Nottingham Law School
Nottingham Trent University

REFORMING THE UK PUBLIC INQUIRY PROCESS

Emma Ireton, Associate Professor Nottingham Law School

December 2025

Clearer articulation of an inquiry's primary purpose, proportionate use of a wider range of inquiry models, more effective management of expectations, better sharing of best practice to inform inquiry decision making, and improved monitoring of implementation of inquiry recommendations are essential to improving the UK public inquiry process.

Recommendations

1. Ministers must determine an inquiry's primary purpose at the outset and align the inquiry model, terms of reference, and estimated timelines and resources, with that purpose.
2. Inquiry chairs must interpret the terms of reference and adopt procedures and conduct in line with that primary purpose.
3. The Inquiries Act 2005 should be retained, but the Inquiry Rules 2006 revised to preserve the discretion of the inquiry chair.
4. Reflective practice and the open sharing of best practice should be embedded in the public inquiry process to inform and support the decision making of inquiry chairs.
5. Ministers should make greater use of a wider range of inquiry models, designed around the specific needs of each inquiry.
6. Public and participant expectations must be managed more effectively, with clear communication of an inquiry's purpose and the justification for the model used.
7. Formal monitoring must be introduced, with public tracking of implementation, oversight, and independent scrutiny.

The challenge

There is a widespread view that UK public inquiries have become too long, too expensive, and that poor monitoring of implementation of recommendations is resulting in a failure to bring about meaningful change.

Despite this, there are still regular calls for new public inquiries to be established, and it is widely recognised that public inquiries play a vital role in addressing serious matters of public concern.

The Inquiries Act 2005 has been the subject of post-legislative scrutiny by House of Lords select committees on two occasions, in 2014 and 2024. The Scottish Finance and Public Administration Committee is currently examining the cost-effectiveness of public inquiries.

Improvements can be made to public inquiries at two levels: the structural framework of the public inquiry process as a whole and to decision making at the level of individual inquiries.

Improving ministerial and inquiry chair decision making at the level of individual inquiries has the greatest potential to bring about significant improvement.

Focus of reform

The structural framework

Changes to the overall public inquiry process led by government, such as by:

- Reform of the Inquiries Act 2005 and the Inquiry Rules 2006, or
- The introduction of a new model.

Individual inquiry level

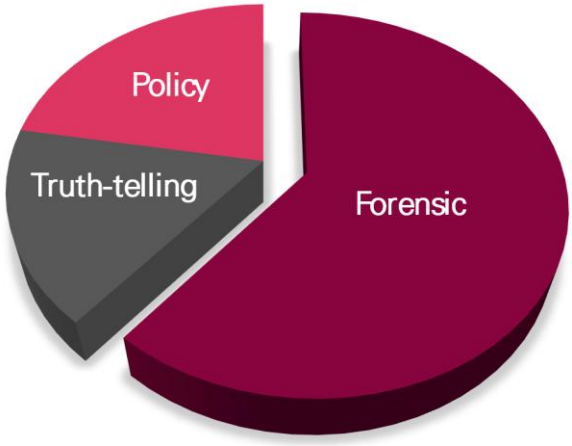
Change driven by those running and engaging with public inquiries:

- Capturing and sharing best practice,
- Reflective practice and innovation,
- Improved decision making by chairs and inquiry teams.

It is understandable, when frustration builds, for attention to turn to calls for government changes to the whole process. However, it is not the structural framework itself, but how it is being used, that is causing the current issues and undermining their effectiveness, value for money, and public and participant trust.

What a best practice model looks like

Clarity over the role of the public inquiry process



One of the biggest challenges for UK public inquiries is confusion and poor management of expectations over what the public inquiry process is for.

Politicians, the media, and some legal representatives frequently oversell what inquiries can achieve and raise expectations that inquiries simply cannot and are not designed to meet.

Statements that must be avoided

That an inquiry:

"will leave no stone unturned"

"will deliver justice"

"is being convened for the survivors and the bereaved"

"is part of the justice system"

Public inquiries are not a legal process; they form part of the political system. Their role is advisory.

Put simply, their role is to establish facts, analyse those facts, and deliver a report to the minister to inform policy decisions.

Clearer articulation of why a particular inquiry is being held and its primary purpose

From the moment a public inquiry is announced, there must be clear articulation of its primary purpose and what it is being asked to do.

Every inquiry can include forensic, policy, and truth-telling elements, but the balance between each varies hugely depending on *why* it has been convened.

There are three broad categories of inquiry:

Policy inquiries

These are the most common.

- They examine the systemic failures that allowed the matter of public concern to arise.
- Their focus is on thematic learning.
- Forensic investigation into past individual events is only necessary when it is essential for understanding those wider systemic failures.

As Lord Leveson told the 2024 House of Lords Select Committee:

> Evidence *"should be sufficient to support the process rather than exhaustive."*

Forensic inquiries

- Some inquiries genuinely require detailed, forensic examination into specific events, such as those where Articles 2 and 3 of the European Convention on Human Rights are engaged, or inquests are converted to inquiries.
- These inquiries examine past events *and* the wider context of systemic failure.
- They do so often with a view to identifying wrongdoing and failure and pronouncing a view on culpability.

Truth-telling inquiries

These inquiries are less common in the UK.

- Their purpose is public acknowledgement of past harms and bearing witness.
- They promote understanding and correct the historical record.
- For example, the Mother and Baby Homes Inquiry in Northern Ireland.

These distinctions may apply to the whole inquiry or to different modules within the same inquiry i.e. some modules may require a very forensic approach and others a much more thematic approach.

Core participants play a vital role in each category of inquiry:

- informing thematic learning (policy),
- providing detailed testimony about specific events (forensic), or
- correcting historical narrative (truth-telling).

Why this clarity matters

It is vital that there is clarity around the primary purpose of a public inquiry from the outset or ministers and inquiry chairs come under intense pressure to broaden their focus. Different stakeholders have different interests and priorities, which are difficult or sometimes impossible to reconcile.

Being clear about **what an inquiry is for** is the foundation for everything else:

- the best choice of inquiry model,
- its scale,
- the chair's approach to interpreting the terms of reference,
- cost control, timelines, and
- managing public and participant expectations.

Statutory vs non-statutory inquiries

There is also an, often polarised, debate about statutory versus non-statutory inquiries (those convened outside the Inquiries Act 2005). Statutory inquiries are frequently perceived as the gold standard and non-statutory inquiries as an attempt to avoid scrutiny or accountability.

In reality, there are successful examples of both. The question is not which is better, but which is better suited to the type of public concern and context.

Contrary to popular belief, non-statutory inquiries are not inherently more agile or cheaper. Research by the National Audit Office in 2018 found that cost and duration depend far more on their subject matter, scope, and approach than on their legal status.

There is growing concern that too many statutory inquiries are defaulting to huge, overly legalistic processes, attempting to deliver a forensic, policy, and truth-telling role equally and to be 'all things to all people'. Often a more focused inquiry is needed, to deliver thematic learning and recommendations much more quickly and efficiently, to allow lessons to be acted on before policy priorities shift, or events recur.

Greater use should be made of a range of inquiry models including non-statutory inquiries, independent panels, and shorter, much more focused statutory inquiries. There is considerable scope for cross-learning: approaches that have worked well in non-statutory inquiries should inform the design and conduct of statutory inquiries and vice versa.

Public confidence remains the challenge, especially when the statutory/non-statutory distinction is currently widely viewed with suspicion. If the Public Office (Accountability) Bill, 'Hillsborough Law', comes into force, introducing a statutory duty of candour and criminal sanctions for failing to proactively assist an inquiry, it will give all inquiries 'more teeth'. This may result in participants and the public being more open to accepting a range of inquiry models.

Sharing learning in best practice between inquiries

In an ideal world, every new inquiry would build on the procedural learning of those that came before and would embed formal evaluation to periodically reflect on, and improve, its procedure and conduct during its lifetime.

Sharing best practice between inquiries is essential, but current mechanisms for doing so are inadequate. Most knowledge sharing currently is informal. There are ad hoc conversations between chairs. Practitioners move from one inquiry to another, which helps preserve institutional knowledge, but is a double-edged sword because that can also entrench poor practice when practitioners simply default to what is familiar.

The Cabinet Office Inquiries and Reviews team offers logistical support and a forum for secretaries, but its resources are limited, and its focus is predominantly on supporting the work of the secretariat, not inquiry chairs or other members of the inquiry team.

Cabinet Office guidance requires Secretaries to the Inquiry to lodge "lessons learned" reports with the Inquiries and Reviews team at the end of an inquiry, but very few have ever been produced and none of that learning is shared outside the Cabinet Office team.

Pockets of excellence do exist. Attempts to improve efficiency, reduce costs, and restore public confidence cannot ignore this gap in institutional learning. Innovation, learning, and refining best practice must be embedded in the public inquiry process.

Managing costs

Bearing in mind how much money is spent on public inquiries, it is remarkable how little is known about what they really cost, how that compares with original budgets, or how cost control is managed. There is no consistent system for recording expenditure, which makes meaningful comparison between inquiries and central oversight difficult.

Legal representation is generally the most significant cost. Many inquiries designate large numbers of core participants and have become dominated by unnecessarily large numbers of lawyers and overly legalistic processes, losing focus on the purpose for which they have been convened.

Challenges around managing cost are not limited to the actions of inquiries. A huge part of whether an inquiry is on time and on budget depends on the actions of government departments and public bodies. When they delay, are defensive, under-resource their teams, or drip-feed disclosure, costs go up and the timelines increase. Early, open, properly resourced engagement is essential.

Monitoring implementation

However good an inquiry is, its value is undermined when recommendations that have been accepted are then diluted, delayed, or forgotten.

Some inquiries now monitor implementation of their interim recommendations during the lifetime of the inquiry, such as the Manchester Arena Inquiry and IICSA. But once an inquiry ends there is no formal, independent mechanism for tracking progress.

A formal oversight mechanism is needed but there is currently no consensus on what form it should take.

Options for central monitoring of inquiry recommendations

Options include a combination of:

a) A centralised record of public inquiry recommendations and implementation tracking

b) Top-down oversight, such as**:**

- Parliamentary committees.
- A new independent monitoring body.
- Monitoring by the chair after an inquiry has come to an end (though not appropriate for the majority of cases for reasons of time availability, skillset, and independence).
- The National Oversight Mechanism, proposed by INQUEST to address avoidable deaths.

c) Independent bottom-up scrutiny

The limitation of a top-down oversight mechanism is that it is dependent on accurate self-reporting. Oversight mechanisms are best combined with some form of independent bottom-up scrutiny, to verify whether recommendations have been implemented as intended, such as:

- Implementation monitors (increasingly used in Australia)
- Existing permanent scrutiny bodies e.g. the Northern Ireland Audit Office is acting as an independent scrutiny and oversight body for the Renewable Heat Incentive inquiry.

It does not follow that there is necessarily a one-size-fits-all solution for monitoring implementation of all inquiry recommendations, though each must be subject to some form of transparent tracking, oversight, and independent scrutiny. Individual inquiries should also consider making recommendations in their reports about suitable mechanisms for monitoring.

Approaches to reform

The structural framework

Legislative reform and revising the Inquiry Rules 2006

Both the 2014 and 2024 House of Lords Select Committees concluded that the Inquiries Act 2005 is generally regarded as good legislation and provides a suitable framework for statutory inquiries. It also allows ministers to convene non-statutory inquiries when it is deemed more appropriate.

It is *how* that framework is being used, rather than the framework itself, that is resulting in overly long, expensive public inquiries that are not contributing sufficiently to lasting, meaningful change.

A core strength of the current statutory model is its flexibility. Under section 17 of the 2005 Act, chairs have a broad discretion to determine procedure as best suits their inquiry. However, some of that flexibility is currently undermined by the Inquiry Rules. Chairs have reported

that certain provisions cause unnecessary delay and significant unnecessary cost, or lead to overly cautious decision making to minimise the risk of judicial review, which itself causes delay and increased cost.

Key areas of focus for reform of the Inquiries Rules 2006 include:

- Replacing the mandatory warning letter process (**rules 13-15**) with a discretionary approach and relying on the common law and statutory duties of fairness.
- Simplifying the expenses procedure (**rules 20-34**).
- Amending **rule 4** so that decisions on the designation of core participant status support fairness without unduly restricting the chair's discretion to control the scale and costs.

Use of a wider range of inquiry models

There are growing calls for using a wider range of inquiry models that are more proportionate and better informed by an inquiry's primary purpose and its context. This includes greater use of non-statutory inquiries, independent panels, and shorter, much more focused, statutory inquiries. Large, expensive statutory inquiries should only be used when they are genuinely necessary. This can all be achieved within the existing structural framework of the Inquiries Act 2005.

However, thought has also been given to making more significant changes to the structural framework and introducing an alternative structure. An example of what this might look like is New Zealand's three-tiered system of statutory inquiries: government inquiries, public inquiries, and Royal Commissions. Each tier differs in scale, complexity, resources, and who it reports to, depending on the complexity and gravity of the subject of the inquiry.

The risk of formally introducing a similar tiered system in the UK currently is that it is likely to reinforce existing concerns that some inquiries are inherently less 'legitimate' than others, or that the government treats some matters of public concern less seriously than others. The tiered system was introduced in New Zealand to address overuse of non-statutory inquiries and increase the use of statutory inquiries, the opposite of the challenge currently faced in the UK.

Addressing public confidence in the UK about using a wider range of inquiry models rather than defaulting to huge, overly legalistic processes expected to deliver 'all things to all people', must be an absolute priority, to avoid undermining confidence in the UK public inquiry process. The introduction of a statutory duty of candour with the Public Office (Accountability) Act, providing all inquiries with powers of compulsion, irrespective of whether or not they are convened under the 2005 Act, may well play a key role in achieving this.

Guidance for ministers

UK Guidance for ministers should address:

1. Identifying and clearly articulating the inquiry's primary purpose

- Before announcing an inquiry, ministers should identify whether its purpose is primarily forensic investigation of past events, examining systemic failure to inform policy decisions, or truth-telling to acknowledge past harms and correct the historical record.
- This decision should underpin the choice of inquiry model and inform its scale, terms of reference, indicative timelines, budget, and the approach to managing expectations

2. Considering a full range of inquiry models:

- Guidance should set out the strengths and limitations of different inquiry models and their suitability in different contexts, to inform and support the minister's decision making.
- Ministers should consider the implications of the choice of inquiry model on the primary purpose, cost, timelines, and participant engagement.

3. Explaining the rationale for the chosen model

Ministers should:

- Publish a clear statement when announcing the inquiry, setting out why it is being convened, its primary purpose, and why the selected model is appropriate.

- Ensure all public communications remain consistent to avoid unrealistic expectations and mission creep.

- Communicate this rationale to the chair early, so that interpretation of the terms of reference reflect the primary purpose, discussions on scope, timelines, and budget remain focused and proportionate, and subsequent decisions of the chair on procedure and conduct align with that core purpose.

4. Ensuring transparency and accountability

- Ministers should commit to early stakeholder engagement and consultation and explain how decisions on purpose, model, and scope were reached.

Individual inquiry level

The flexibility and discretion granted under section 17 of the 2005 Act only works if inquiry teams, and others with experience and expertise of public inquiry practice, actively share best practice to inform these decisions.

A stricter requirement is needed for inquiries to produce lessons-learned reports, or shorter case studies during the lifetime of an inquiry, while experiences are still fresh, to reduce time pressure when an inquiry is winding down and staff are moving on. However, such a requirement will be of little value if that learning is not openly shared, as is currently the case.

Monitoring implementation

Formal monitoring and tracking of implementation of recommendations that have been accepted is essential to ensure accountability and that public inquiries lead to meaningful and lasting change.

Top-down oversight is important, for example through a parliamentary committee or other form of independent monitoring body. However, monitoring cannot be dependent solely on self-reported progress. Oversight should be combined with independent, bottom-up verification that implementation is not token, but is both substantive and implemented as intended. Consideration should be given to the appointment of inquiry-specific independent implementation monitors.

References

House of Lords Select Committee on the Inquiries Act 2005 (2013). 'Written and corrected oral evidence'. Available at: https://www.parliament.uk/globalassets/documents/lords-committees/Inquiries-Act-2005/IA_Written_Oral_evidencevol.pdf

House of Lords Select Committee on the Inquiries Act 2005 (2014) *Report of the Select Committee on the Inquiries Act 2005.* Available at: https://publications.parliament.uk/pa/ld201314/ldselect/ldinquiries/143/143.pdf

House of Lords Select Committee on Statutory Inquiries (2024) Oral evidence. Available at: https://committees.parliament.uk/committee/702/statutory-inquiries-committee/publications/oral-evidence/ (Accessed: 2 March 2025).

House of Lords Select Committee on Statutory Inquiries. (2024). *Enhancing Public Trust.* [HL Paper 9]. London: The Stationery Office. Available at: https://publications.parliament.uk/pa/ld5901/ldselect/ldstatinq/9/9.pdf .

Ireton, E. (2025) *Reforming the statutory inquiry warning letter process*. Nottingham: Nottingham Trent University. Available at: 2332033_a3137_Ireton.pdf

Ireton, E. *Forensic, policy, and truth-telling inquiries and UK public inquiry reform* (Nottingham: Nottingham Trent University, March 2025) https://irep.ntu.ac.uk/id/eprint/53198/1/2396730_Ireton.pdf

Ireton, E. *Framing, Implementing, and Monitoring Public Inquiry Recommendations: A Contextual Briefing* (Commissioned by the Lampard Inquiry, September 2025) https://lampardinquiry.org.uk/wp-content/uploads/2025/10/Recommendations-Implementation-and-Monitoring.pdf

Ireton, E. (2023). Public inquiries: irreconcilable interests and the importance of managing expectations. *Journal of Social Welfare and Family Law*, *45*(3), pp.212-233. Available at: https://www.tandfonline.com/doi/full/10.1080/09649069.2023.2243137

National Audit Office, *Investigation into government-funded inquiries* (Report, HC 836, 23 May 2018) https://www.nao.org.uk/wp-content/uploads/2018/05/Investigation-into-government-funded-inquiries.pdf

UK Government (2025) *Government response to the House of Lords Statutory Inquiries Committee report: Enhancing Public Trust*. Available at: https://www.gov.uk/government/publications/government-response-to-the-house-of-lords-statutory-inquiries-committee-report-enhancing-public-trust/government-response-to-the-house-of-lords-statutory-inquiries-committee-report-enhancing-public-trust-html

Further Information

Contact: Dr Emma Ireton: Emma.ireton@ntu.ac.uk
Nottingham Law School, Nottingham Trent University
DOI number: