

# FORENSIC, POLICY, AND TRUTH-TELLING INQUIRIES AND UK PUBLIC INQUIRY REFORM

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**Explicitly identifying public inquiries as forensic, policy, or truth-telling will enhance focus, improve effectiveness, help control cost and duration, and strengthen public and participant confidence in the UK public inquiry process.**

## Recommendations

1. When convening a public inquiry, ministers should identify its primary purpose as forensic, policy, or truth-telling. The inquiry's terms of reference, budgets, deadlines, and public messaging must all align accordingly.
2. The Inquiry chair's decisions when determining an inquiry's procedure and conduct must reflect its primary purpose to maintain focus, ensure efficiency, manage expectations, and prevent 'mission creep'.
3. Reform of the inquiry process should reinforce this categorisation and promote the sharing of innovation and best practice.

## The Issue

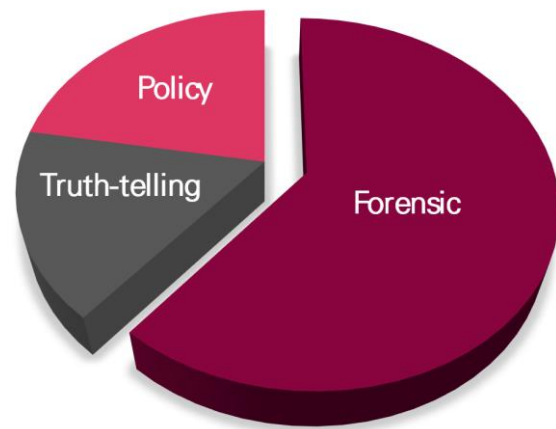
Public inquiries serve distinct roles, based on their subject matter and terms of reference. Failing to explicitly identify an inquiry's primary purpose reduces effectiveness, increases cost and duration, and risks undermining trust and confidence. It is leading to 'mission creep' and impeding reform of the UK public inquiry process as a whole.

This policy brief draws on Ireton's recent comparative research on how UK and Australian public inquiries maintain focus, and earlier research on managing public expectations (Ireton, 2023). It defines three key types of public inquiry by role: forensic, policy and truth-telling, and uses this categorisation to make recommendations to improve UK public inquiry focus and drive meaningful reform. It then examines the specific characteristics and challenges of each type of inquiry, the importance of focused reform, and how an inquiry's primary purpose should inform decisions on the use of statutory or non-statutory inquiries.

## Categorising public inquiries by role

All public inquiries have the same core role: to establish facts, analyse those facts, and produce a report to address a matter of public concern. However, the precise role varies significantly between inquiries, depending on their subject matter and terms of reference.

While most UK and Australian inquiries incorporate elements of all three, to varying degrees, they can each be categorised as being *primarily* forensic, policy, or truth-telling. This distinction is currently recognised in Australia but not in the UK.



Forensic	Policy	Truth-telling
Establishing facts, uncovering wrongdoing, pronouncing views on culpability.	Evaluating systemic failure and public policy.	Acknowledging past harms, correcting historical narratives.
Recommendations to prevent recurrence.	Recommendations to shape future policy.	Recommendations social justice and systemic change.

Clearly defining an inquiry's primary purpose helps manage public and participant expectations and improves engagement with participants, survivor groups, and NGOs (Ireton, 2023). This categorisation should also be central to broader public inquiry reform.

## Key considerations and recommendations for reform and improvement of public inquiries

### Considerations for the minister and government

#### Clarity of Purpose

The ministers must decide: is the public inquiry forensic, policy, or truth-telling?

Terms of reference, budget, and any indicative deadline must align with the primary purpose.

#### Managing communication and expectations

Government messaging must be clear and precise on an inquiry's primary role, terms of reference, and what it can (and cannot) deliver.

Vague or overly broad statements like "leaving no stone unturned" or "delivering justice" should be avoided. They set unrealistic expectations, leading to frustration and distress for participants, increase cost and delay, and undermine public and participant trust confidence in the process.

#### Informing decisions

The primary purpose of an inquiry should inform decisions on:

- The terms of reference,
- Statutory or non-statutory inquiry,
- Any indicative deadline,
- The selection of the chair and panel members,
- Any recommendations on the nature of participation of survivors and the bereaved.

#### Statutory vs non-statutory considerations

**Non-statutory inquiries** are not inherently more agile or cheaper than statutory inquiries. Their cost and duration depend more on their subject matter, scope, and approach than on their legal status (National Audit Office, 2018).

**Forensic inquiries** do not always require statutory powers.

**Policy or truth-telling inquiries** need not have a forensic or overly formal approach, simply because they are convened as a statutory inquiry.

### Setting indicative deadlines

Any indicative deadline must be realistic and assessed in the context of the inquiry's primary purpose.

- **Forensic inquiries** requiring detailed investigations *may* take longer;
- **policy and truth-telling inquiries** *may* allow for more structured timelines.

### Choice of chair and panel members

Selection of the chair and any panel members must be based on the inquiry's primary purpose, which will affect the experience and skillset required.

- Forensic inquiries *may* require a judicial chair or senior lawyer with experience of legal and evidentiary procedures.
- Policy inquiries *may* require a subject-matter or policy expert to shape recommendations for policy reform.
- Truth-telling inquiries *may* require individuals with experience in survivor engagement, historical investigation, and reconciliation processes.

### Considerations for the Chair

#### Interpreting the terms of reference and avoiding 'mission creep'

The inquiry's primary purpose, whether forensic, policy, or truth-telling, should inform:

- Consultation with the minister on the terms of reference and on key appointments (panel members, the secretary to the inquiry, solicitor to the inquiry, assessors, and support staff).
- Analysis and interpretation of the terms of reference.
- Appointment of counsel to the inquiry.
- Budget planning and adherence to any indicative deadline.
- Layout of the hearing room.
- Drafting of protocols and procedures.
- Decisions on core participants and legal representation, and witness support arrangements.
- The inquiry's timetable.

**Maintaining focus**

The chair must ensure that the public inquiry remains focused on its primary purpose and resist external pressure to broaden its remit unnecessarily, to avoid ‘mission creep’.

For **policy** or **truth-telling** inquiries convened as statutory inquiries, the chair must ensure they do not default to an unnecessarily forensic approach simply due to convention or expectations around the ‘normal’ conduct of statutory inquiries.

**Incorporating innovation**

Chairs of **statutory inquiries** should embrace innovative approaches and best practice from non-statutory as well as statutory inquiries.

**The tone and approach**

Chairs, particularly of **forensic inquiries**, must monitor the tone and approach of the inquiry to prevent hearings from becoming adversarial or overly court-like.

Questioning must remain appropriate and aligned with the terms of reference and primary purpose.

**Managing Costs and Legal Representation**

Legal costs are a significant component of the cost of public inquiries. Decisions regarding the:

- Number of core participants,
- Number of legal representatives,
- Appropriateness of joint legal representation,

should take into account whether a public inquiry is primarily forensic, policy, or truth-telling.

**Engagement with survivors and the bereaved**

The nature of involvement of survivors and the bereaved depends on the inquiry’s primary purpose. Meaningful engagement requires:

- Clear, ongoing communication about the inquiry’s primary purpose and expected outcomes.
- Careful management of expectations around ‘justice’, ‘catharsis’, and ‘redress’.

**Considerations for reform of the structural framework and governance structures**

**Models of inquiry**

No single inquiry model suits every matter of public concern.

Any reform of the overarching structural framework and governance structure must reflect the distinct role of forensic, policy, and truth-telling inquiries.

**Improving public and participant understanding**

Greater understanding is needed of:

- The public inquiry process as a whole.
- The difference between forensic, policy, and truth-telling inquiries and what they can, can cannot, deliver.
- How public inquiries fit alongside, and complement, other accountability mechanisms.

**Enhancing inquiry efficiency**

The structural framework and governance structure should support:

- Clear distinctions between forensic, policy, and truth-telling inquiries.
- Innovative, tailored approaches that improve cost and time efficiencies and effectiveness.
- The capture, analysis, and dissemination of inquiry best practice to improve future statutory and non-statutory inquiries.

**Decisions on involvement of survivors and the bereaved**

Decision making on the *nature* of survivors’ and the bereaved’s engagement with the minister, departmental officials, the chair, and the Independent Public Advocate must be informed by whether the inquiry is forensic, policy-focused, or truth-telling.

## A targeted approach to public inquiry reform

No single model of inquiry can deliver the different approaches needed for the range of potential matters of public concern that inquiries are convened to address. Despite this, much of the debate on reform continues to focus on finding an elusive single model (Evidence to HL Select Committee, 2024).

Every inquiry must operate within its specific terms of reference, finite budget, and tight timescales. Some require a more detailed forensic investigation, some focus on policy reform, and others on acknowledging past harms. Currently, UK ministers are not articulating an inquiry's *primary* purpose sufficiently clearly either in its terms of reference or when the inquiry is announced. Similarly, many UK inquiries and legal representatives are not focusing, or managing the expectations of participants, sufficiently on its primary purpose.

The minister holds final decision-making authority over determining an inquiry's primary role and terms of reference, though these decisions are often influenced by campaigning, lobbying, negative media coverage and political criticism. To improve the effectiveness of public inquiries, ministers and inquiry chairs must resist external pressures to push an inquiry beyond its intended scope.

## Categorisation of inquiries by primary focus

### Forensic

Some inquiries require a detailed, forensic investigation, particularly those inquiring into a disaster or scandal.

Their primary purpose is to look back at events to:

- Expose wrongdoing and failure.
- Pronounce views on culpability.
- Make recommendations to prevent recurrence.

They often examine systemic failures from operational levels to those of senior decision makers.

They are also used as a mechanism to discharge the State's investigative obligations under Articles 2 and 3 of the ECHR.

Examples include the **Bloody Sunday Inquiry** and the **Undercover Policing Inquiry**. (Whilst both incorporate elements of truth-telling, their approach is primarily forensic.)

### Policy

Policy inquiries look forwards to shape future policy. They also look back to examine broad administrative, systemic and regulatory failure, and failings in 'the checks and balances', to inform their recommendations.

While fact-finding, and scrutiny of evidence, are essential, policy inquiries do not require the same level of forensic examination as forensic inquiries. Instead, they operate at a macro level, also drawing on broader sources of evidence, such as expert reports, policy evaluation, data, and statistics.

Examples of policy inquiries include the **Leveson Inquiry** and the **Covid-19 Inquiry**.

### Truth-telling

Truth-telling inquiries give a voice to those directly affected by the subject matter of an inquiry, acknowledge past harms, bear witness, and create or correct historical records.

They look back to record and validate personal testimonies, to create an authoritative public record that acknowledges harm inflicted by past practices and systemic failures.

They also look forward, to make recommendations, which may include recommendations on reform and redress. They may also promote institutional learning and public awareness, and contribute to memorialisation and wider societal healing, acting as a catalyst for social justice and systemic change.

Truth-telling inquiries are less common in the UK than forensic or policy inquiries. An example is Ireland's **Mother and Baby Homes Inquiry**.

Increasingly **forensic** and **policy inquiries** are incorporating separate truth-telling forums alongside the public inquiry (see below).

## Focus of public inquiry reform

Public inquiries face frequent criticism over cost, duration, effectiveness, and 'mission creep', where inquiries extend beyond their original scope.

These issues are influenced at two levels:

1. **Individual inquiries**, by decisions made by the convening-minister, inquiry chair, and members of the inquiry team.
2. **The overarching structural framework and governance structure**, which applies to both statutory inquiries, convened under the Inquiries Act 2005, and non-statutory inquiries, convened outside the legislation.

Decisions made by individual inquiries often set precedents that shape future practice (Ireton, 2020). Learning lessons from past inquiries, and sharing best practice, is crucial for informing future decisions (Mitchell, Ireton et al. 2020). Whilst there is a wealth of expertise and knowledge among inquiry chairs, practitioners, and those who engage with public inquiries, the lack of a formal mechanism for identifying and sharing best practice has led to good practice being lost and the risk of poor practice being repeated.

Since the Inquiries Act in 2005, there has been very little improvement to the public inquiry process through changes to the overarching public inquiry framework (Ireton 2020). The government's recent commitment to strengthening governance and to considering wider reforms to the structural framework is therefore welcome (UK Government, 2025).

Explicitly recognising the **key characteristics and challenges** of forensic, policy, and truth-telling inquiries is essential for informing decision-making at the level of individual public inquiries and wider structural reform.

## Key characteristics and challenges of forensic, policy, and truth-telling public inquiries

Each type of inquiry has its own key characteristics and challenges.

### *Forensic - key characteristics and challenges*

Forensic inquiries must maintain an inquisitorial, rather than adversarial, approach, avoiding court-room style formalism. Monitoring the tone and conduct of hearings is essential. Questioning must remain appropriate and aligned with the inquiry's terms of reference.

Increased costs, duration and delays may result from:

- Detailed questioning that exceeds the requirements of the terms of reference.
- Challenges over lines of inquiry and scope of questioning.
- Larger numbers of core participants and legal representatives.
- Multiple preliminary hearings to determine procedural issues.

Judges and senior lawyers are often a preferred choice for chair of a forensic inquiry, for their forensic evaluation skills, and experience of dealing with vast amounts of evidence and of running structured proceedings.

NB: Even within forensic inquiries, not all lines of inquiry need a detailed forensic approach. Careful scoping is essential for maintaining a proportionate, timely, and effective process.

### Policy- key characteristics and challenges

Policy inquiries rely on a strong evidence base but do not require the same detailed forensic approach as forensic inquiries. Focus is shifted from the individual, and from views on culpability and past events, to policy design and future reforms. This requires different skill sets. Subject-matter experts and policy experts are often a preferred choice of chair for policy inquiries, rather than judges or senior lawyers.

Policy inquiries *may* be more cost-effective, quicker to complete, and may maintain their inquisitorial nature more easily than forensic inquiries. They operate at a macro-level, often relying on commissioned discussion papers, public submissions, and convening expert panels, rather than detailed witness testimony.

Clear communication is essential for managing expectations about what a policy inquiry can, and cannot, deliver.

- **Forensic detail:** Survivors, the bereaved, and the public may expect a level of forensic investigation, leading to detailed answers, that policy inquiries are not designed to provide.
- **Participant voice:** Policy inquiries may have fewer opportunities for participant voices to be heard, which may create tension between the inquiry and those affected.
- **Scope:** Pressure to focus on individual experiences can lead to 'mission creep', increasing cost and duration.

### Truth-telling- key characteristics and challenges

Truth-telling inquiries prioritise testimony, bearing witness, and reconciliation, though they may also incorporate elements of policy evaluation and forensic examination.

Managing expectations is critical. Truth-telling inquiries must remain independent, not only from the government and other institutions, but from all participants, including survivors and the bereaved. They need to balance fostering a constructive, empathetic working relationship with their participants whilst strictly maintaining their independence.

While a truth-telling inquiry may recommend the establishment and administration of redress scheme, it cannot itself deliver redress.

### Truth-telling forums

Many **forensic** and **policy inquiries** now set up truth-telling forums, outside their formal hearings, to provide individuals with the opportunity to share personal testimonies, provide important context, and contribute to an inquiry's understanding and recommendations.

Their aim is to acknowledge harm, validate experiences, and offer an element of catharsis.

Examples include:

- *The Truth Project* (IICSA)
- *Every Story Matters* (COVID-19 Inquiry)
- *In Your Own Words* (Post Office IT Horizon Inquiry)

Approaches vary. Some inquiries offer confidentiality for submissions, while others publish anonymised testimonies.

While these forums provide a vital platform for voices to be heard, they do not replace the function of the inquiry or directly deliver redress.

### 'Mission creep'

#### Unrealistic expectations of public inquiries

Public inquiries are tasked with establishing facts, analysing those facts, and producing a report to address a matter of public concern.

To expect public inquiries to also deliver **justice**, **redress** and **catharsis**, particularly where other processes have failed, is setting them up to fail against criteria they were never designed to meet.

A public inquiry must operate within its specific terms of reference, finite budget, and strict time constraints. They complement, but do not replicate, other accountability and regulatory processes.

Despite common assumptions, the *primary* purpose of a public inquiry is not to deliver justice, redress or catharsis, though any or all of these may be an element. Inquiries can deliver a form of justice by providing a platform for survivors and the bereaved to share their experiences and shape recommendations. For many, preventing future harm is a meaningful form of justice. However, whilst forensic inquiries may

pronounce views on culpability, it is not their role “to ensure accountability by identifying those responsible” as suggested in the 2024 House of Lords Select Committee (HL Report, 2024). They cannot make findings of civil or criminal liability; they cannot *deliver* redress, though they may make recommendations about the establishment and operation of a redress scheme.

It is widely acknowledged that public inquiries can provide an opportunity for catharsis. However, more recently, expectations have shifted to “public inquiries *should* provide catharsis to victims” (HL Report, 2024 p.5). Expecting all public inquiries to serve a therapeutic function as part of their primary role risks conflating their role with therapeutic objectives which are better served through dedicated, specialist support services elsewhere.

**The impact of ‘mission creep’ on inquiry effectiveness**

Inquiries cannot feasibly deliver all the outcomes and resolution currently expected of them in a timely, cost-efficient, and effective manner. Pressure to expand their remit, often driven by political or public expectations, is leading to ‘mission creep’, which is diminishing their focus, undermining their effectiveness and significantly increasing duration and cost.

**Is the debate really statutory vs non-statutory, or forensic vs policy or truth-telling?**

**The key distinction between statutory and non-statutory inquiries**

**Statutory Inquiries**

Convened under the Inquiries Act 2005.

Statutory power to compel the giving of evidence and take evidence on oath.

Presumption that hearings will be held in public.

**Non-Statutory Inquiries**

Convened under the prerogative of powers of the Executive.

No power to compel the giving of evidence or take evidence on oath.

No presumption that hearings will be held in public.

Otherwise, similar in nature and form to statutory inquiries.

It is widely believed that statutory inquiries are more formal, costly, and time consuming than non-statutory inquiries. The recent Select Committee on Statutory Inquiries encourages ministers to consider greater use of non-statutory inquiries because of their perceived ‘relative agility’ (HL Report, 2024). However, research by the National Audit Office shows that non-statutory inquiries are not inherently more agile or cheaper than statutory inquiries (National Audit Office, 2018). An inquiry’s cost and duration depend more on its subject matter, scope, and approach than whether it is statutory or non-statutory.

The only notable obligation for statutory inquiries, but not for non-statutory inquiries, is the requirement to send a mandatory warning letter to a person before including any explicit or significant criticism of them in a report, under rules 13-15 Inquiry Rules 2006, a process that is costly and widely regarded as needing reform (Ireton, 2025). However, many non-statutory inquiries adopt a similar warning letter process. Notably, while statutory inquiries have powers of compulsion, they are often not exercised. Often their existence is sufficient to encourage reluctant witnesses to cooperate.

**Is the debate really statutory vs non-statutory?**

The ‘statutory versus non-statutory inquiry’ debate is often, in reality, a ‘forensic inquiry versus policy or truth-telling inquiry’ debate.

High profile, large, forensic inquiries, which are costly and lengthy, are typically convened as statutory inquiries. Policy and truth-telling inquiries (and similar mechanisms such as independent panels with narrower remit) are more commonly non-statutory.

Resistance to statutory inquiries is often, in practice, resistance to complex, detailed, forensic inquiries where a policy or truth-telling inquiry may be more appropriate (irrespective of whether they are statutory or non-statutory).

Under section 17 Inquiries Act 2005, the chair of a statutory inquiry has a broad discretion to determine an inquiry’s procedure and approach according to its needs, requiring the chair to act with fairness and with regard to the need to avoid any unnecessary cost.

However, without careful oversight, **policy** or **truth-telling inquiries** convened as a statutory inquiry may adopt an overly forensic approach due to:

- Perceived conventions of ‘how statutory inquiries are conducted’, without sufficient reflection on whether it is necessary or appropriate.
- External pressure from participants, the public, and media pushing for a broader remit, and more forensic approach to expose wrongdoing and failure, resulting in ‘mission creep’.

### Enhancing efficiency through innovation and dissemination of best practice

To ensure that statutory inquiries remain effective, cost and time-efficient, and fit for purpose, they must embrace innovations and best practice from non-statutory inquiries as well as other statutory inquiries. Similarly, non-statutory inquiries should also learn from statutory inquiry best practice.

### The importance of managing expectation

Public inquiries engage a diverse range of stakeholders, each with very strong, and often conflicting, expectations on what the primary role of a public inquiry *should* be, depending on their interest in the outcome of that inquiry (Ireton, 2023).

For the convening-minister and policymakers, the priority may be to inform policy reform. In some cases, the government may convene a forensic inquiry to discharge the State’s investigative obligation under Articles 2 or 3 of the ECHR. For many participants, however, the priority is truth-telling and ensuring that their voice is heard and the historical record corrected.

Conflicting expectations, and resulting tensions between inquiries and stakeholders, can increase the cost and duration of an inquiry, and cause frustration and distress for participants. They also seriously undermine participant and public trust and confidence in the public inquiry process (Ireton, 2024). Clear communication about the difference between forensic, policy and truth-telling inquiries, and what they can, and cannot deliver, is crucial.

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