

Written evidence from Dr Emma Ireton (IBI0008)

Public Administration and Constitutional Affairs Committee Inquiry into the recommendations of the Infected Blood Inquiry (Stage 1)

This submission is made in response to the Committee's call for evidence on the recommendations of the Infected Blood Inquiry (Stage 1). I am an Associate Professor in Law at Nottingham Law School, Nottingham Trent University. Prior to moving to academia, I was a solicitor in private practice and worked on public inquiries. My research specialism is public inquiry law and procedure.

Introduction: the underlying concerns driving calls for change

Before considering the appropriate role of the House of Commons and PACAC in scrutinising and challenging decisions to hold, or not to hold, a public inquiry, it is necessary to first identify the underlying concerns driving calls for change.

Ministerial reluctance to convene new inquiries is increasingly influenced by concerns about escalating costs, duration, and expansion of scope. These are driven by unrealistic expectations about the scale, role and primary purpose of a public inquiry, and what it can and should deliver. It is important that any scrutiny or challenge of decisions is informed by these underlying pressures, rather than inadvertently reinforcing or entrenching them.

At the same time, there is little transparency in the decision-making process about whether to hold a public inquiry, what its core purpose should be, and what form it should take, including whether it should be statutory or non-statutory. There are no publicly available principles or factors to guide such decisions, meaning scrutiny mechanisms risk operating without a clear reference point, thereby reinforcing perceptions of arbitrariness and inconsistency rather than addressing them.

1. Responding to calls for a public inquiry

This section addresses the committee's questions on the role of the House of Commons and PACAC in responding to calls for public inquiries.

The need for improved clarity about the role, core purpose, and limits of public inquiries

Calls for a public inquiry, responses to those calls, and the Government's role in implementing and monitoring inquiry recommendations must be considered in the context of an accurate and realistic understanding of the role, core purpose, and limits of UK public inquiries. At present, that clarity is often lacking in public and political debate. Unrealistic expectations about an inquiry's ability to deliver accountability, detailed answers, catharsis, justice, and resolution where other accountability mechanisms are perceived to have failed, are becoming entrenched, contributing to unsustainable mission creep.

This is significant because it shapes expectations about when public inquiries should be established and about how and on what basis the House of Commons or PACAC should scrutinise or challenge a minister's decision not to hold an inquiry.

There is mounting pressure to reduce public expenditure on inquiries. The House of Commons and PACAC have an important role to play in ensuring that this pressure is addressed by restoring clarity about the role and limits of public inquiries, and ensuring

their focused and proportionate use, rather than through a reluctance to convene new inquiries where they are needed.

The three broad types of public inquiry by core purpose

All public inquiries share a core function: to establish and analyse facts and to deliver a report to the minister to inform policy decisions and change. However, their potential subject matter is extremely varied, and they are convened for different purposes. While almost all inquiries have forensic, policy, and truth-telling elements, the emphasis varies depending on the primary reason for which they were convened. They can be categorised into three broad types by their core purpose.

1. Forensic inquiries: with a primary focus on examining events to establish a detailed and authoritative account of events, for example to discharge the State's investigative obligations under Articles 2 and 3 of the European Convention on Human Rights or to provide detailed answers about specific incidents to prevent recurrence.
2. Policy inquiries: with a primary focus on examining administrative, systemic and regulatory failures at a macro level to inform and shape future policy.
3. Truth-telling inquiries: with a primary focus on acknowledging past harms, bearing witness, and creating or correcting the historical record. These are rarer in the UK.

Some inquiries are hybrids, requiring different approaches for different tasks or phases, depending on their terms of reference.

Survivors, victims and the bereaved play a central role in each category, whether by providing detailed testimony about specific events in forensic inquiries, informing thematic learning and policy recommendations, or contributing to broader societal understanding and the correction of the historical record.

There will never be complete consensus about the core purpose of a particular public inquiry because different stakeholders have conflicting priorities and interests, which are sometimes impossible to reconcile.

Identifying and articulating core purpose and selecting the appropriate inquiry model

Every inquiry is different. Not all inquiries require the same level of forensic investigation. Some, particularly those involving fatalities or engaging the State's investigative obligations, may require detailed forensic investigation of specific events. Others operate at a broader systemic level, drawing on expert evidence, analysis, and statistical material. Every inquiry should therefore be designed around a clearly articulated, inquiry-specific core purpose, with its scale, structure, timescale, and budget aligned accordingly.

However, clarity about the role and limits of UK public inquiries is being eroded. Public statements promising that an inquiry will 'leave no stone unturned' or deliver 'justice, catharsis, and accountability where other processes have failed' risk reinforcing unrealistic expectations that all inquiries can and should 'do it all'. There is a growing perception that anything short of a large, highly lawyered 'bells and whistles' statutory inquiry is necessarily inferior, but that is not the case.

In reality, there is a range of inquiry models, including statutory, non-statutory, independent panels and other forms of review. The appropriate model is the one best suited to the

particular matter of public concern and the inquiry-specific core purpose for which it has been convened.

Some matters require a focused and relatively swift response; others require a broader and longer process. The different models should not be seen as a hierarchy of value or importance. Pressure for a perceived 'gold standard' public inquiry that will 'do it all' encourages expansion of scope, increases duration and cost, and ultimately undermines focus and effectiveness. Where inquiries take too long to report, the relevant policy, regulatory and institutional context may have moved on, reducing the usefulness of their recommendations.

Public resources are finite, and public inquiries must report in a timely manner if they are to prevent recurrence and bring about meaningful change. When deciding to hold an inquiry, the minister must balance competing interests and determine the core purpose most appropriate to the matter of public concern. That determination should inform decisions about the model, scope, timescales, and budget and be articulated clearly at the outset to maintain focus and manage the expectations.

The role of the House of Commons and PACAC in scrutinising these decisions

The House of Commons and PACAC have an important role to play in scrutinising these decisions. There is a widespread view that inquiries have become too long and expensive. If pressure to reduce expenditure is addressed by reducing the number of inquiries convened, rather than by restoring clarity of purpose and ensuring focused and proportionate use, there is a real risk that inquiries will not be established where they are needed.

What is required is renewed clarity and sustained focus on core purpose. In that context, the House of Commons and PACAC should scrutinise whether the minister has articulated a clear, coherent and proportionate core purpose, and should avoid amplifying demands that an inquiry fulfil too broad a function or that reinforce mission creep.

Parliamentary involvement in decisions to hold a public inquiry

The decision whether to hold a public inquiry currently rests with the minister under the Inquiries Act 2005, and the prerogative powers of the executive for non-statutory inquiries. There is no formal process by which an application for a public inquiry can be made, and neither Parliament nor the courts can compel the establishment of a public inquiry. A minister may decide not to convene a public inquiry for reasons including cost and policy priorities, because the issues have already been examined through other mechanisms, or on the basis that an effective investigation will be conducted by another form of review.

There have long been conflicting views as to whether Parliament should have greater involvement in the decision-making process. Under the Tribunals of Inquiry (Evidence) Act 1921, a resolution of both Houses was required to establish an inquiry. The 2005 Act replaced that model with a ministerial power. The Public Administration Select Committee in 2005 recommended that Parliament should have a more direct role in initiating inquiries, though no change followed. Both the 2014 and 2024 House of Lords Select Committees reviewing the Inquiries Act 2005 concluded that the power to establish a public inquiry should remain with the minister, subject to parliamentary scrutiny.

The financial implications of convening an inquiry are frequently cited as a reason for retaining this power within Government. The increasing cost and duration of public inquiries,

and the consequent pressures on budgets, are likely to reinforce executive reluctance to dilute ministerial control over the decision to establish one.

Lack of transparency and published criteria

Arguably, how the decision is made is much more significant than who makes it. There is widespread concern about the lack of openness and transparency in the decision-making process, particularly where the actions of the minister's own department or those of the Government would be under scrutiny by the proposed inquiry. This lack of openness and transparency contributes to perceptions of arbitrariness and inconsistency in the decision-making.

There is no published guidance or criteria against which to determine when a public inquiry should be convened, nor against which the decision-making process can be scrutinised. In the absence of published guidance, scrutiny risks operating reactively and being politically influenced, reinforcing perceptions of arbitrariness and inconsistency.

Past calls for the introduction of criteria to determine whether a public inquiry should be established have been rejected by Government. The argument advanced is that it is not possible to articulate clear, objective criteria capable of applying across the wide range of potential subject matter and surrounding circumstances of public inquiries without fettering discretion, limiting the circumstances in which an inquiry may be established, and creating a risk of inquiries not being established when they are needed.

However, the current absence of any published framework or publicly articulated guidance is equally unsatisfactory. It inhibits clear and consistent decision-making and meaningful scrutiny. The introduction of clear, publicly available guidance for ministers would strengthen transparency and support effective parliamentary scrutiny, whilst preserving flexibility to respond to the particular circumstances of each case and avoiding fettering ministerial discretion. It would also assist in restoring a clearer understanding of the role and function of public inquiries and in managing expectations of the public inquiry process.

Such guidance should set out a non-exhaustive list of factors to be considered when deciding whether to convene a public inquiry, including:

- When a public inquiry is likely to be appropriate;
- The importance of identifying and clearly articulating the inquiry's core purpose;
- The range of available inquiry models, including statutory and non-statutory inquiries, independent panels and other forms of review, and the factors relevant to selecting the most appropriate model;
- The need to give clear reasons for the chosen core purpose, scope, and model; and
- Openness and transparency, including early stakeholder engagement.

The House of Commons and PACAC can play an important role in encouraging the development, articulation and scrutiny of publicly available guidance to structure the exercise of that discretion. PACAC may also scrutinise decisions to hold, or decline to hold, individual inquiries or why alternative mechanisms are considered sufficient where a public inquiry is refused, by reference to that published guidance. This would strengthen transparency, consistency, and political accountability.

The burden on survivors and families

In practice, the onus of pressing for a public inquiry often falls on survivors, families, and advocacy groups, many of whom have already experienced significant stress and trauma linked to the matter of public concern. This places an unfair burden on them.

The effectiveness of such campaigns is affected by the time, resources, and experience available to those involved, and by the extent to which the issues capture press and public attention at a given moment. This can contribute to perceptions of arbitrariness and inconsistency in decisions regarding the establishment of public inquiries.

A much more structured and proactive approach to scrutiny is necessary. The House of Commons, and parliamentary committees, including PACAC, are well placed to perform that function, to hold ministers to account for decisions to convene or to refuse to convene a public inquiry.

Summary: Responding to calls for a public inquiry

Priorities for responding to calls for a public inquiry in which the House of Commons and PACAC have a role include:

- Restoring clarity about the role and limits of public inquiries, including what they are convened to do, and what they can and cannot deliver, to manage expectations and address mission creep.
- Ensuring that concerns about escalating cost and expansion of scope are addressed through more focused, effective, and proportionate use of public inquiries, rather than by reluctance to convene inquiries where they are genuinely needed.
- Developing and publishing clear guidance for ministers to inform decisions on when to hold an inquiry, identify its core purpose, select the most suitable model, and provide reasons, to improve openness and transparency and support effective parliamentary scrutiny.
- Scrutinising decisions to hold or not hold a public inquiry, including the clarity and adequacy of reasons given, and their consistency with published guidance.
- Ensuring clear articulation of an inquiry's core purpose when established, and scrutinising whether its scope and structure align with that purpose.
- Promoting proactive parliamentary engagement with calls for a public inquiry, so that pressure does not fall disproportionately on survivors, the bereaved, or others advocating for an inquiry.

2. Implementation

This section addresses the Committee's questions concerning the scrutiny and implementation of inquiry recommendations.

It draws on research I conducted for the Lampard Inquiry on the framing, implementation, and monitoring of public inquiry recommendations, including on increasing the likelihood that recommendations result in meaningful and lasting change. It also draws on earlier comparative research I conducted on Australian Royal Commissions and public inquiries. The research commissioned by the Lampard Inquiry was published in September 2025 and is publicly available. The views expressed here are my own and should not be taken to represent those of the Inquiry or any other body.

The role of Government and Parliament

It is the role of the executive to address serious matters of public concern. Convening a public inquiry may be an important step in that process, but it is not, in itself, a resolution. Public inquiries shine a light on serious matters of public concern and inform and help drive institutional, policy, and societal change. However, they do not replace the responsibility of Government to address the matter of public concern, nor that of Parliament to hold the executive to account in this respect.

Inquiry recommendations are not legally binding. Ultimate responsibility for deciding whether to accept them and how they should be implemented rests with ministers, who are accountable to Parliament and the public. In reaching those decisions, the Government will take into account broader political, financial, and practical considerations. Although recommendations may carry considerable political and moral authority, public inquiries cannot compel changes to policy.

Where recommendations are accepted, responsibility for implementation falls to the relevant departments, agencies, or institutions, through policy, operational, or legislative change. There may be legitimate reasons why some recommendations are rejected, or why accepted recommendations later prove impracticable. In such cases, what matters is transparency and a clear account of the reasoning which, currently, is often lacking.

There is no statutory duty requiring the Government, public bodies, or other organisations to respond to inquiry recommendations or to give reasons for rejecting them, which has been widely criticised. Current convention is that Government responses should be published as swiftly as possible, typically within six months, except in exceptional circumstances. Responses should explain how accepted recommendations will be implemented and include an implementation plan, and there should be annual reporting to Parliament on progress.

The absence of a duty to respond to inquiry recommendations, and inconsistency in the quality and timeliness of responses in practice, has led several UK public inquiries, including the Infected Blood Inquiry, to incorporate formal requests for Government responses, implementation plans, and reporting on progress within their reports.

However, it is the responsibility of Government to respond in a timely and transparent manner to inquiry recommendations, to give clear reasons where recommendations are not accepted, and to oversee and support effective and timely implementation in addressing the matter of public concern. It is for Parliament to hold the executive to account in this respect.

Lack of consensus over the form of a monitoring process

Public inquiries play a vital role in informing and helping to drive institutional, policy, and societal change, but they do not have the power to deliver that change themselves. The value of their recommendations lies not only in what they propose but in how effectively they are implemented. The current framework provides no independent mechanism for monitoring that implementation.

Despite the significant investment of time and public funds in public inquiries, and the gravity of their subject matter, it is not uncommon for recommendations to be accepted but only partially implemented, diluted, delayed, or overlooked. There have been repeated calls

for the introduction of a formal oversight mechanism, but there is no consensus over what form it should take.

Given the variation in the core purpose for which public inquiries are convened, and in the technical complexity, policy fields, regulatory regimes, and institutional environments to which their recommendations relate, it does not follow that one single model can adequately monitor government responses and implementation of recommendations across all public inquiries. Monitoring mechanisms should align with the inquiry's core purpose and the nature of its recommendations, in order to ensure proportionality and effectiveness.

That said, one principle applies across the board: the recommendations of all minister-convened public inquiries should be subject to a formal and effective independent monitoring process, tailored to their specific context. That process must ensure visibility of progress, independent and rigorous scrutiny, reporting that enables Parliament to hold the executive to account, and transparency for inquiry participants and the wider public.

Oversight and scrutiny

Effective monitoring requires both oversight and scrutiny.

Oversight is a top-down mechanism for tracking implementation, requiring those responsible for implementation to report on progress. Its value lies in providing a structured framework for visibility and accountability. However, it relies heavily on the quality and completeness of the information received, much of which is self-reported. Where reporting is overstated, incomplete, or inaccurate, oversight alone may mask shortcomings rather than expose them. The formal acceptance of recommendations, and commitments to implement them, do not in themselves guarantee effective implementation or meaningful change in practice. Experience shows that recommendations may be accepted and implementation reported, yet the underlying matter of public concern may recur, or subsequent inquiries may identify similar failures and repeat earlier recommendations.

Scrutiny, by contrast, is a bottom-up process that provides independent verification not only of whether recommendations have been implemented, but whether implementation has been done meaningfully and as intended. It involves specialist, independent examination of implementation 'on the ground' and may report directly to Parliament. In doing so, it can also prompt behaviour change and accelerate delivery. However, scrutiny is inquiry-specific. Alone, it does not provide a structured framework for tracking implementation across inquiries, nor does it ensure ongoing visibility or accountability at a systemic level.

Parliamentary committees

There is a strong case for the involvement of parliamentary committees in overseeing the implementation of inquiry recommendations. However, identifying a single committee that would be suitable for all inquiries is problematic.

The Infected Blood Inquiry recommended PACAC, given that the Inquiry's recommendations spanned the work of multiple select committees and required the response be examined as a whole. It further recommended PACAC assume that role for future statutory inquiries. By contrast, the Mid Staffordshire NHS Foundation Trust Public inquiry recommended the House of Commons Health Select Committee review implementation of its recommendations, while the Manchester Arena Inquiry recommended the Intelligence and Security Committee of Parliament, reflecting their subject matter.

The 2024 House of Lords Statutory Inquiries Committee proposed the creation of a dedicated joint select committee or a House of Lords sessional committee, with a much wider remit. That remit would include monitoring and publicly tracking the implementation of recommendations, scrutinising government responses and inquiry sponsorship, and undertaking thematic analysis of recurring recommendations to identify systemic policy failures and reduce the risk of future crises.

However, its proposed role would require access to expertise spanning diverse and highly technical fields, as well as substantial staffing and research capacity, beyond current committee resourcing arrangements. In practice, this is likely to require it to prioritise some inquiries over others, with the risk of uneven and inconsistent oversight.

Whilst there is a strong argument for parliamentary committee involvement in formal top-down oversight, scrutiny of implementation is a different task. Inquiry panels build detailed, context-specific knowledge and expertise, which is reflected in their recommendations. Implementation then occurs within complex institutional and regulatory frameworks that require similarly informed engagement. Positioning a parliamentary committee between the inquiry's recommendations and the implementing bodies, as part of a formal scrutiny process risks disrupting continuity of expertise and understanding on which effective scrutiny depends. Unless supported by appropriate subject-matter expertise, scrutiny may focus on the wrong issues, or shortcomings in implementation may be overlooked.

Parliamentary oversight can, however, be effectively combined with independent scrutiny by individuals or bodies with relevant subject-matter expertise and experience in policy implementation.

Independent scrutiny of implementation and implementation monitors

An inquiry may decide to recommend a named specialist mechanism to scrutinise and support oversight of the implementation of its recommendations, reporting directly to Parliament.

The Renewable Heat Incentive Inquiry recommended that the Northern Ireland Audit Office (NIAO) assess and validate progress and, 'as necessary pursue, the effective implementation' of its recommendations, and report periodically to the Northern Ireland Assembly and the public. It also recommended the NIAO be provided with sufficient additional resources to discharge that role. The recommendation was accepted and the NIAO took on the role.

However, while suitable for inquiries involving highly technical recommendations relating to public finances, existing UK audit institutions are unlikely to be appropriate for inquiries in other policy fields without significant expansion of their expertise, remit and resources, a point noted by the 2024 House of Lords Select Committee on statutory inquiries.

Another approach is the appointment of inquiry-specific implementation monitors by government. Pioneered in Australia, this model has demonstrated significant success in scrutinising implementation, strengthening accountability, and improving implementation rates.

Implementation monitors are individuals or small teams appointed on short, Government-funded fixed-term contracts, typically around four years, and selected for their technical expertise and experience in policy delivery within the specific subject matter of the inquiry.

Rather than relying on written or oral updates, and self-reported assurances from implementing bodies, they verify progress independently, on the ground, through direct engagement and site visits. This enables them to engage with the technical detail; identify delay, partial implementation, or misunderstanding and challenge implementing bodies where necessary.

They operate independently of both Government and implementing bodies, report directly to Parliament to inform parliamentary oversight, and publish their reports. In Australia, they are increasingly regarded as one of the most effective means of combining oversight and scrutiny and to support meaningful change. They offer a valuable model for strengthening scrutiny of UK public inquiry recommendations.

The National Oversight mechanism (NOM), proposed by INQUEST, as an independent body to oversee implementation of recommendations from inquests, public inquiries and official reviews into state related deaths, would face similar challenges as parliamentary committees when relying on self-reported information on progress. However, it could also operate in conjunction with independent implementation monitors to strengthen scrutiny.

What inquiries should be in scope of any new processes for scrutinising the implementation of recommendations?

Where an inquiry is established by a minister to investigate a matter of public concern and report with recommendations, it should fall within the scope of any new processes for scrutiny. This should apply irrespective of whether the inquiry is statutory or non-statutory, an independent panel, or another form of minister-convened review. What is significant is the executive's responsibility for addressing the matter of public concern, not the form of inquiry convened; they do not represent a hierarchy of importance. The nature and intensity of scrutiny should be proportionate to the scale, subject matter, and systemic implications of the recommendations.

Monitoring during the lifetime of an inquiry

Some inquiries have adopted innovative approaches to monitoring implementation during their lifetime, including requesting implementation plans and progress reports, and publishing updates. An advantage of this approach is that the inquiry can draw on the detailed, context-specific knowledge it has developed to identify delay, partial implementation, or misunderstanding, and challenge implementing bodies where necessary. This may strengthen accountability and improve implementation.

However, such an approach is not always appropriate. Where the chair is a serving judge, involvement in monitoring implementation risks drawing the chair into political debate and affecting perceptions of judicial independence and impartiality. Also, the skills required for scrutinising policy delivery and institutional change differ from those required to conduct an effective public inquiry.

More fundamentally, the practice of ongoing monitoring by an inquiry risks extending its remit beyond its clearly defined core purpose, undermining the focused and proportionate use of public inquiries, and reinforcing the wider problem of mission creep. Responsibility for responding to recommendations and securing effective implementation rests with Government, accountable to Parliament, and should not be shifted, explicitly or implicitly, onto public inquiries themselves.

Summary: Implementation

Priorities for strengthening the implementation of inquiry recommendations, in which the House of Commons and PACAC have a role, include ensuring:

- Prompt and reasoned responses from Government and others to whom recommendations are addressed, including clear explanations where recommendations are rejected or modified, implementation plans and progress reporting, without shifting responsibility for requesting them onto public inquiries themselves.
- That all recommendations from minister-convened public inquiries are subject to a formal and effective monitoring process, tailored to their specific context, irrespective of the inquiry model adopted.
- That the monitoring process incorporates both oversight and scrutiny.
- That the model of formal oversight and scrutiny adopted reflects the subject matter and context of the inquiry; a single model will not be suitable in all cases.
- That interim recommendations are monitored during the lifetime of an inquiry, without shifting responsibility onto the inquiry itself.

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