

Public Inquiries: What does success look like?



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Public inquiries

- Inquisitorial: not a court case
- Many interests involved and many different possible findings/ recommendations
- How to tell if you have won or lost?



What will be the end result?

- A report: factual findings based on the evidence and a set of non-binding recommendations
- Important to discuss with clients at an early stage what their best case scenario is: what facts, how responsibility should be allocated, what recommendations
- Inquiry cannot make a finding of individual or criminal liability (s.2 2005 Act)
- Inquiry cannot usually compel production of documents that are privileged, subject to duty of confidence et (s.22 2005 Act).

What will be the end result?

- An inquiry can, however, compel attendance (s21 2005 Act)- holding people to account.



What do the other participants want?

- It will be helpful to your side to work out what everyone else is trying to achieve.
- Lots of potential core participants: the next slides will focus on
 - Victims/ families/ individuals affected
 - Private companies subject to criticism
 - Public sector bodies.

Victims/ families/ individuals affected

- Public inquiry itself is a goal: vindication/ catharsis
- Having their version of events heard
- Assigning responsibility: avoiding a situation where no-one is blamed or criticised
- Findings that open the door to civil/ criminal sanctions in future
- Recommendations re: compensation
- Preventing events from happening again: major change in structures and processes.

Private sector participants subject to criticism

- Concerned with reputation: criticism bad for business
- Minimising role/ deflecting blame
- Avoiding findings that could lead to criminal or civil responsibility
- If blame unavoidable, placing it on an individual rather than the entire company.

Other private sector participants

- Publicity
- Helping set the agenda
- Avoiding recommendations affecting business interests e.g. increased regulation.

Public sector participants

- Reputation: individual and institutional
- May be tensions between different parts of the public sector
- Providing context for individual experiences
- Avoiding recommendations that would involve significant restructuring or deemed too costly e.g. compensation.

Public sector participants

- However:
 - Public sector interested in improving governance: practical lessons for the future
 - Whitewash never in government's long term interests: so some criticism and recommended change anticipated.



Thank you for listening

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