF), HL 143, 11 March 2014, p. 20

<sup>20</sup> *ibid.* p. 21; see also Cabinet Office, [Public Inquiries](#) (PDF), 19 March 2010, p. 2

- **Political considerations** – serving a wider political agenda for government either in demonstrating that “something is being done” or in providing leverage for change.<sup>21</sup>

This report also proposed several criteria for establishing what type of inquiry to hold:

- Can the nature of the problem be clearly described (e.g. a serious financial or economic loss, a major accident possibly involving fatalities, serious physical harm or death to one or more persons; a serious and demonstrable failure of public policy)?
- Was it likely that political, administrative or managerial failings were a factor?
- Are there clear implications for public policy including new or poorly understood issues?
- Is there a high and continuing level of public concern over the problem?
- Is there likely to be an adverse impact on public confidence in this area which cannot otherwise be satisfactorily resolved?
- Are any established alternatives available (e.g. the legal system; the complaint and redress system; internal and external regulatory systems)?
- Have these alternatives been exhausted or are they considered insufficient or inappropriate to meet the level of public concern?
- Do the potential benefits outweigh the estimated costs (financial and other) of an inquiry?<sup>22</sup>

The [Cabinet Office’s Inquiries Guidance](#) states that the Government will not automatically favour statutory over non-statutory ad hoc inquiries.<sup>23</sup>

On 19 March 2015, the House of Lords debated [a report of the Select Committee on the Inquiries Act 2005](#). The then Minister of State, Lord Faulks, offered an insight into how decisions over the form of inquiry are made:

... Ministers will in fact always consider the suitability of the 2005 Act when deciding to establish a public inquiry—it will always be the starting point.

Ministers will, however, also want to consider whether another vehicle would be more appropriate and effective, bearing in mind time and cost. This could be a non-statutory inquiry ... an independent review; a parliamentary inquiry; an inquiry of privy counsellors; an investigation with a public hearings element overseen by a judge or QC; an independent review with a public

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<sup>21</sup> Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, pp. 9-10

<sup>22</sup> *ibid.* p. 66

<sup>23</sup> Cabinet Office, [Inquiries Guidance](#) (PDF), p. 3

hearings element; or, in a very limited number of cases, an inquiry established under other legislation, such as the Financial Services Act 2012 or the Merchant Shipping Act 1995.

Across government there was consensus that Ministers must retain the option of deciding whether or not to use the Act.... there is always the option to convert an inquest or other form of inquiry, investigation or review, into a 2005 Act inquiry in the event that powers under the Act—such as those to compel witnesses—are felt to be required.<sup>24</sup>

## 2.2 Terms of Reference

The [2005 Act](#) requires the Minister establishing the inquiry to set out the terms of reference of the inquiry in writing, either when appointing the chair or “within reasonable time afterwards”.<sup>25</sup> [Section 5](#) defines the terms of reference as follows:

- (a) the matters to which the inquiry relates;
- (b) any particular matters as to which the inquiry panel is to determine the facts;
- (c) whether the inquiry panel is to make recommendations;
- (d) any other matters relating to the scope of the inquiry that the Minister may specify.

An inquiry has no power to act outside of its terms of reference. If the inquiry is to be given a consultative duty, it must be set out in the terms of reference. It is for the inquiry itself to interpret its terms of reference.

The terms of reference may be subject to judicial review. Judicial reviews of the inquiry terms of reference took place at the outset of the [Robert Hamill](#) and [Billy Wright](#) inquiries.<sup>26</sup>

As a matter of law, the relevant Minister is under a statutory obligation to consult with the Chair as to the terms of reference of a [2005 Act](#) inquiry.<sup>27</sup> There is no statutory obligation to consult more widely on the terms of reference. In practice, however, in several cases the inquiry chairperson has

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<sup>24</sup> [HL Deb 19 March 2015 \[Inquiries Act 2005 \(Select Committee Report\)\] c1174](#)

<sup>25</sup> [s. 5\(1\) Inquiries Act 2005](#)

<sup>26</sup> [Hamill, Re Judicial Review](#) [2008] NIQB 73; [Wright, Re Application for Judicial Review](#) [2006] NIQB 90

<sup>27</sup> [s. 5\(4\) Inquiries Act 2005](#)

consulted publicly before making recommendations to the Minister as to what the terms of reference should be.<sup>28</sup>

## 2.3 Conversion to a statutory inquiry

Government Ministers may choose to convert a non-statutory inquiry into a statutory inquiry, via [section 15 of the 2005 Act](#). The [Inquiry Rules 2006](#) do not apply to converted inquiries,<sup>29</sup> though the [Inquiries \(Scotland\) Rules 2007](#) do.

The [Child Sexual Abuse inquiry](#) and the [Bernard Lodge inquiry](#) both began as non-statutory inquiries. The inquiries into the deaths of [Billy Wright](#) and [Robert Hamill](#) were converted into statutory inquiries under the [2005 Act](#) after originally being established under different powers.

In other instances, such as the Mid-Staffordshire NHS Trust and the infected blood scandal, non-statutory investigations have taken place, but the issues they addressed remained high on the political agenda, leading to a statutory inquiry being established at a later date.

### Conversion of an inquest

[Schedule 1 of the Coroners and Justice Act 2009](#) permits inquests to be converted into inquiries held under the [2005 Act](#). This may happen if:

1. the Lord Chancellor requests the coroner to do so on the ground that the cause of death is likely to be adequately investigated by an inquiry under the [Inquiries Act 2005](#) that is being or is to be held;
2. a senior judge has been appointed under that Act as chairman of the inquiry; and
3. the Lord Chief Justice has indicated approval to the Lord Chancellor, for the purposes of this paragraph, of the appointment of that judge.<sup>30</sup>

Further provisions allow the coroner to continue their investigation if there are exceptional reasons for doing so. Further details can be found in the Library briefing paper [Inquests and public inquiries](#).<sup>31</sup>

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<sup>28</sup> Sir Martin-Moore Bick, Chair of the Grenfell Tower Inquiry, for example, [held three consultation meetings](#) for local residents and survivors and for other interested groups in July 2017.

<sup>29</sup> Jason Beer, *Public Inquiries*, 2011, p. 66. Beer states that the Department for Constitutional Affairs' 2006 Response to Consultation wrongly states that converted inquiries are covered by the Rules.

<sup>30</sup> The 1988 Act powers were used in the case of the [Anthony Grainger inquiry](#), and in four inquiries held under the 1921 Act (Ladbroke Grove; Harold Shipman; David Kelly; The FV Gaul): see Beer (2011), p. 95. The 2009 Act powers were used to suspend the inquest into the death of Alexander Litvinenko before the inquiry was established.

<sup>31</sup> [Inquests and Public Inquiries](#), CBP-8012

## 2.4

## Sequencing

Inquiries may often cover issues that might come to be considered in future inquiries or legal proceedings. Whilst a statutory inquiry cannot make a finding of individual civil or criminal liability, it could make findings that impact upon future legal cases (see also section 3.7 on liability). Jason Beer's Public Inquiries states:

The primary role... of an inquiry investigating a matter is to make findings of fact. In order to make such findings, however, an inquiry may need to assess and make findings as to the credibility of witnesses. From its findings of fact, the inquiry may draw conclusions as to whether there has been misconduct and who appears to be responsible for it.<sup>32</sup>

Beer also states that it is common for a professional or disciplinary inquiry to run its course before a public inquiry, as it may assist the public inquiry with findings and with shaping its remit. There is no hard and fast rule preventing a public inquiry and criminal investigations running alongside one another: this depends upon the circumstances.

The [Inquiries Act 2005](#) does not preclude an investigation under the Act taking place at the same time as a judicial inquiry, but this is rare due to concerns about prejudicing criminal prosecutions. For instance, the interim report of the Grenfell Tower inquiry, which had originally been due in spring 2018, was delayed because of police investigations.

## 2.5

## Can the decision not to hold an inquiry be challenged?

[Section 1 of the 2005 Act](#) makes clear that a Minister “may” establish an inquiry into a matter of “public concern”. The decision to hold or not to hold an inquiry has been subject to judicial review. In 2010 the Cabinet Office [published advice](#) issued by the then Cabinet Secretary, Gus O'Donnell, to the then Prime Minister Gordon Brown. The advice dealt with the possibility that a Minister's decision to hold a public inquiry could be open to judicial review:

The Minister may cause an inquiry to be held if he is satisfied by either of the conditions in section 1. In particular, he would need to be satisfied that the case is one where there is public concern. A decision to hold an inquiry under section 1 could be challenged by an interested party by way of judicial review and that challenge could be upheld if the court determined that the decision to hold an inquiry was unreasonable bearing in mind the nature and the level of

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<sup>32</sup> Jason Beer, Public Inquiries, 2011, p. 87

concern, or that the Minister had taken into account irrelevant considerations in deciding to hold the inquiry.<sup>33</sup>

The 2014 Lords Committee report provides examples of cases where Ministers gave detailed reasons for not establishing an inquiry.<sup>34</sup>

[A challenge was brought](#) against the Minister's decision to refuse to hold an inquiry into the circumstances of the death of Alexander Litvinenko in 2006.<sup>35</sup> Lawyers acting for Mr Litvinenko's widow argued the only rational way in which the Secretary of State could exercise her discretion under [section 1\(1\) of the 2005 Act](#) was to hold an inquiry into the death of Mr Litvinenko, unless there were overwhelming reasons not to.

In the judgment, given on 11 February 2014, Lord Justice Richards concluded that the "deficiencies in the reasons [given by the Secretary of State] are so substantial that the decision cannot stand".<sup>36</sup> He explained that the Minister was not under a duty to accede to the request to hold an inquiry, but the reasons given had to be stronger than those that she had given in order to meet the standard of rationality. On the nature of [section 1 of the 2005 Act](#), he concluded:

Her discretion under section 1(1) of the 2005 Act is a very broad one and the question of an inquiry is...difficult and nuanced. I do not think that this court is in a position to say that the Secretary of State has no rational option but to set up a statutory inquiry now. ...I would stress that the judgment does not of itself mandate any particular outcome.<sup>37</sup>

Subsequently, on 22 July 2014 the then Home Secretary, Theresa May, announced the establishment of a public inquiry into the death of Alexander Litvinenko under the [Inquiries Act 2005](#).<sup>38</sup>

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<sup>33</sup> Emma Norris and Marcus Shephard, [How public inquiries can lead to change](#) (PDF), Institute for Government, 12 December 2017, p. 22

<sup>34</sup> Cabinet Office, [Public Inquiries](#) (PDF), 19 March 2010

<sup>35</sup> For a list of ministerial reasons for not holding an inquiry see House of Lords Select Committee on the Inquiries Act, [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF), HL 143, 11 March 2014, p. 35. A subsequent addition to this list was the decision not to hold a public inquiry into events at Orgreave during the miners' strike in 1984: see [HCWS227](#), 31 October 2016

<sup>36</sup> [R \(Litvinenko\) v Secretary of State for the Home Department](#) [2014] EWHC 194 (Admin)

<sup>37</sup> *ibid.*

<sup>38</sup> [HCWS 22 July 2014 \[Litvinenko Inquiry\]](#)



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## 3 Procedures

### 3.1 The Inquiry Rules 2006

[Section 41 of the 2005 Act](#) provides Ministers with the power to make detailed rules on inquiry procedures. The [Inquiry Rules 2006](#) provide a statutory guide for the chair, and include detailed rules on evidence and procedure, records management, legal representation and expenses. The Rules came into force on 1 August 2006.<sup>39</sup> They cover the following areas:

- the designation of core participants to the inquiry;
- the appointment of legal representatives;
- the taking of evidence and procedure for oral proceedings;
- the disclosure of potentially restricted evidence in certain limited circumstances;
- the issuing of warning letters (to witnesses where the chairman believes that they will be subjected to criticism during inquiry proceedings);
- arrangements for publishing reports and records management;
- the determination, assessment and payment of awards.

The Scottish Parliament has issued separate rules under the Act, the [Inquiries \(Scotland\) Rules 2007](#).<sup>40</sup> No rules have yet been issued by the National Assembly for Wales or Northern Ireland Assembly for 2005 Act inquiries. Such rules, where made, would apply only to matters for which Ministers in the devolved legislatures were responsible.

The Ministry of Justice, in its [post-legislative memorandum on the Act](#) published in 2010, noted some concerns about the way in which the Inquiry Rules were working. The report concluded:

... we believe that overall the Act has been successful in meeting its objectives of enabling inquiries to conduct thorough and wide ranging investigations, as well as making satisfactory recommendations. We do, however, take the view that the Act can only enable effective inquiries if the inquiry is conducted by a chairman with the appropriate skill set and who is supported by an appropriately experienced inquiry team... The overwhelming evidence, however, is that the Inquiries Rules as currently drafted

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<sup>39</sup> [Inquiry Rules](#) (SI 2006/1838)

<sup>40</sup> [Inquiries \(Scotland\) Rules 2007](#) (SI 2007/56)

are unduly restrictive and do not always enable the most effective operation of the Act.<sup>41</sup>

The memorandum stated that those consulted by the Ministry had been less positive about the Inquiry Rules.<sup>42</sup> The concerns expressed by consultees about the Inquiry Rules included:

- A lack of definition of which records must be retained after an inquiry concludes;
- Lack of a power for inquiry officials to take witness statements via interview;
- Difficulties for participants in addressing the issues raised in ‘warning letters’ without breaching confidentiality;
- Concerns over the interaction with Freedom of Information.

## 3.2 Taking evidence and obtaining documents

A statutory inquiry may take evidence from witnesses, either via an interview procedure or in a public hearing. [Section 17\(2\)](#) of the [2005 Act](#) allows for evidence to be taken on oath.

[Section 21](#) of the [2005 Act](#) allows for the chair of an inquiry to require a person to give evidence, or to produce any documents. A person is guilty of an offence under [section 35](#) if they intentionally suppress or conceal a relevant document, or prevent it from being given to the inquiry.

[Section 35](#) of the [2005 Act](#) provides sanctions for non-compliance with an inquiry under the Act. The offender may be imprisoned, fined or both. The maximum term of imprisonment is 51 weeks in England and Wales and 6 months in Northern Ireland and Scotland. The current maximum fine is £1,000.

## 3.3 Standard of proof

The 2005 Act does not dictate what standard of proof an inquiry should use. Public inquiries generally can choose their own standard of proof. In the case of the [Baha Mousa Inquiry](#), Sir William Gage, its Chair, held that he did not feel he was obliged to adopt the criminal standard of proof:

The 2005 Act makes no express provision as to what standard or degree of certainty is required before an inquiry is able to express its

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<sup>41</sup> Ministry of Justice, [Memorandum to the Justice Select Committee: Post-legislative assessment of the Inquiries Act 2005](#) (PDF), October 2010

<sup>42</sup> *ibid.* p. 16

findings of fact or make its recommendations. In my judgement it must follow it is for me to determine what standard I should apply when reaching my findings. [...]

However, by section 2 of the 2005 Act, I have no power to determine criminal liability, and the mere fact that criminal culpability might be inferred from my findings, does not in my judgment mean that I must adopt the criminal standard in making findings of fact. On the contrary, I think the usual starting point will be to apply the civil standard...<sup>43</sup>

In contrast, the [Undercover Policing Inquiry](#) adopted a more variable approach to the standard of proof.<sup>44</sup>

## 3.4 Openness and transparency

There is a presumption in [section 18 of the 2005 Act](#) that members of the public will be able to watch the inquiry, either in person or via a broadcast. This section imposes duties on an inquiry as to the disclosure of documents and evidence to members of the public. The chair must take reasonable steps to secure that members of the public are able to obtain or view a record of evidence and documents given to the inquiry.

The [2005 Act](#) provides that the proceedings of an inquiry must be made public unless one of a number of circumstances apply. The inquiry will take into account:

- (a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
- (b) any risk of harm or damage that could be avoided or reduced by any such restriction;
- (c) any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the inquiry;
- (d) the extent to which not imposing any particular restriction would be likely—
  - (i) to cause delay or to impair the efficiency or effectiveness of the inquiry, or
  - (ii) otherwise to result in additional cost (whether to public funds or to witnesses or others).<sup>45</sup>

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<sup>43</sup> The Baha Mousa Public Inquiry, [Ruling on the Standard of Proof](#), 7 May 2010

<sup>44</sup> Undercover Policing Inquiry, [Standard of Proof – Minded to Note 1](#) (PDF), 17 December 2015

<sup>45</sup> [s. 19 Inquiries Act 2005](#)

Restrictions on openness may be applied either by the Chair or a minister.

Freedom of Information legislation does not apply to a public inquiry as it is not a public body within the definitions of the [Freedom of Information Act 2000](#). [Section 32](#) of that Act also provides an exemption for documents held by other public authorities for the purposes of an inquiry.

A non-statutory inquiry could hold hearings entirely in private. This could have the advantages of encouraging candour from participants, but it could equally reduce public trust in the outcome.

## Witness anonymity

Legal challenges are frequently brought to contest the level of protection that statutory inquiries provide to witnesses. In the Leveson Inquiry, Associated Newspapers Ltd applied for judicial review over a ruling by Leveson that anonymous evidence would be admissible. The application was rejected on the grounds that it was not the court's role to "micromanage the conduct of the Inquiry by the Chairman".<sup>46</sup>

In the [Robert Hamill inquiry](#), a number of ex-RUC officers applied to give their evidence anonymously, claiming that they would otherwise be exposed to an increased risk of terrorist attack. With the exception of one individual, all applications were rejected by the Inquiry Panel in August 2006.<sup>47</sup> This approach was subsequently endorsed by a House of Lords ruling on 31 July 2007.<sup>48</sup>

Soldiers who were asked to give evidence to the Bloody Sunday inquiry sought to challenge the inquiry's decision that their names be disclosed.<sup>49</sup> The Court of Appeal concluded that the policy of naming witnesses was procedurally unfair. Lord Woolf emphasised that the implications of the principle of procedural fairness will depend on the nature of the inquiry in question.

## 3.5

## Warning letters ('Maxwellisation')

Rules 13, 14 and 15 of the [Inquiry Rules 2006](#) require an inquiry chair to send a warning letter in advance to any person who may be, or has been, subject to criticism in the inquiry's report. The inquiry panel must not include any explicit or significant criticism of a person in the report, or any interim report, unless that person has been sent a warning letter and been given a reasonable chance to respond. This process is also known as 'Maxwellisation': this dates from the Pergamon Inquiry in the late 1960s, when the businessman Robert

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<sup>46</sup> [R \(Associated Newspapers Ltd\) v The Rt Hon Lord Justice Leveson \(as chairman of the Leveson Inquiry\)](#) [2012] EWHC 57

<sup>47</sup> [Robert Hamill Inquiry Press Notice 004. Anonymity Ruling. 16 August 2006](#)

<sup>48</sup> [In re Officer L](#) (PDF) [2007] UKHL 36

<sup>49</sup> [R \(R and Others\) v Lord Saville of Newgate](#) [2000] 1 WLR 1855

Maxwell issued legal proceedings after being criticised, without prior warning, in the inquiry report.<sup>50</sup>

This practice is generally also used in non-statutory inquiries despite there not being a statutory requirement. It is often viewed as a necessity to ensure procedural fairness.

## 3.6 Disclosure of findings

The inquiry chair must present the inquiry's report to the relevant Minister, who must publish it.

Procedures exist for the disclosure of information during an inquiry to core participants (see section 5.2). This may be done if part of the purpose of the inquiry is to provide information to an identified group of people affected by the issues that the inquiry is investigating.

There are potential problems with this practice: for instance, disclosure could affect subsequent witness statements, which would potentially breach an inquiry's requirement of fairness. For instance, the [Hillsborough Independent Panel](#) disclosed information to the affected families before it was made publicly available. This was not a statutory inquiry, so it was not required to consider whether any future evidence statements would be prejudiced by early disclosure.

## 3.7 Liability

[Section 2 of the Inquiries Act 2005](#) prevents an inquiry from making a finding of civil or criminal liability. This means that the right to a fair trial under [Article 6](#) of the [European Convention on Human Rights](#) does not apply to public inquiries. However, inquiry findings have in the past triggered prosecutions.

For instance, the [Azelle Rodney inquiry](#) found that there was no lawful justification for Mr Rodney's shooting.<sup>51</sup> After the inquiry, the Crown Prosecution Service announced they would charge Anthony Long,<sup>52</sup> the firearms officer who shot Mr Rodney, with murder.<sup>53</sup> Mr Long had sought a judicial review into the findings of the inquiry on the basis that the report's

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<sup>50</sup> The Treasury Select Committee undertook [a short review of the Maxwellisation process](#) in late 2016 and early 2017, written by two leading lawyers.

<sup>51</sup> The Azelle Rodney Inquiry, [The Report of The Azelle Rodney Inquiry](#) (PDF), HC 552, p87, 05 July 2013

<sup>52</sup> The identity of the officer throughout the Inquiry was known as E7 to ensure anonymity. Reporting restrictions were lifted during the trial.

<sup>53</sup> BBC News, [Ex-policeman on Azelle Rodney murder charge](#), 30 July 2014

findings were irrational. He was backed by the Metropolitan Police.<sup>54</sup> The initial application and a High Court application were refused; Sir Brian Leveson held that there was “no value in granting permission to pursue the issue further, in circumstances where it could not change the fundamental conclusion of the Inquiry.”<sup>55</sup>

On 3 July 2015, a jury at the Old Bailey found Anthony Long not guilty of murder.<sup>56</sup>

Following the [Robert Hamill Inquiry](#), in December 2010, the Public Prosecution Service for Northern Ireland announced that it would commence criminal proceedings against three individuals on charges of perverting the course of justice. The inquiry completed its report in February 2011, but owing to ongoing legal proceedings, it has not yet been published, although an interim report with one recommendation was issued in March 2010.<sup>57</sup>

## 3.8

### Costs

The chair of an inquiry has substantial discretion over the incurring of day-to-day costs. [Section 40 of the 2005 Act](#) provides that the chair can meet the expenses of witnesses. In the case of core participants, this might include expenses for legal representation, if so approved by the inquiry. [Rules 19-34](#) of the [Inquiry Rules](#) provide detailed rules on the subject of expenses. They require that the hourly rates of remuneration for publicly-funded legal representation, and the nature and estimated duration of the work, must be agreed in advance.

The [2005 Act](#) also permits the Minister, and the chair, to take steps to control costs. Concerns over cost overruns formed part of the background to the passage of the [2005 Act](#), though the [2005 Public Administration Select Committee report](#) (PDF) found that no clear difference could be identified between the costs of statutory and non-statutory inquiries.<sup>58</sup> The Government’s post-legislative scrutiny memorandum of 2010 stated:

[The 1921 Act] contained no provision to control the costs of inquiries. This meant that the Government was unable to control the costs on inquiries set up under the 1921 Act such as the Bloody Sunday Inquiry. Indeed, some of the momentum for the 2005 Act arose specifically from the Bloody Sunday Inquiry which took twelve years to conclude and cost £192m. The Government noted in 1998, in reference to the conduct of the Bloody Sunday Inquiry, that there had been cases

<sup>54</sup> Vikram Dodd, [Azelle Rodney death: Met to support police marksman’s legal challenge](#), The Guardian, 13 August 2013

<sup>55</sup> [E7 Re Judicial Review](#) [2014] EWHC 452

<sup>56</sup> BBC News, [‘The police marksman cleared of murder in Azelle Rodney case’](#), 3 July 2015

<sup>57</sup> Robert Hamill Inquiry, [Interim Report](#), 29 January 2010

<sup>58</sup> Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, p. 15

where inquiries had been marred by arguments about procedure, or had taken much longer or cost more than originally expected.<sup>59</sup>

## 3.9 Following up inquiries

The [2017 Institute for Government report](#) identified that no process exists for following up the recommendations of an inquiry. Once an inquiry has reported, the chair's involvement normally ends and the secretariat typically disbands, and responsibility for the issue reverts to the department that set the inquiry up. The report suggested that it was relatively rare for Government departments to follow up inquiry recommendations effectively, risking the recurrence of failures identified in the inquiry process.

The Institute for Government also suggested that a central 'inquiries unit', located in the Cabinet Office, would ensure that good practice in the administration of inquiries was retained. Currently, "secretariats are not always able to access the full range of good practice. Instead, they are heavily dependent on individual experience and informal networks for advice".<sup>60</sup>

The Institute also recommended that following up inquiry recommendations should become an additional 'core task' of select committees. They stated that

of the 68 inquiries [statutory and non-statutory] 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>61</sup>

They recommended that the relevant department should update the select committee annually on progress in implementing recommendations, for five years following the report's publication. The committee would have the option of holding one-off evidence sessions if the reporting was unsatisfactory.

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<sup>59</sup> Ministry of Justice, [Memorandum to the Justice Select Committee: Post-legislative assessment of the Inquiries Act 2005](#) (PDF), October 2010, p. 3

<sup>60</sup> Emma Norris and Marcus Sheppard, [How public inquiries can lead to change](#) (PDF), Institute for Government, 12 December 2017, p. 20

<sup>61</sup> *ibid.* p. 26

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## 4 Personnel

### 4.1 The chair

The identity of the chair is arguably the most significant decision to be made after the decision to hold an inquiry is taken. [The 2005 Act](#) provides for a Minister to appoint a chair alone or a chair and other panel members. The Ministerial Code states that the Minister must consult the Prime Minister before appointing the chair.<sup>62</sup>

There is no legal obligation for an inquiry to be chaired by a judge.<sup>63</sup> However, the Minister, in appointing the chair, is under an obligation to ensure that the appointee has the “necessary expertise to undertake the inquiry”.<sup>64</sup> In practice, current or retired members of the judiciary are very often asked to chair public inquiries, because of their perceived skill and independence, as well as their ready availability. According to [the Institute for Government’s 2017 report](#), 44 out of 68 public inquiries held since 1990 had been chaired by a judge.<sup>65</sup>

[Section 10](#) of the [2005 Act](#) stipulates that, prior to appointment of a sitting judge, the minister must consult with the relevant head of the judiciary. For judges in England and Wales, this is the Lord Chief Justice.

There is no requirement to appoint a panel for an inquiry. The 2005 Public Administration Select Committee report [Government by Inquiry](#) noted that panels could serve to give confidence to people affected by the issues addressed by the inquiry.<sup>66</sup> If a panel is appointed, the Minister is required to have regard to the need to ensure that the panel, taken as a whole, has the necessary expertise to undertake the inquiry.<sup>67</sup> In a statutory inquiry, this legal duty would come before any undertaking to consult on the appointment of the panel.

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<sup>62</sup> Cabinet Office, [Ministerial Code](#) (PDF), August 2019, para 4.12

<sup>63</sup> A discussion of the merits of a judge chairing an inquiry can be found in Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, pp. 19-26

<sup>64</sup> [s. 4 Inquiries Act 2005](#)

<sup>65</sup> Emma Norris and Marcus Shephard, [How public inquiries can lead to change](#) (PDF), Institute for Government, 12 December 2017, p.16. N.B. these figures include several non-statutory inquiries.

<sup>66</sup> Public Administration Select Committee, [Government by Inquiry](#) (PDF), HC 51-1, 3 February 2005, p. 31

<sup>67</sup> [s. 8\(1\) Inquiries Act 2005](#)



The minister is also required not to appoint a person as a member of the inquiry panel if it appears that the person has a direct interest in the matter to which the inquiry relates, or a close association with an interested party.<sup>68</sup>

## 4.2 Core participants

The [Inquiry Rules 2006](#) provide that:

5. (1) The chairman may designate a person as a core participant at any time during the course of the inquiry, provided that person consents to being so designated.
- (2) In deciding whether to designate a person as a core participant, the chairman must in particular consider whether—
  - (a) the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates;
  - (b) the person has a significant interest in an important aspect of the matters to which the inquiry relates; or
  - (c) the person may be subject to explicit or significant criticism during the inquiry proceedings or in the report, or in any interim report.

Core participants have special rights in the inquiry process. These include disclosure of information, being represented and making legal submissions, suggesting questions and receiving advance notice of the inquiry's report. For example, [the Leveson inquiry](#) allowed core participants to see in advance, under strict rules of confidentiality, copies of statements that witnesses had provided and which would form the basis of their evidence.

Core participants may not be questioned by anyone other than counsel to the inquiry, the inquiry panel, or (with the permission of the chair) the participant's own lawyer or the lawyer for another core participant. Witnesses who are not core participants may not question core participants, even if the core participant's evidence directly relates to them.

Rule 10 provides the legal representatives of core participants with the right to apply to the chair to question any witness giving oral evidence. This differs from the rights given to witnesses other than core participants, whose legal representatives may only apply for permission to question a witness where the witness's evidence directly relates to their own. Core participants may have their costs of legal representation met by the inquiry, though this is not guaranteed.

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<sup>68</sup> [s. 9 Inquiries Act 2005](#)

Rule 17 obliges the chair to provide core participants with copies of the inquiry's report after it has been submitted to the Minister but prior to publication. Rule 17(2) provides that “the contents of the report, and any interim report are to be treated, until the report, or interim report, has been published by the chairman, as subject to an obligation of confidence”. No other participants are provided with advance copies.

## 4.3 Engagement with affected individuals

The [2005 Act](#) appears to enable a Minister to specify how an inquiry interacts with affected individuals. Most inquiry terms of reference do not cover this issue, though some have decided to engage with affected individuals:

- The 2008-09 [ICL inquiry](#) examined the circumstances leading to the explosion of a plastics factory in Glasgow in 2004. The bereaved families and injured survivors of the explosion were afforded some assistance to pay for legal representation. If they were on a low income, in receipt of benefits, or could demonstrate a lack of disposable income, the chair agreed to consider making an award of costs of financial representation.<sup>69</sup> The chair also allowed any bereaved family members or injured survivors to approach the inquiry secretariat with suggested questions.<sup>70</sup> This is similar to the rights given to core participants, but it was done under the direction of the chair;
- The [inquiry into Mid-Staffordshire NHS Trust](#) arranged a free counselling service for patients, their families and witnesses during the course of the inquiry. The inquiry took evidence from numerous patients or their families,<sup>71</sup> and the Chair said that he was “committed to ensuring the interests of families and patients are fully represented”.<sup>72</sup>
- The ongoing inquiry into the Grenfell Tower disaster was initially criticised on a number of occasions on the grounds that it had not been open enough to those affected by the fire.<sup>73</sup> The inquiry sought to address this, [announcing on its website in a November 2017 update](#):

The programme of community engagement which began during the period of consultation on the Inquiry's Terms of Reference has therefore remained a priority, with regular drop-in sessions being

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<sup>69</sup> The ICL Inquiry, [FAQs](#)

<sup>70</sup> *ibid.*

<sup>71</sup> The National Archives, [The Mid-Staffordshire NHS Foundation Trust Inquiry: List of witnesses](#), 7 April 2015

<sup>72</sup> The National Archives, [The Mid-Staffordshire NHS Foundation Trust Inquiry: Frequently Asked Questions](#), 7 April 2015

<sup>73</sup> For instance, see Aime Williams, [Grenfell tower residents say public inquiry is ignoring them](#), Financial Times, 11 December 2017; Owen Bowcott and Amelia Gentleman, [“Grenfell victims’ families ‘should be placed at heart of inquiry’”](#), The Guardian, 9 December 2017

held for the local community. This has allowed the Inquiry to provide information about its work and to engage on a one-to-one basis with survivors, families of the bereaved and local residents. The Inquiry's community engagement team has also attended meetings of residents' associations [and from November 2017] the Inquiry will be holding a [weekly drop-in... at the Latymer Community Church](#).<sup>74</sup>

## 4.4 Assessors

[Section 11 of the 2005 Act](#) allows 'assessors' to be appointed to provide technical advice to an inquiry. Either the Minister setting up an inquiry (in consultation with the inquiry chair), or the inquiry chair, may appoint assessors. Assessors are expert advisers, and do not normally give formal evidence to an inquiry. In deciding as to whether to appoint someone as an assessor, the minister may consider the following:

1. Whether it is necessary to receive assistance from a person with special expertise in order properly to determine its terms of reference.
2. If so, what the nature of that assistance is: Advice in the primary evidence gathering stage of the inquiry? Advice in the course of any oral hearings in the inquiry? Advice in the course of writing the report? Advice as what recommendations to make?
3. Once the nature of the assistance required has been determined, other questions arise, including whether that assistance can be provided (i) in the form of evidence (whether written or oral) from an expert witness or witness commissioned by the inquiry and (ii) by appointing additional members to the inquiry panel, pursuant to [sections 3\(1\) and 4 of the 2005 Act](#). [which relate to appointment of an inquiry panel].<sup>75</sup>

The role of assessor was introduced for the first time in the [2005 Act](#) in part to distinguish between panel members (whatever their experience and expertise) and non-panel member expert advisors. Assessors were appointed to the Penrose Inquiry, the Vale of Leven inquiry and the Mid Staffordshire Trust inquiry.

Assessors are not responsible for the content of an inquiry report. When the Minister is appointing the inquiry panel, the Minister may have regard to any assessor who will take part in the inquiry. Any advice submitted by assessors will ordinarily be disclosed to core participants.<sup>76</sup>

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<sup>74</sup> Grenfell Tower Inquiry, [Update from the inquiry](#), 15 November 2017

<sup>75</sup> Jason Beer, Public Inquiries, 2011, pp. 128-129

<sup>76</sup> *ibid.*

[The 2014 House of Lords report](#) argued that the Act should be amended “so that the minister can appoint assessors only with the consent of the chairman”.<sup>77</sup> The Committee noted the experience of Dr Judith Smith, who unusually both gave evidence and acted as an assessor on the Mid-Staffordshire inquiry:

We heard evidence from Dr Judith Smith, the Nuffield Trust’s Director of Policy, whose assistance to the Mid Staffordshire inquiry was unusual, perhaps unique. She started as an expert to the inquiry, prepared extensive written evidence and was one of the two opening witnesses to the inquiry, giving oral evidence over two days. She then had a period of almost two years of work with the inquiry before being appointed as an assessor towards the end of it, at the stage of report writing. In this particular case this seems to have worked satisfactorily, perhaps because of the nature of her expertise, but we doubt whether it would usually be right for the same person to give expert evidence openly to the inquiry and subsequently to advise the chairman privately on the same issues.<sup>78</sup>

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<sup>77</sup> House of Lords Select Committee on the Inquiries Act, [The Inquiries Act 2005: post-legislative scrutiny](#) (PDF), HL 143, 11 March 2014, para 137

<sup>78</sup> *ibid.* para 140

## 5 Open 2005 Act Inquiries

### 5.1 Overview

At the time of publication, there are 15 active [2005 Act](#) inquiries. Of these, 10 were commissioned or announced by UK Government Ministers. Four 2005 Act inquiries were commissioned by Ministers in the Scottish Government and one by a Minister in the Northern Ireland Executive. Below is a summary table of the currently 'live' inquiries (in order of when they were commissioned or announced). A more detailed table is on page 50.<sup>79</sup>

#### Active and announced inquiries under the *Inquiries Act 2005*

As of March 2022

Inquiry	Chair	Announced
Edinburgh Tram	Lord Hardie	05/06/14
Scottish Child Abuse	Lady Smith	17/12/14
Independent Inquiry into Child Sexual Abuse	Professor Alexis Jay	04/02/15
Undercover Policing	Sir John Mitting	12/03/15
Grenfell Tower	Sir Martin Moore-Bick	15/06/17
Infected Blood	Sir Brian Langstaff	03/11/17
Manchester Arena (converted inquest)	Sir John Saunders	22/10/19
Brook House	Kate Eves	05/11/19
Death of Sheku Bayoh (replaced FAI)	Lord Bracadale	12/11/19
Death of Jermaine Baker (converted inquest)	Clement Goldstone QC	12/02/20
Muckamore Abbey Hospital	Tom Kark QC	08/09/20
Coronavirus (UK)	Baroness Hallett	12/05/21
Post Office Horizon IT	Sir Wyn Williams	19/05/21
Coronavirus (Scotland)	Lady Poole	24/08/21
Death of Dawn Sturgess (converted inquest)	<i>Replacement TBC</i>	18/11/21

The list above and the information about each inquiry that follows should only be taken as correct at the time of publication. Since publication, certain

<sup>79</sup> See also the websites or (where at the time of writing no website exists) ministerial or press announcements for the respective inquiries: [Edinburgh Tram Inquiry](#); [Scottish Child Abuse Inquiry](#); [Independent Inquiry into Child Sexual Abuse](#); [Undercover Policing Inquiry](#); [Grenfell Tower Inquiry](#); [Infected Blood Inquiry](#); [Manchester Arena Inquiry](#); [Brook House Inquiry](#); [Sheku Bayoh Inquiry](#); [Jermaine Baker Inquiry](#); [Muckamore Abbey Hospital Inquiry](#); [Coronavirus \(UK\) Inquiry](#); [Post Office Horizon IT Inquiry](#); [Coronavirus \(Scotland\) Inquiry](#)

inquiries may have moved on to a subsequent stage, reported, or concluded. New 2005 Act inquiries may also since have been commissioned.

Following [the Prime Minister's announcement on 12 May 2021](#), it is anticipated that a statutory public inquiry will be commissioned in relation to the Coronavirus pandemic. The Government has indicated this will be set up by spring 2022, but no chair has yet been appointed or terms of reference set. [The Scottish Government has also announced](#) it will set up an inquiry.

## 5.2

### Edinburgh Tram Inquiry

In June 2014, the Scottish Government established [an inquiry into the building of Edinburgh's tram system](#), which was affected by delays and cost overruns. The inquiry was announced by the then First Minister, Alex Salmond. It is chaired by Lord Hardie. It was initially intended to be a non-statutory inquiry, but the then Deputy First Minister, Nicola Sturgeon, announced its conversion to a statutory inquiry on 7 November 2014.<sup>80</sup> The terms of reference are to:

- Inquire into the delivery of the Edinburgh Trams project, from proposals for the project emerging to its completion, including the procurement and contract preparation, its governance, project management and delivery structures, and oversight of the relevant contracts, in order to establish why the project incurred delays, cost considerably more than originally budgeted for and delivered significantly less than was projected through reductions in scope.
- Examine the consequences of the failure to deliver the project in the time, within the budget and to the extent projected.
- Review the circumstances surrounding the project as necessary, in order to report to the Scottish Ministers making recommendations as to how major tram and light rail infrastructure projects of a similar nature might avoid such failures in future.<sup>81</sup>

The [Edinburgh Tram Inquiry](#) has been characterised by long periods of delay. It has lasted longer than every other [2005 Act](#) inquiry. Closing submissions were made in late May 2018, but more than three years later it has yet to report. A spokesperson for the inquiry said in June 2020:

The findings of the inquiry into why the Edinburgh Trams project incurred delays, cost more than originally budgeted and delivered significantly less than planned will be made available at the earliest opportunity. Lord Hardie's remit is to conduct a robust inquiry and it

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<sup>80</sup> Scottish Parliament Official Report, [S4W-23041](#), 7 November 2014

<sup>81</sup> See the Edinburgh Tram Inquiry website, [FAQs page](#)

will take as long as is necessary to get the answers required to fulfil the terms of reference.

We continue to make good progress, including managing more than three million documents on the inquiry's evidence database for handover to National Records of Scotland. A relevant set is also being prepared to be made available on the inquiry's website to accompany the published report at the appropriate time.<sup>82</sup>

Since the inquiry's closing submissions, it has continued to receive substantial additional funding from successive Scottish Government budgets. Over £1 million in extra resources has been allocated for the financial years 2020-21 and 2021-22 combined.<sup>83</sup> The latest allocation of funding made in December 2021 brings the expected total cost of the inquiry to £12.5 million. About a quarter of the £500k allocated for 2021-22 is expected to be spent on a document management system.<sup>84</sup> The inquiry is already the second most expensive statutory inquiry to have been commissioned by a devolved authority, costing more than the Penrose Inquiry. Only the (ongoing) Scottish Child Abuse inquiry has cost more.

There have been no updates to the Edinburgh Tram Inquiry website in over three years, but the inquiry still has not reported.

## 5.3 Child Abuse Inquiries

There are two active inquiries into allegations of institutional child abuse: one initiated by the UK Government and another by the Scottish Government.

### Independent Inquiry into Child Sexual Abuse (England and Wales)

For background to the establishment of the inquiry, see:

- Commons Library, [The Independent Inquiry into Child Sexual Abuse and background](#), SN07040, 11 August 2016

An independent inquiry into Child Sexual Abuse for England and Wales was announced on 7 July 2014 by the then Home Secretary, Theresa May.<sup>85</sup> This followed investigations into claims of abuse by prominent media and political

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<sup>82</sup> Andrew Picken, [When is the last stop for the Edinburgh tram inquiry?](#), BBC News, 5 June 2020

<sup>83</sup> Alastair Dalton, [Extra funding could extend Edinburgh tram inquiry into eighth year as cost reaches £12.5m](#), The Scotsman, 15 December 2021;

<sup>84</sup> Donald Turvill, [Edinburgh Tram Inquiry to get £120K system to manage documents](#), STV News, 9 February 2022

<sup>85</sup> [HC Deb 7 July 2014 Vol 584 cc23-27](#)

figures and inadequate safeguarding by relevant institutions, following the Jimmy Savile sexual abuse scandal.

The inquiry was originally proposed as a non-statutory panel inquiry supported by experts, similar to the [Hillsborough Independent Panel](#), to speed up its work and avoid prejudicing criminal investigations.<sup>86</sup> It was converted into a statutory inquiry on 4 February 2015.<sup>87</sup> Its terms of reference were announced on 12 March 2015 in a written statement:

To consider the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State institutions to take in order to protect children from such abuse in future; and to publish a report with

### Resignation of Chairs

The first two chairs appointed - Baroness Butler-Sloss (8-14 July 2014) and Fiona Woolf (5 September-31 October 2014) - withdrew after it was alleged they were linked to individuals and establishments under investigation.<sup>88</sup>

On 4 February 2015, Theresa May announced that the inquiry would be converted into a statutory inquiry, the [Independent Inquiry into Child Sexual Abuse](#) (IICSA), to be chaired by Dame Lowell Goddard, a judge of the High Court of New Zealand who had conducted an inquiry into the policing of child abuse in New Zealand.<sup>89</sup> The inquiry announced that it would begin 12 separate investigations into various councils, churches and both former and current MPs, amongst other institutions. It was suggested that it would take five years.<sup>90</sup> Following preparatory work, the inquiry formally opened on 9 July 2015, with the aim of publishing annual reports from 2016 onwards.<sup>91</sup>

Lowell Goddard resigned on 4 August 2016.<sup>92</sup> Professor Alexis Jay, who had been a member of the inquiry's panel and had led the Independent Inquiry into Child Sexual Exploitation in Rotherham, was appointed as Goddard's successor.<sup>93</sup>

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<sup>86</sup> *ibid.* c25

<sup>87</sup> [HC Deb 4 February 2015 Vol 592 cc275-279](#)

<sup>88</sup> [Lady Butler-Sloss stands down from child-abuse inquiry](#), The Guardian, 14 July 2014; [Abuse inquiry: Fiona Woolf steps down as chairwoman](#), BBC News, 31 October 2014

<sup>89</sup> [HC Deb 4 February 2015 Vol 592 c276](#)

<sup>90</sup> BBC News, [Abuse inquiry: MPs, councils and churches to be investigated](#), 27 November 2015

<sup>91</sup> BBC News, [Child sexual abuse inquiry 'could last until 2020'](#), 9 July 2015

<sup>92</sup> Independent Inquiry into Child Sexual Abuse, [Statement from Hon. Dame Lowell Goddard](#), 5 August 2016

<sup>93</sup> Home Office, [New chair to lead independent inquiry into child sexual abuse](#), 11 August 2016



## Internal review and progress on hearings

[An internal review in December 2016](#) by the new Chair set out how the Inquiry would work. Preliminary hearings began in January 2017. The inquiry has also made use of extensive literature reviews and seminars and has commissioned contract research, including [a rapid evidence review](#) in April 2017 and [research on child sexual abuse and the internet](#) in June 2017.

The inquiry has also made a number of efforts to engage with potential participants. It established a [Truth Project](#), which visited various locations around England and Wales to permit “victims and survivors of child sexual abuse to share their experiences in a supportive and confidential setting”, using trained facilitators in confidence. Several hundred sessions were held with victims and survivors, though these sessions do not as such constitute evidence to the inquiry.<sup>94</sup> By the end of 2020, the Truth Project [had published 6 “thematic reports”](#) to support the work of the inquiry.

Applications for core participant status were invited relating to the investigations taking place within the inquiry. The inquiry also established a ‘victims and survivors consultative panel’ (VSCP) to provide “consultative advice” on any matters within the inquiry’s terms of reference. The VSCP published a work report and terms of reference (including its membership) in March 2017.<sup>95</sup> The inquiry also set up a 200-strong victims’ and survivors’ forum. Public hearings took place from 2017 through to the end of 2020.

The Home Affairs Select Committee published a report into the circumstances surrounding the departure of Dame Lowell Goddard as Chair of the inquiry, and accusations of misconduct by senior staff in the inquiry’s secretariat.<sup>96</sup>

## Investigations and Reports

The publications of the inquiry have been subdivided into distinct “investigations”. Each of the investigation reports [can be accessed on the inquiry website](#). The IICSA also published a [full Interim Report](#) in April 2018.<sup>97</sup>

## Next steps

The Inquiry’s Truth Project [concluded in October 2021](#). The main Inquiry itself [completed its programme of public hearings in December 2020](#), having taken evidence from more than 600 witnesses across its fifteen distinct investigations. Latterly, evidence sessions were held remotely because of the COVID-19 pandemic. No timescale for a final report has yet been indicated.

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<sup>94</sup> IICSA, [Inquiry publishes Truth Project statistics](#), 28 September 2017

<sup>95</sup> IICSA, [Victims’ and Survivors’ Consultative Panel: terms of reference](#), March 2017; IICSA, [Victims’ and Survivors’ Consultative Panel: work report](#), March 2017;

<sup>96</sup> Home Affairs Committee, [The work of the Independent Inquiry into Child Sexual Abuse](#), HC 636, 24 November 2016

<sup>97</sup> IICSA, [Interim Report](#), HC 954, April 2018

## Costs

The IICSA's financial reports indicate that, for full financial years between 2015 and 2021, a cumulative total of almost £170 million was spent by the inquiry.<sup>98</sup> As with almost all public inquiries, the main costs incurred by the IICSA have been related to staffing and legal services.

## Scottish Child Abuse Inquiry

The [Scottish Child Abuse Inquiry](#) was set up to investigate historical claims of institutional child abuse in Scotland. It is chaired by Lady Anne Smith. Its [terms of reference](#) are available on its website. The inquiry opened in October 2015 and began public hearings in late May 2017.

The inquiry invited individuals who claim that they have been abused to contact them to submit evidence. The Chair may make a 'restriction order' stipulating that the names of these individuals (and other affected individuals who are now deceased) should be kept private. Several core participants were appointed, amongst them support groups for victims of abuse and institutions that have been the subject of accusations of abuse.

### Hearing diet – different “phases” of the inquiry

Hearings were subdivided into different phases. These cover evidence relating to different types of institution, or different contexts in which there have been allegations of systemic historical abuse of children in Scotland. The phases are:

- [Phase 1](#) – overview of care systems and their legislative framework
- [Phase 2](#) – residential establishments run by Catholic Orders
- [Phase 3](#) – residential establishments run by non-religious and voluntary organisations
- [Phase 4](#) – residential establishments run by Male Religious Orders
- [Phase 5](#) – child abuse and migration programmes
- [Phase 6](#) – provision at boarding schools
- [Phase 7](#) – foster care case study

The foster care phase is expected to commence with public hearings in spring 2022.

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<sup>98</sup> The annual Financial Reports, which do not include any expenditure for other public bodies participating in the inquiry, indicate spending of £14.73 million in [2015-16](#), £20.84 million in [2016-17](#), £27.55 million for [2017-18](#), £36.67 million for [2018-19](#), £35.32 million for [2019-20](#) and £32.69 million for [2020-21](#).

## Case Studies and Report

The Inquiry has not yet published an overarching report. However, it has published its findings [from seven case studies on its website](#).

## Costs

As of the end of the calendar 2021, the Scottish Child Abuse Inquiry [reported expenditure of £51.66 million](#).

## 5.4

## Undercover Policing Inquiry

For detailed policy background, see:

- Commons Library, [Undercover policing in England and Wales](#), CBP-9044, 5 November 2020

On 12 March 2015 the Home Secretary established an inquiry into undercover policing.<sup>99</sup> This followed reports that police officers had been infiltrating protest groups by forming relationships with the members, sometimes resulting in marriages and children. The allegations principally concerned the activities of the Special Demonstration Squad (SDS) (part of the Metropolitan Police's Special Branch from 1968 to 2008) and the National Public Order Intelligence Unit (NPOIU) (a national police unit in existence from 1999 to 2011).

The Inquiry was announced before the conclusion of criminal investigations into SDS officers and a review into potential miscarriages of justice involving undercover police officers. The timing was attributed to the public interest in having an inquiry start as soon as possible.

The Home Secretary previously initiated internal police and Home Office reviews into aspects of the issue (including Operation Herne,<sup>100</sup> the [Ellison Review](#) into police corruption and the [Stephen Taylor report](#) into the relationship between SDS and the Home Office).

Sir Christopher Pitchford, a criminal judge at the Court of Appeal, was appointed as the chair. He was [replaced by Sir John Mitting](#) on 25 July 2017. The inquiry's terms of reference are available on its website.<sup>101</sup>

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<sup>99</sup> [HC Deb 12 March 2015 cc43-44WS; see a further statement at HC WS115 2015-16](#)

<sup>100</sup> See Operation Herne: [Report 1: Use of covert identities](#), July 2013; [Report 2: Allegations of Peter Francis](#), March 2014; and [Report 3: Special Demonstration Squad Reporting: Mentions of Sensitive Campaigns](#), July 2014

<sup>101</sup> Undercover Policing Inquiry, [Terms of Reference](#), 16 July 2015

## Territorial remit

The Inquiry's territorial remit covers England and Wales. This reflects the fact that justice is a devolved matter in Northern Ireland and Scotland, albeit that certain aspects of policing (e.g. those to do with national security and terrorism) remain reserved.

The Scottish Government had urged the UK Government to extend the remit of the inquiry to include policing activity in Scotland, but this was refused. As an alternative, the Cabinet Secretary for Justice in the Scottish Government asked Her Majesty's Inspectorate of Constabulary in Scotland to carry out an independent review into undercover policing under powers in the [Police and Fire Reform \(Scotland\) Act 2012](#).<sup>102</sup>

Campaigners had also urged for the remit of the public inquiry to be extended to cover Northern Ireland. This call was notably supported by Amnesty International.<sup>103</sup> The territorial remit, however, was not changed. The exclusion of Northern Ireland and Scotland from the remit of the inquiry, and the decision of the Scottish Government not to launch a 2005 Act inquiry of its own, were the subject of judicial review proceedings. The *Gifford* case in Scotland was unsuccessful; the Northern Ireland case involving Jason Kirkpatrick is ongoing.<sup>104</sup>

## Anonymity

The issue of anonymity has been a prominent concern in relation to the Inquiry. Undercover police officers have argued, in many cases successfully, that the disclosure of their real names would constitute a disproportionate interference with their Article 8 ECHR right to a private and family life.

According to the Inquiry's ninth major update ([July 2020](#)) the inquiry decided to withhold the real names of at least 100 former members of the Special Demonstration Squad and 19 staff members of the NPOIU. Anonymity orders were also granted to 32 "non-state core participants" including women deceived into relationships by undercover officers.<sup>105</sup> This exercise is now "substantially complete" and decisions are published on the Inquiry website.

## Progress of inquiry

The Undercover Policing Inquiry was slow to commence its public hearings. Its progress has been hindered by several preliminary matters.

In 2018 the Inquiry had set out plans to begin Tranche 1 evidence hearings (to do with the SDS) by June or July of 2019. However, [in January 2019](#), the Inquiry

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<sup>102</sup> The [report](#) (PDF) was received by the Cabinet Secretary in November 2017 and published in February 2018.

<sup>103</sup> Amnesty International, [Undercover policing inquiry must be extended to Northern Ireland, say Amnesty](#), 1 March 2018

<sup>104</sup> *Gifford v Advocate General* [2018] CSOH 108

<sup>105</sup> Undercover Policing Inquiry, [Ninth Update Note](#) (PDF), July 2020

chair, Sir John Mitting, announced that these hearings would be delayed until at least 2020. The delays were attributed to:

- complexities concerned with document retrieval;
- challenges ascertaining the authorship of intelligence reports
- time needed to issue “rule 9” requests to summon witnesses and written or other forms of evidence
- the need to provide more time for core participants to respond to bundles of evidence supplied to them.

Hearings had been planned for June 2020, [but were further postponed in March 2020](#) because of the COVID-19 pandemic. The hearings eventually began in November 2020. [Further Tranche 1 hearings have been scheduled](#) into the first half of 2022.

## Costs

According to [the inquiry’s own official figures](#) (to the end of December 2021) the cumulative expenditure from the Undercover Policing Inquiry is in excess of £47 million. This does not include the costs of public sector bodies which are also inquiry participants. As with most public inquiries, the vast majority of expenditure is attributable to secretariat and legal services.

## 5.5

## Grenfell Inquiry

For detailed policy background, see:

- Commons Library, [Grenfell Tower fire: Response and tackling fire risk in high rise blocks](#), CBP-7993, 1 August 2017
- Commons Library, [Grenfell Tower Fire: Background](#), CBP-8305, 20 January 2020

Following the Grenfell Tower disaster, which killed 71 people on 14 June 2017,<sup>106</sup> the Prime Minister announced the next day that a statutory inquiry would be established.<sup>107</sup> She said that “the public inquiry will report back to me personally. As Prime Minister, I will be responsible for implementing its findings”.<sup>108</sup>

The Prime Minister appointed Sir Martin Moore-Bick, a former Lord Justice of Appeal, as the Chair of the Inquiry, following a recommendation from the

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<sup>106</sup> BBC News, [Grenfell Tower final death toll stands at 71](#), 16 November 2017

<sup>107</sup> BBC News, [London fire: Prime minister orders full public inquiry](#), 15 June 2017

<sup>108</sup> Prime Minister’s Office, [Grenfell Tower: Statement from the Prime Minister](#), 17 June 2017

Lord Chief Justice.<sup>109</sup> [The terms of reference](#) are on the Grenfell Tower Inquiry website.

The Inquiry formally opened on 14 September 2017. It has appointed [three assessors](#) and [sixteen expert witnesses](#). Procedural hearings were held in December 2017. As of May 2021, the number of individuals granted “core participant” status was 642.<sup>110</sup>

The Inquiry held hearings each week from mid-June to December 2018, and [published its Phase 1 report](#) on 30 October 2019.<sup>111</sup> The report comprises four volumes. The introduction to the report explains what is covered in Phase 1, and sets out what would then be looked at in Phase 2 of the inquiry:

Phase 1 would identify exactly how the fire started, how it escaped from the flat of origin and how fire and smoke was able to spread throughout the building in a manner and at a speed that prevented many people from escaping, despite the prompt attendance of the emergency services. Phase 1 would also examine the response of the emergency services so far as it bore on the decisions made and actions taken on the night of the fire. Phase 2 would ascertain the underlying causes of the disaster, including the decisions made in relation to critical aspects of the design and construction of the cladding system, the adequacy of the regulatory regime and the response of central and local government.<sup>112</sup>

## Current Activities

[Hearings concerned with Phase 2 of the Inquiry](#) began in March 2020, but have been periodically interrupted since public health restrictions were imposed in response to the COVID-19 pandemic. Phase 2 hearings are ongoing and, [according to a January 2021 update from the inquiry](#), are expected to continue into the first half of 2022.<sup>113</sup> The Phase 2 hearings have been subdivided into seven distinct modules to structure the evidence sessions.

## Costs

According to [the Inquiry’s 2021 Financial Report](#), the overall cost of the inquiry to the end of financial year 2020-21 was £117.33 million. As with most inquiries, the vast majority of the cost has been in provision of legal services and secretarial support.

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<sup>109</sup> Grenfell Tower Inquiry, [Sir Martin Moore-Bick appointed Chair of Grenfell Tower public inquiry](#), 29 June 2017

<sup>110</sup> Grenfell Tower Inquiry, [May Newsletter](#), 27 May 2021

<sup>111</sup> Grenfell Tower Inquiry, [Phase 1 Report](#), HC 49, 30 October 2019

<sup>112</sup> Grenfell Tower Inquiry, [Phase 1 Report](#), HC 49-I, 30 October 2019, para 1.7

<sup>113</sup> Grenfell Tower Inquiry, [Update from the Inquiry](#), 28 January 2021

## 5.6

## Infected Blood Inquiry

During the 1970s and early 1980s thousands of UK patients contracted HIV, Hepatitis C, or both, from contaminated blood or blood products. For some years, successive Governments refused to hold an independent public inquiry.

### Previous reviews and inquiries

The Department of Health published a review in 2007 entitled [Self-sufficiency in Blood Products in England and Wales](#), which provided a chronology of relevant events between 1973 and 1991. Catherine West MP suggested in the House of Commons that that report was “unauthorised, and could be perpetuating inaccuracies and outright lies, as my constituent says in a letter to me”.<sup>114</sup> A non-statutory inquiry, the [Archer inquiry](#), reported in 2009.

### Establishing the statutory inquiry

Following pressure from campaign groups and in Parliament, the then Prime Minister, Theresa May, announced a public inquiry on 11 July 2017.<sup>115</sup> The [Penrose Inquiry](#) covered the issue in Scotland from 2008 to 2015.

Victims and other parties affected by contaminated blood initially refused to participate fully in the inquiry because of the involvement of the Department of Health.<sup>116</sup> [This point was reiterated by Diana Johnson MP](#) in a debate following an Urgent Question on 20 July 2017:

...the vast majority of people affected by this scandal, their families, campaign groups and legal representatives, plus many cross-party parliamentarians, are, like me, dismayed to see the Department of Health leading on the establishment of this inquiry. The Department of Health, an implicated party at the heart of so much that has gone wrong over the past 45 years, must have no role in how this inquiry is established...<sup>117</sup>

In response to these concerns, the then Deputy Prime Minister, Damian Green, announced on 3 November 2017 that the administration of the inquiry would move from the Department of Health to the Cabinet Office.<sup>118</sup> The Lord Chief Justice was asked to nominate a judge to chair the inquiry.<sup>119</sup> A written statement from the Prime Minister [on 21 December 2017](#) said:

<sup>114</sup> [HC Deb 11 July 2017 Vol 627 c185](#)

<sup>115</sup> PM Office, [Press release: PM statement on contaminated blood inquiry: 11 July 2017](#)

<sup>116</sup> [Contaminated blood inquiry runs into trouble as victims boycott consultation](#), The Guardian, 21 July 2017

<sup>117</sup> [HC Deb 20 July 2017 Vol 627 c984](#); see also [EDM 408](#), 16 October 2017

<sup>118</sup> [HCWS222](#), 3 November 2017

<sup>119</sup> [PQ HC121895](#), 10 January 2018

The Cabinet Office has now completed its analysis of the responses to the consultation on the format of the statutory Inquiry into infected blood announced in July. In addition a series of roundtable meetings were held earlier this month with individuals and groups representing those affected.

The Government committed to making an announcement regarding the Chair of the inquiry before Christmas, taking into account the views we have received. We are therefore announcing today our intention to appoint a judge to Chair the inquiry. We will make a further statement on who that judge will be in the New Year and we will be discussing with them the composition of the Inquiry panel.<sup>120</sup>

On 8 February 2018, [the Cabinet Office announced](#) that Sir Brian Langstaff, High Court judge and former Senior President of the Employment Appeals Tribunal, had agreed to chair the inquiry. On [2 July 2018](#), the Government accepted, in full, the Chair's proposed [terms of reference](#).

Victims have been able to access financial support schemes, but there have been no formal compensation payments to date.<sup>121</sup> In response to a Parliamentary Question in October 2019, the Government stated it would “wait for the determination of legal liability, to which the [Infected Blood] inquiry's deliberations relate, and then make our determination off the back of that”.<sup>122</sup>

## Compensation Framework Study

Parallel to the inquiry, the Government announced in June 2021 that Sir Robert Francis would lead [an independent study into the infected blood compensation framework](#). He will be accountable to the Paymaster General for his findings.<sup>123</sup> This study had previously been trailed in a Ministerial Statement in March 2021.<sup>124</sup> The intention was that, having consulted on its terms of reference and then carried out its work, the study would report back to the Government with its full recommendations by February 2022. This deadline was subsequently extended to allow further submissions. It is now expected to be published [by 14 March 2022](#). The intention is also that the report's conclusions and recommendations will be made available to the public inquiry before it reports, so that it can inform its own recommendations. As the Government's website explains:

The study is a separate piece of work from the ongoing Infected Blood Inquiry, which is an independent public statutory Inquiry. The

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<sup>120</sup> [HCWS388](#), 21 December 2017

<sup>121</sup> See the following links for details of support schemes in [England](#), [Scotland](#), [Wales](#) and [Northern Ireland](#)

<sup>122</sup> [HC Deb 23 October 2019 Vol 666 c957](#)

<sup>123</sup> Infected Blood Inquiry, [Terms of Reference for Sir Robert Francis review announced](#), 23 September 2021

<sup>124</sup> [HCWS895](#), 25 March 2021



findings of the study will be made public and available to the Inquiry before its report is published.

The purpose of doing this work now is to ensure that there is no unnecessary delay in implementing any potential recommendations by the Inquiry in relation to compensation or levels of financial support.<sup>125</sup>

## Progress of inquiry

The Infected Blood Inquiry has set up several “expert groups” to support its work. These groups have been responsible for producing reports to support the work of the inquiry chair. These are published on the inquiry website’s [Expert Groups page](#). As the website puts it:

To help get to the truth of what has happened in the most authoritative and transparent way possible, the Chair has appointed expert groups to advise him openly. These will cover the relevant fields: not only the clinical specialisms such as haematology, transfusion medicine, hepatology and virology but also medical ethics, public health and administration, psychosocial impact, and statistics.

Using expert groups means that everyone will be able to see what expert input is given to the Chair. The reports of the groups will, as evidence, be fully open, accessible and transparent. Where there are significant disagreements among the experts, these will be tested, explored and challenged openly in the public hearings.

As with other inquiries, the intended programme of hearings has been disrupted by the COVID-19 pandemic. However, hearings resumed in September 2020 and have been ongoing almost continuously since then. They remain ongoing. The inquiry has, like other inquiries, sought where possible to broadcast hearings online given the public health restrictions in place.

## Costs

According to its [2020-21 financial report](#), the Infected Blood Inquiry has incurred expenditure of £68.20 million since it was set up.

## 5.7

## Manchester Arena Inquiry

The [Manchester Arena Inquiry](#) was established on 22 October 2019 by the Home Secretary, Priti Patel. The purpose of the inquiry is to investigate the circumstances surrounding the deaths of the victims of the 2017 Manchester

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<sup>125</sup> Cabinet Office, [Infected blood compensation framework study: consultation on terms of reference](#), 14 June 2021

Arena attack. The chair of the inquiry is Sir John Saunders, who had previously been responsible for [the Manchester Arena Inquests](#). Oral hearings began [on 7 September 2020](#).

It is a prominent example of a coroner's inquest being converted into a public inquiry.<sup>126</sup> In September 2019, Saunders (in his capacity as Coroner) had upheld a claim of "public interest immunity" asserted by the Government and Counter Terrorism Police. The Home Office and police had argued that certain materials relevant to the investigation would, if made public, be prejudicial to national security.<sup>127</sup> Saunders said [in his ruling of 13 September 2019](#):

I am satisfied, having heard the justifications for [public interest immunity claims] that to make public those matters would assist terrorists in carrying out the sort of atrocities committed in Manchester and would make it less likely that the Security Service and CT police would be able to prevent them. The balancing exercise strongly favours the material in question not being disclosed...

Having ruled in favour of the claims for PII, I must go on to consider the impact of that ruling on the Inquests. The material is relevant and central to the matters that fall to be investigated. Accordingly, my provisional view is that an adequate investigation, addressing fully the statutory questions set out at section 5(1) Coroners and Justice Act 2009 (read together with section 5(2) and bearing in mind the obligations under Article 2 of the ECHR) could not be conducted within the framework of the Inquests.<sup>128</sup>

The conversion of the investigation from inquest to inquiry would allow the materials in question to be disclosed in private, because of the differences in rules of evidence between the [Inquiries Act](#) and [Coroners and Justice Act 2009](#) frameworks. One unusual aspect of this case was that the Home Secretary had indicated, before the ruling on public interest immunity, that she would set up a statutory inquiry if the PII application was successful.

## Progress of inquiry

The Manchester Arena Inquiry has taken evidence, mostly broadcast over video link rather than in public because of the COVID-19 pandemic, continuously since September 2020. On 17 June 2021 the inquiry published its [Volume 1 report](#).<sup>129</sup> This is expected to be the first of three reports looking at different aspects of the incident:

- Volume 1 addresses the security arrangements in place at the Ariana Grande concert, where the attack happened.

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<sup>126</sup> See more generally Commons Library Briefing Paper, [Inquests and public inquiries](#), 21 June 2017

<sup>127</sup> Duncan Gardham, [Coroner will not go ahead with hearings into Manchester Arena deaths](#), *Sky News*, 13 September 2019

<sup>128</sup> Manchester Arena Inquests, [Open Ruling on PII applications made by the Secretary of State for the Home Department and Counter Terrorism Police North West](#), 13 September 2019, paras 37 and 40

<sup>129</sup> Manchester Arena Inquiry, Volume 1: Security for the Arena, HC 279, 17 June 2021

- Volume 2 is expected to look at the emergency response to the incident.
- Volume 3 is expected to look at whether, from a counter-terrorism perspective, the attack could have been prevented.

The inquiry has continued to take evidence in both open and closed evidence sessions into 2022.

## 5.8 Brook House Inquiry

A September 2017 BBC Panorama programme brought to light allegations of mistreatment of detainees in a Home Office immigration detention centre, Brook House.<sup>130</sup> This led to a series of internal investigations and a Parliamentary inquiry, culminating in a Prisons and Probation Ombudsman led Special Investigation being announced on 21 September 2018.

Two detainees argued this form of investigation was inadequate to address the mistreatment complained of: it would not meet the standards required by the investigatory duty imposed by Article 3 of the ECHR in relation to the prevention of inhuman and degrading treatment. In June 2019, Justice May ruled in favour of their judicial review in the High Court. The investigation, she ordered, must include a power to compel witnesses, have the means of holding public hearings, and make provision for properly funded legal representation for the detainees alleging unlawful treatment.<sup>131</sup>

### Establishing the inquiry

In practice, these ends would best be met by converting the Special Investigation into a 2005 Act public inquiry, rather than conferring special or bespoke powers on the Ombudsman for this particular investigation. The conversion [was announced in a written statement to the House of Commons](#) by the Home Secretary on 5 November 2019.<sup>132</sup>

Kate Eves chairs the [Brook House Inquiry](#). She was previously appointed by Sue McAllister, the Prisons and Probation Ombudsman, to lead the original Special Investigation. The inquiry [launched its call for evidence on 21 April 2020](#) and [set a soft deadline of 19 May 2020](#) for individuals and organisations to apply to be core participants. In August 2020 [it was announced](#) that 6 individuals and 6 organisations had been granted core participant status.

### Progress of inquiry

Preliminary hearings took place in September and December 2020. In January 2021 the chair [published a Scope Determination](#) (PDF) setting out how she

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<sup>130</sup> BBC Panorama, [Undercover: Britain's Immigration Secrets](#), Brook House Inquiry YouTube Channel, first broadcast 4 September 2017

<sup>131</sup> *R (MA and BB) v Secretary of State for the Home Department* [2019] EWHC 1523 (Admin)

<sup>132</sup> [HCWS99](#), 5 November 2019

planned to conduct the inquiry in light of its terms of reference and representations made by the core participants.

The inquiry also announced (and [published correspondence confirming](#) (PDF)) that it had received an undertaking from the Attorney General. This undertaking would protect witnesses to the inquiry against having evidence they provided being used against them in any criminal prosecution. The purpose of such an undertaking by the chief law officer for England and Wales is to encourage full and frank evidence to be given to the inquiry.

[In February 2021](#), the inquiry announced that the Chair had appointed two experts to assist her with the inquiry, Professor Mary Bosworth (a cultural expert) and Dr Jake Hard (a medical expert).

The pandemic disrupted the initial inquiry hearing schedule. It was made harder to gather and process evidence and to arrange appropriate support to witnesses and participants (e.g. interpreters). The delays have also led to changes in personnel, due to the non-availability of Counsel. In its [September 2021 update](#), the inquiry indicated that core participant status had been granted to further individuals, it also indicated what evidence it had sought from several participants. Oral hearings have since taken place and are expected to continue throughout spring 2022.<sup>133</sup>

## Costs

The Brook House Inquiry spent £3.81 million to financial year end 2020-21.<sup>134</sup>

## 5.9

## Sheku Bayoh Inquiry

In May 2015, Sheku Bayoh died while in police custody in Kirkcaldy, Fife. A Fatal Accident Inquiry (FAI) was commenced under the [Fatal Accidents and Sudden Deaths etc. \(Scotland\) Act 2016](#). However, in November 2019 it emerged that no criminal charges would be brought against any police officer in relation to the incident. The Lord Advocate had concluded in relation to the death that wider issues needed to be examined than could be dealt with through a Fatal Accident Inquiry.<sup>135</sup>

## Establishing the inquiry

[On 12 November 2019](#), in a statement to the Scottish Parliament, Humza Yousaf, the then Scottish Government's Cabinet Secretary for Justice, announced that a statutory public inquiry would be launched into the circumstances surrounding Bayoh's death. In January 2020 the chair of that

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<sup>133</sup> Brook House Inquiry, [Progress Update](#), 2 February 2022

<sup>134</sup> See financial statements for [2020-21](#) (£3.52 million) and [2019-20](#) (£285k)

<sup>135</sup> BBC News, [Sheku Bayoh: Public inquiry ordered into death in police custody](#), 12 November 2019

inquiry [was confirmed as Lord Bracadale](#) (a retired judge), and in May 2020 [its terms of reference were announced](#).

It has been reported, with reference to job adverts recruiting staff for the Sheku Bayoh inquiry, that its proceedings could last as long as four years.<sup>136</sup>

## Progress of inquiry

In March 2021 the inquiry confirmed [its core participants](#) which included, among others the family of Sheku Bayoh. This was [later updated](#) to add a further core participant in April 2021.

On 30 April 2021, Lord Bracadale gave a video update ([on the inquiry's YouTube channel](#)) on inquiry personnel, and approach of the inquiry would take to its work. An initial preliminary hearing took place in November 2021. A scheduled preliminary hearing in early February 2022 was postponed because some core participants in the inquiry were seeking undertakings from the Solicitor General that evidence they gave to the inquiry would not be used against them any resulting prosecutions.

In March 2022, Lord Bracadale [published a ruling](#), setting out why he had decided to seek those undertakings from the Solicitor General (against the wishes of Sheku Bayoh's family).

## Costs

[As of December 2021](#), cumulative inquiry costs had reached £4.38 million.

## 5.10

## Jermaine Baker Inquiry

[On 12 February 2020](#), the Home Secretary announced a 2005 Act inquiry into the circumstances of the death of Jermaine Baker, who died during a Metropolitan Police operation in December 2015.<sup>137</sup> The inquiry chair is Clement Goldstone QC, a retired Senior Circuit Judge, who had previously been appointed to conduct the inquest into Jermaine Baker's death. Its terms of reference [were first published on the Government website](#).

This is another example of an inquest being converted into a statutory inquiry at the request of the coroner. The reason for the request seems to have been connected (as is often the case) with the rules governing the disclosure and publicity of evidence at inquests as compared to 2005 Act inquiries. The Home Secretary's written statement said:

It has been necessary to establish an inquiry so as to permit all relevant evidence to be heard. The inquiry will have the same scope

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<sup>136</sup> The Courier, [Sheku Bayoh family heartbroken that inquiry could go on for four years](#), 6 July 2020

<sup>137</sup> [HCWS111](#), 12 February 2020

as the current inquest, which will be suspended after the establishment of the inquiry.<sup>138</sup>

Preliminary hearings took place in June 2020, and in March and April 2021. The evidence hearings began in June 2021. Some hearings have been designated as closed and will therefore not be accessible to the public, but others were broadcast on the [inquiry's YouTube channel](#). Oral hearings concluded in early September 2021.

## Costs

The cumulative cost of the inquiry as of December 2021 [as stated on the inquiry website](#) was £3.52 million.

## 5.11

# Muckamore Abbey Hospital Inquiry

Muckamore Abbey Hospital in Belfast provides services to patients with severe learning disabilities and mental health needs. In late 2017, allegations surfaced that members of staff at the hospital had physically and mentally abused patients in their care. This prompted a police investigation, which is ongoing.

As of September 2020, there had been eight arrests in connection with the police investigation.<sup>139</sup> As of December 2019, 40 members of staff had been suspended in connection with the Belfast Health and Social Care Trust's own internal investigations.<sup>140</sup> [An internal review by the Trust](#) entitled 'A Review of Safeguarding at Muckamore Abbey Hospital – A Way to Go' reported in November 2018. It revealed systemic failures of safeguarding, putting patients' lives and wellbeing at risk.<sup>141</sup> [CCTV evidence has also revealed](#) more than 1,500 criminal acts perpetrated on one of the wards.<sup>142</sup> [A review of leadership and governance](#) at the hospital by an Independent Review Team reported in August 2020, which described it as "dysfunctional".<sup>143</sup>

## Establishing the inquiry

[On 8 September 2020](#), Robert Swann, Northern Ireland Executive Minister for Health, announced to the Northern Ireland Assembly his intention to set up a 2005 Act public inquiry into the abuse at Muckamore. In his statement, he

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<sup>138</sup> *ibid.*

<sup>139</sup> BBC News, [Muckamore Abbey Hospital: Timeline of abuse allegations](#), 7 September 2020

<sup>140</sup> Seanín Graham, [Total of 40 staff now suspended from Muckamore](#), The Irish News, 5 December 2019

<sup>141</sup> Belfast Health and Social Care Trust, [Summary of 'A Review of Safeguarding at Muckamore Abbey Hospital – A Way to Go'](#), 15 February 2019

<sup>142</sup> BBC News, [Muckamore Abbey: CCTV reveals 1,500 crimes at hospital](#), 27 August 2019

<sup>143</sup> Muckamore Abbey Hospital Review Team, [A Review of Leadership and Governance at Muckamore Abbey Hospital](#) (PDF), 31 July 2020

indicated that the terms of reference would be set out at a later date, after consultation with current and former patients and their families.

In November 2020, Swann sent two letters families and relatives of those potentially impacted by mistreatment in Muckamore Abbey Hospital.<sup>144</sup> The families were invited to participate in video link meetings and through direct one-to-one facilitators in a discussion about the terms of reference of the inquiry, including questions as to timeframe, evidence to be sought and the issues to be addressed. The letter also invited input as to who should be appointed as the chair of the inquiry, and what particular professional expertise or experience the chair ought to have. These meetings took place in December 2020.

[On 30 June 2021](#), Swann announced to the Northern Ireland Assembly that he had appointed Tom Kark QC to chair the inquiry. [On 29 September 2021](#), the terms of reference were confirmed and two panel members were appointed to assist Kark with his work: Professor Gylnis Murphy and Dr Peter Carter. It subsequently emerged that Carter had a conflict of interest, and he agreed to step down. His position was filled by Dr Elaine Maxwell [on 7 October 2021](#).

In December 2021, the Chair [published a statement](#), setting out the proposed progress of the inquiry. According to [a further update](#) from February 2022, hearings will commence in May and continue throughout the rest of 2022.

## 5.12

## Coronavirus Response Inquiries

The Coronavirus (COVID-19) pandemic has had a significant impact on a wide variety of aspects of public life. The deaths of more than 162,000 people in the UK so far are attributed to the virus. Many more became seriously ill and required hospitalisation or other medical attention. The measures taken to mitigate the spread of the virus have also had profound implications for other areas of government policy-making and resilience, including for the health service, the economy, the education and care systems, for travel, tourism and hospitality, and for the liberties of ordinary citizens.

Several aspects of the governmental pandemic response, by the UK Government, the devolved administrations and local government, has attracted criticism and scrutiny. This has come both within Parliament and the devolved legislatures and beyond. Calls emerged in 2020 for the Government to set up a public inquiry, in order to ensure effective accountability for decisions taken during the crisis, and to learn lessons that would ensure future health crises were responded to more effectively. In April

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<sup>144</sup> [Letter from Robert Swann, Northern Ireland Minister for Health](#) (PDF), 12 November 2020; [Letter from Robert Swann, Northern Ireland Minister for Health](#) (PDF), 26 November 2020.

2021, the Institute for Government [published a report](#) calling for an inquiry to be set up as a matter of urgency.<sup>145</sup>

## UK Government Inquiry

On 12 May 2021, in a statement to the House of Commons, the Prime Minister confirmed that the Government would set up a public inquiry by the spring of 2022. This inquiry would, he confirmed, be:

an independent public inquiry [set up] on a statutory basis, with full powers under the Inquiries Act of 2005, including the ability to compel the production of all relevant materials, and take oral evidence in public, under oath.<sup>146</sup>

In explaining why it had not intended to set up the inquiry sooner, the Government argued that an inquiry should not be set up prematurely, while the NHS and other public bodies were still facing acute pressures in responding to the pandemic itself.<sup>147</sup>

### Baroness Heather Hallett appointed as Chair

On 15 December 2021, the Government announced that Baroness Heather Hallett DBE, a former Court of Appeal judge, would chair the inquiry. It also indicated that she would be engaging with bereaved families as part of a process to finalise the terms of reference of the inquiry. On being appointed as the chair of this public inquiry, the Government indicated that a replacement would be found to relieve Baroness Hallett of her role as chair of the public inquiry into the Death of Dawn Sturgess (see below).

### Progress on finalising terms of reference

The UK Government has committed on several occasions that the inquiry will begin its work by the “spring of 2022”. However, some observers have raised concerns that this will not be possible given the inquiry does not yet have finalised Terms of Reference. In a response to a series of oral questions on 24 February 2022, the Cabinet Office Minister Heather Wheeler indicated that consultation with the devolved authorities on the terms of reference were “well advanced”.<sup>148</sup>

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<sup>145</sup> Marcus Shephard and Emma Norris, [The coronavirus inquiry: the case for an investigation of government actions during the Covid-19 pandemic](#) (PDF), April 2021

<sup>146</sup> [HC Deb 12 May 2021 \[Covid-19 Update\]](#)

<sup>147</sup> *ibid.*

<sup>148</sup> [HC Deb 24 February 2022 \[Covid-19: Public Inquiry\]](#)



## Scottish Government Inquiry

The Prime Minister indicated that the UK Government would “work closely with the Devolved Administrations” in establishing its own inquiry and setting its scope.<sup>149</sup> However, both the Scottish and Welsh Governments raised concerns about the amount of time the UK Government planned to take to set up its inquiry. The Welsh Government was against setting up a parallel inquiry.<sup>150</sup> In August 2021, [the Scottish Government announced](#) that it would set up its own inquiry before the end of 2021, looking at the devolved response to the pandemic. It engaged in a consultation throughout August and September 2021 on the terms of reference for such an inquiry.

On 14 December 2021, the Scottish Government [published an analysis paper on their consultation](#). It also announced Lady Poole (a senior Scottish judge) as the Chair of their inquiry, and [published the terms of reference](#).

[In a statement](#), Lady Poole indicated that the inquiry would begin to recruit its secretariat, with a view to commencing its work properly in “early summer 2022”.

### 5.13

## Post Office Horizon Inquiry

For detailed policy background, see:

- Commons Library, [The Post Office](#), CBP-7550, 18 October 2021

The Post Office adopted an IT system, known as Horizon, in 1999. Investigations by the Post Office into postmasters, using information from the new computer system, led to suspensions, termination of postmasters’ contracts, prosecution and conviction of postmasters, for example for false accounting and fraud. A group representing many of the affected postmasters, the Justice for Postmasters Alliance (JFPA), initiated several legal challenges from late 2015 onwards against the Post Office, leading to a settlement and court victory in December 2019. However, the compensation awarded to the 555 claimants fell far short of their liabilities as a result of wrongful treatment.

Many of the criminal convictions in relation to Horizon were subsequently quashed in April 2021 when it emerged that the fault for accounting irregularities rested, in many cases, with the IT system rather than the

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<sup>149</sup> [HC Deb 12 May 2021 \[Covid-19 Update\]](#)

<sup>150</sup> ITV News, [Opposition parties demand Wales-only Covid-19 inquiry](#), 25 August 2021

postmasters.<sup>151</sup> Others have been referred to the Criminal Cases Review Commission.

The Prime Minister indicated in February 2020 that an inquiry would be launched into the Horizon IT system.<sup>152</sup> At first, this took the form of a “review” announced in June 2020, but it was later turned into a non-statutory inquiry in September 2020, to be chaired by Sir Wyn Williams.<sup>153</sup> In May 2021, the Government announced that the non-statutory inquiry would be converted into a statutory one under the 2005 Act, with Sir Wyn Williams remaining the chair. The terms of reference would also be expanded to allow the inquiry to look at the Post Office’s approach to seeking prosecutions against postmasters.<sup>154</sup>

The inquiry has made several statements and announcements about its work to be carried on in 2022. It carried out [a series of “impact” hearings](#) in different parts of the UK (Leeds, Cardiff and London) in February and March 2022.

## 5.14

### Death of Dawn Sturgess

On 8 July 2018, Dawn Sturgess died, 9 days after being admitted to Salisbury District Hospital. Police determined that she, and her partner Charlie Rowley, had been poisoned by Novichok, the same nerve agent that had been attributed to the deaths of Sergei and Yulia Skripal four months earlier. The police investigation indicated that Sturgess and Rowley may have inadvertently come into contact with a discarded vial of the substance, which had originally been used in the Skripal attack.

#### Initial inquest proceedings

An inquest was established in July 2018, and was to be chaired by Senior Coroner David Ridley. In a scoping decision, Ridley determined that, while the inquest could look at the role of two Russian military officers suspected to have been involved in the Skripal attack, it was beyond his remit to examine wider questions about the source of the nerve agent, or Russian state involvement in the deaths.

The family of Dawn Sturgess successfully challenged this decision in the High Court. It ordered that the scope of the inquest should be revisited.<sup>155</sup>

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<sup>151</sup> BBC News, [Convicted Post Office workers have names cleared](#), 23 April 2021

<sup>152</sup> [HC Deb 26 February 2020 \[Engagements\]](#) c315

<sup>153</sup> BEIS, [Independent review into the Post Office Ltd Horizon IT system](#), 10 June 2020; [HCWS280](#), 10 June 2020; [HCWS477](#), 30 September 2020

<sup>154</sup> [HC Deb 19 May 2021 \[Post Office Update\]](#); BEIS, [Government strengthens Post Office Horizon IT inquiry with statutory powers](#), 19 May 2021

<sup>155</sup> BBC News, [Scope of Novichok victim's inquest 'must be reconsidered'](#), 24 July 2020

## Dame Heather Hallett becomes chair

In January 2021, it was announced that Dame Heather Hallett would assume responsibility as the coroner of the inquiry, replacing David Ridley. She had previously served as the coroner into the 7/7 London bombings.

Dame Heather Hallett presided over three pre-inquest reviews, in March 2021, September 2021 and February 2022.

## Public inquiry announced

On 18 November 2021, [the Home Secretary announced](#) that a statutory public inquiry would be established into the death of Dawn Sturgess, to be chaired by Dame Heather Hallett. It is likely, as with similar inquests, that the inquiry will effectively supersede some or all of the work of the inquest. The Home Secretary explained that the decision was taken to ensure that some of the material could be considered in closed proceedings.<sup>156</sup>

## New chair required

Following the announcement that Dame Heather Hallett would chair the UK Government's Coronavirus Inquiry, it is expected that she will be replaced as chair of the Sturgess inquiry and inquest. However, no new appointment has, at the time of writing, been made.

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<sup>156</sup> [HCWS402](#), 18 November 2021

## Table 1: Active and announced 2005 Act public inquiries

### Active and announced inquiries under the *Inquiries Act 2005*

As of March 2022

Inquiry	Commissioning minister	Administration/department	Chair	Announced
Edinburgh Tram	Alex Salmond	Scottish Government	Lord Hardie	05/06/14
Scottish Child Abuse	Mike Russell	Scottish Government	Lady Smith	17/12/14
Independent Inquiry into Child Sexual Abuse	Theresa May	Home Office	Professor Alexis Jay	04/02/15
Undercover Policing	Theresa May	Home Office	Sir John Mitting	12/03/15
Grenfell Tower	Theresa May	Office of Prime Minister	Sir Martin Moore-Bick	15/06/17
Infected Blood	Damian Green	Cabinet Office	Sir Brian Langstaff	03/11/17
Manchester Arena (converted inquest)	Priti Patel	Home Office	Sir John Saunders	22/10/19
Brook House	Priti Patel	Home Office	Kate Eves	05/11/19
Death of Sheku Bayoh	Humza Yousaf	Scottish Government	Lord Bracadale	12/11/19
Death of Jermaine Baker (converted inquest)	Priti Patel	Home Office	Clement Goldstone QC	12/02/20
Muckamore Abbey Hospital	Robin Swann	Northern Ireland Executive	Tom Kark QC	08/09/20
Coronavirus (UK)	Boris Johnson	Office of Prime Minister	Baroness Hallett	12/05/21
Post Office Horizon IT	Kwasi Kwarteng	BEIS	Sir Wyn Williams	19/05/21
Coronavirus (Scotland)	Nicola Sturgeon	Scottish Government	Lady Poole	24/08/21
Death of Dawn Sturgess (converted inquest)	Priti Patel	Home Office	<i>Replacement TBC</i>	18/11/21

## Table 2: Former 2005 Act public inquiries

### Former inquiries established under the *Inquiries Act 2005*

As of March 2022

Inquiry	Commissioning minister	Commissioning administration	Chair	Start Date	End Date	Cost (£m)
Death of Billy Wright	Peter Hain	UK Government	Lord Ranald McLean	23/11/05	14/09/10	30.5
Death of Robert Hamill	Peter Hain	UK Government	Sir Edwin Jowett	16/11/04	29/01/10	33
E-coli	Rhodri Morgan	Welsh Government	Professor Hugh Pennington	13/03/06	19/03/09	2.4
ICL Plastics	Peter Hain/Elish Angiolini	UK and Scottish Governments	Lord Gill	21/11/08	16/07/09	1.9
Death of Bernard Lodge	Shahid Malik	UK Government	Barbara Stow	23/02/09	15/12/09	0.4
Death of Baha Mousa	Des Browne	UK Government	Lord Justice Gage	14/05/08	08/09/11	13.0
The Fingerprint Inquiry	Kenny McAskill	Scottish Government	Sir Anthony Campbell	14/03/08	14/12/11	3.4
The Penrose Inquiry (contaminated blood)	Nicola Sturgeon	Scottish Government	Lord Penrose	23/04/08	26/03/15	12.1
Clostridium Difficile in Northern Trust Hospitals	Michael McGimpsey	Northern Ireland Executive	Dame Deirdre Hine	14/10/08	21/03/11	1.8
Vale of Leven Hospital (clostridium difficile)	Nicola Sturgeon	Scottish Government	Lord Ranald McLean	22/04/09	24/11/14	10.7
Al-Sweady Inquiry	Bob Ainsworth	UK Government	Sir Thaynes Forbes	25/11/09	17/12/14	24.9
Death of Azelle Rodney	Chris Grayling	UK Government	Sir Christopher Holland	10/06/10	05/07/13	2.4
Mid Staffordshire NHS Trust	Andrew Lansley	UK Government	Sir Robert Francis	09/06/10	06/02/13	13.7
Phone Hacking (Leveson Inquiry)	David Cameron	UK Government	Lord Brian Leveson	13/07/11	29/11/12	5.4
Death of Alexander Litvinenko	Theresa May	UK Government	Sir Robert Owen	22/07/14	21/01/16	2.4
Death of Anthony Grainger	Theresa May	UK Government	Thomas Teague QC	17/03/16	12/07/19	2.6
Renewable Heat Incentive Inquiry	Máirtín Ó Muilleoir	Northern Ireland Executive	Sir Patrick Coghlin	24/01/17	13/03/20	7.4

Sources:

- House of Lords Select Committee on the Inquiries Act, *The Inquiries Act 2005: post-legislative scrutiny*, HL Paper 143, 11 March 2014
- National Audit Office, *Investigation into government-funded public inquiries*, HC 836, 23 May 2018
- Official and archived websites of individual inquiries

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