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# The New Politics of Public Inquiries

MATTHEW FLINDERS

## Abstract

This article argues that it is possible to identify a ‘new’ politics of public inquiries. A sizable seam of scholarship and parliamentary discussion has for at least a century bemoaned the limited independence of public inquiries. The ‘old’ politics of public inquiries has traditionally been defined by a largely internalised and administrative focus on the capacity of ministers to control the terms of reference, appoint the chair, control the resource framework, deflect findings and ignore recommendations, etc. The great value of the September 2024 report by the Statutory Inquiries Committee in the House of Lords is that a bridge can be seen to be built between the ‘old’ politics of public inquiries and a ‘new’ politics which emphasises ‘range and variation’ in the design of inquiry processes, and defines social healing and collective catharsis as core inquiry functions alongside the traditional roles of blame allocation and policy learning.

**Keywords:** public inquiries, policy learning, blame, agenda setting, democratic design, trust, catharsis, social healing

IT WOULD HARDLY be far-fetched to suggest that British politics is currently going through a particularly vibrant era of inquiries. In 2018, an Institute for Government report revealed how the British government’s ‘favoured response’ for restoring some sense of reason in the wake of a major crisis, scandal or disaster had become more widespread, with sixty-nine public inquiries launched between 1990 and 2017, compared with a mere nineteen in the previous thirty years.<sup>1</sup> Since 2018, it has been possible to argue that British politics has to some extent been defined by the establishment, progress and reporting of inquiries. As such, the publication of the final report of the Grenfell Inquiry in September 2024, and the controversy it created needs to be located within both this ‘new’ politics interpretation and some appreciation of the wider inquiries architecture within British politics. Recently completed inquiries include the Independent

Inquiry into Child Sexual Abuse (chaired by Alexis Jay, final report published October 2022), the Manchester Arena Inquiry (Sir John Saunders, June 2023), the Brook House Inquiry (Kate Eves, September 2023) and the Infected Blood Inquiry (Sir Brian Langstaff, May 2024). Current inquiries are exploring issues as diverse and significant as the Scottish child abuse scandal, undercover policing, the UK’s response to Covid-19, the Post Office scandal, the Omagh bombing and the unlawful activity of British special forces in Afghanistan (see Table 1, below). Never in British political history have so many public inquiries been running concurrently.

But why are public inquiries now so commonly created and what does this say about the changing nature of British politics? How might traditional ways of understanding the politics and governance of public inquiries need to be updated? And if a ‘new’ politics of public inquiries is emerging, what are the potential pitfalls and pathologies of this process in a sociopolitical climate that has come to be almost defined by anti-political sentiment, democratic disaffection and populist pressures? This article uses the recent report by the Statutory Inquiries Committee (SIC) of the House of Lords as a powerful body of knowledge and starting

<sup>1</sup>E. Norris and M. Shephard, *How Public Inquiries Can Lead to Change*, Institute for Government, 12 December 2017; <https://www.instituteforgovernment.org.uk/publication/report/how-public-inquiries-can-lead-change>; S. Jasanoff, ‘Restoring reason: causal narratives and political culture’, in B. Hutter and M. Power, eds., *Organizational Encounters with Risk*, Cambridge, Cambridge University Press, 2005, pp. 209–232.

**Table 1: Current public inquires under the Inquiries Act 2005**

Inquiry Name	Chair	Established
Scottish Child Abuse Scandal	Lady Smith	December 2014
Undercover Policing Inquiry	Sir John Mitting	March 2015
Sheku Bayoh Inquiry	Lord Bracadale	November 2019
Scottish Hospitals Inquiry	Lord Brodie	August 2020
Muckamore Abbey Hospital Inquiry	Tom Kark	September 2020
UK Covid-19 Inquiry	Baroness Hallett	May 2021
Post Office Horizon Scandal	Sir Wyn Williams	May 2021
Scottish Covid-19 Inquiry	Lady Poole	August 2021
Dawn Sturgess Inquiry	Lord Hughes	November 2021
Lampard Inquiry (previously the non-statutory Essex Mental Health Independent Inquiry)	Baroness Lampard	November 2023
Omagh Bombing Inquiry	Lord Turnbull	February 2023
Independent Inquiry Relating to Afghanistan	Lord Justice Haddon-Cave	March 2023
Thirwall Inquiry (events at the Countess of Chester Hospital)	Lady Thirwall	August 2023
Eljamel Inquiry	Lord Weir	September 2023
Death of Jalal Uddin Inquiry	Judge Teague	November 2023
Emma Caldwell Inquiry	To be announced	March 2024
Pat Finucane Inquiry	To be announced	September 2024

point from which to engage with these questions.<sup>2</sup> The article's main argument is that this 'inquiry on inquiries' can be seen as a bridge between two different approaches to what public inquiries are, why they matter and who controls them. Or, to put it differently, it is suggested that the report exists at the nexus of what is termed the 'old' politics of public inquiries and the emergence of a 'new' politics of public inquiries that needs to be acknowledged if potential problems and pathologies are to be avoided.

## The old politics of public inquiries

Although public inquiries in one form or another have been present in British politics for centuries, the emergence of the modern 'independent' public inquiry is generally linked to the 1913 Marconi scandal. In this sorry saga, the executive's inbuilt majority led to the dubious exoneration by a select committee of the government ministers involved. Such was the furore concerning

this scandal within and beyond Westminster that when a second scandal followed in 1921—this time concerning government munitions contracts—the government agreed to requests for an independent inquiry chaired by a judge and, since then, public inquiries have generally been used to investigate matters of serious public concern. Whether this occurred under the Tribunals and Inquiries (Evidence) Act 1921 or the Inquiries Act 2005 is of little consequence; the defining feature of the debate concerning public inquiries throughout the last century has revolved around the discretion of the executive. That is, ministers decide whether an inquiry should happen, define its terms of reference, dictate its resources, appoint the chair, receive the final report and ultimately decide whether to accept or reject its recommendations. As the SIC noted, 'inquiries sit in an uneasy space between politics and the justice system' and, as a result, the traditional focus of both practitioner debates and academic studies has generally been on the degree to which they are truly independent or whether they are just a blame-avoidance mechanism used by governments to kick tricky topics into the long grass. This narrow emphasis on functionality and form

<sup>2</sup>Statutory Inquiries Committee, *Public Inquiries: Enhancing Public Trust*, session 2024–2025, HL Paper 9, House of Lords; <https://publications.parliament.uk/pa/ld5901/ldselect/ldstating/9/902.htm>

is critiqued in Nathan Critch's exhaustive 2023 review of the existing scholarship on public inquiries.<sup>3</sup>

Table 2 attempts to chart the broader parameters of how public inquiries have traditionally been discussed in public, debated in Parliament and studied in academia. The overall emphasis is very much on internal control processes and questions as to whether inquiries are simply blame-avoidance tools. This approach is reflected in the influential work of scholars including Gavin Drewry in the 1970s, Richard Chapman in the 1980s and Barry Winetrobe and Sir Louis Blom-Cooper in the 1990s.<sup>4</sup> Public inquiries may well have become the 'favoured mechanism' for investigating high-profile scandals and crises, but they remained elite processes, usually chaired by a senior member of the judiciary, with little emphasis on public engagement beyond fact finding.<sup>5</sup> Adam Burgess writes of the 'invisibility' of the actual 'public' in inquiry process and locates their traditional use as an element of privileged 'club rule'.<sup>6</sup>

Three additional features of the old politics of public inquiries deserve brief comment. First, the study of inquiries was until the twenty-first century generally a matter for public law scholars rather than political scientists (which may explain the rather narrow and administrative academic approach that Critch critiques). Secondly, public inquiries were generally viewed as having two largely incompatible roles: blame allocation for what went wrong and policy learning to prevent things going wrong in the future. As the work of Raanan Sulitzeanu-Kenan has demonstrated, the fact that inquiries always existed

**Table 2: The old politics of public inquiries**

	Old Politics
Emphasis	Internal (administration, machinery, remit, etc.)
Approach	Due process and precedent
Focus	Minister—inquiry
Key Tensions	Blame allocation <i>versus</i> policy learning
Focus	Documentation
Disciplinary	Public law
Anchor	
Space	Courtroom
Core Themes	Terms of reference; patronage and appointments; cost and timescales; blame avoidance
Framing	Elite process
End Stage	Publication of report
Exemplar Texts	R. Wraith and G. Lamb, <i>Public Inquiries as a Tool of Government</i> , 1971.
Blueprint	Mitchell, et al., 2023, <i>The Practical Guide to Public Inquiries</i> .
Report Relevance	Focus on internal expertise and capacity.

'in the shadow of blame' tended to limit their capacity to fulfil this latter role.<sup>7</sup> This explains why a common criticism was that inquiry reports and recommendations tended to be 'left on the shelf', not least because public interest and media attention tended to have abated by the time an inquiry publishes its final report (two-and-a-half-years later being the average, the longest over thirteen years).<sup>8</sup> This is not to suggest that public inquiries have always been inconsequential or that some were not even transformational, but this was very much the exception rather than the rule.<sup>9</sup> This reflected the old politics of public inquiries and the reality of executive capacity and control. In 2014, the House of Lords appointed a select

<sup>3</sup>N. Critch, 'Britain's "favoured response" to crises: a critical review of existing literature on public inquiries', *British Politics*, vol. 19, 2024, pp. 553–570.

<sup>4</sup>G. Drewry, 'Judges and political inquiries: harnessing a myth', *Political Studies*, vol. 23, no. 1, 1975, pp. 49–61; J. Delafons, 'Crichel Down revisited', *Public Administration*, vol. 65, no. 3, 1987, pp. 339–347; L. Blom-Cooper, 'Public inquiries', *Current Legal Problems*, vol. 46, no. 2, 1993, pp. 204–220; B. Winetrobe, 'Inquiries after Scott: the return of the tribunal of inquiry', *Public Law*, spring issue, 1997, pp. 18–31.

<sup>5</sup>Jasanoff, 'Restoring reason'.

<sup>6</sup>A. Burgess, 'The changing character of public inquiries in the (risk) regulatory state', *British Politics*, vol. 6, no. 1, 2011, pp. 3–29.

<sup>7</sup>R. Sulitzeanu-Kenan, 'Reflection in the shadow of blame: when do politicians appoint commissions of inquiry?', *British Journal of Political Science*, vol. 40, no. 3, 2010, pp. 613–634.

<sup>8</sup>A. Stark, 'Left on the shelf: explaining the failure of public inquiry recommendations', *Public Administration*, vol. 98, no. 3, 2020, pp. 609–624.

<sup>9</sup>S. Resodihardjo, 'Wielding a double-edged sword: the use of inquiries at times of crisis', *Journal of Contingencies and Crisis Management*, vol. 14, no. 4, 2006, pp. 199–206.

committee to explore how well the Inquiries Act 2005 was working, concluding that the legislation ‘by and large... worked well’.<sup>10</sup>

## A boundary-spanning inquiry

The central argument of this article is that the SIC’s 2024 report should be seen as a highly significant publication owing to the way in which it points to the emergence of a ‘new’ politics of public inquiries. More specifically, the report’s two main recommendations—one focussing on internal expertise, the second on post-report monitoring—can be seen as straddling both the established old and the emergent new politics of public inquiries. At a more basic level, the report’s sub-title—*Rebuilding Public Trust*—points to an awareness of a changed sociopolitical context and populist pressures that have implications for the role, remit and recognition of public inquiries.

The first focus of the report can be located squarely within the old politics of public inquiries owing to its technical focus on internal expertise and a lack of institutional memory within Whitehall. ‘A new inquiry is unlikely to encounter a practical problem to which a previous inquiry has not already found a solution’, the report notes. ‘Inquiries make too many avoidable mistakes and fail to learn from the experience of earlier inquiries.’<sup>11</sup> This was the latest restatement of a well-known institutional weakness. The 2014 report on the Inquiries Act 2005 had come to the same conclusion and had recommended the establishment of a central inquiries unit based within the Cabinet Office to act as a centre of excellence in inquiry design and delivery. Four years later, an inquiries unit was established in the Cabinet Office, but its size, scope and impact were found to be deficient ten years hence. The committee recommended that

The Inquiries Unit in the Cabinet Office should be sufficiently resourced, so it can establish a wider “community of practice” for public inquiries, which includes more non-governmental experts.

<sup>10</sup>UK Parliament, Select Committee on the Inquiries Act 2005, *The Inquiries Act 2005: Post-Legislative Scrutiny*, session 2013–2014, HL143, London, HMSO; <https://publications.parliament.uk/pa/ld201314/ldselect/ldinquiries/143/14302.htm>

<sup>11</sup>SIC, *Public Inquiries: Enhancing Public Trust*, paras. 118–119.

There should be a forum so that inquiry chairs can also share best practice, as well as inquiry secretaries. A form of the Handbook for Inquiry Chairs and Secretaries should be publicly available. The Unit should also use policy-making and Civil Service expertise to support chairs in making practicable recommendations.<sup>12</sup>

This was a practical recommendation that resonates with the internal emphasis of Table 2 (machinery of government, administrative process, internal procedures, etcetera). The SIC’s second main recommendation was, however, far more novel and highly political in the sense that it attempted to shift the balance of power between the executive and legislature in relation to the implementation of accepted inquiry recommendations. The capacity of ministers simply to ignore recommendations and the lack of post-inquiry monitoring was demonstrated through the admission that nineteen of the thirty-three recommendations that had been made and accepted by the government in the 2014 report on the effectiveness of the 2005 Inquiries Act had not actually been implemented.<sup>13</sup> Evidence suggested that this was not an isolated incident. The committee heard, for example, that had the recommendations from the inquiry into deaths at the Bristol Royal Infirmary in 2001 been implemented, the patient deaths investigated by the Mid-Staffordshire Hospitals Inquiry in 2013 may have been less likely to occur. It was also told that if the changes recommended by the 2013 inquest into the Lakanal House fire had been made, then the Grenfell Tower fire might have been prevented. A slew of parliamentary reports was identified that bemoaned the ‘lessons still to be learned’ from various public inquiries.<sup>14</sup> The 2024 report therefore concluded that

<sup>12</sup>SIC, *Public Inquiries: Enhancing Public Trust*, para. 140.

<sup>13</sup>*Government Response to the Report of the House of Lords Select Committee on the Inquiries Act 2005*, UK Government, 2014; <https://www.gov.uk/government/publications/government-response-to-select-committee-post-legislative-scrutiny-of-the-inquiries-act-2005#:~:text=Details,the%20conduct%20of%20future%20inquiries>

<sup>14</sup>Public Administration and Constitutional Affairs Committee, *Lessons Still to be Learned from the Chilcott Inquiry*, tenth report of session 2016–2017, HC 656, House of Commons; <https://publications.parliament.uk/pa/cm201617/cmselect/cmpubadm/656/656.pdf>



insufficient implementation monitoring has damaged the reputation of public inquiries and made them less effective. This risks the recurrence of disasters and fails to provide victims and survivors with the clear reassurance that everything has been done to prevent recurrence of a disaster. Currently, millions of pounds are spent on public inquiries, yet too little is done to ensure that the desired outcomes of inquiries are achieved. Implementation monitoring is an essential—but currently neglected—part of the inquiry process.<sup>15</sup>

This conclusion led the committee to recommend the establishment of a joint select committee of Parliament—a public inquiries committee—which would, *inter alia*, monitor the implementation of accepted recommendations, maintain an online tracker, make recommendations to the Cabinet Office's inquiries unit and scrutinise the government's sponsorship of and formal response to individual inquiries.<sup>16</sup> It is this highly strategic and politically delicate recommendation which points to the emergence of a new politics of public inquiries. First and foremost, it seeks to stretch the contours of the old politics which generally ended with the publication of an inquiry's report and promote and almost formalise a new post-publication focus on implementation monitoring. In so doing, it implicitly seeks to wrestle some element of agenda-setting capacity away from the executive and into the hands of the legislature. Finally, there may well be a temporal dimension at play. A new government from a party that has been out of power for some time may lack the capacity and focus to recognise the political implications of a recommendation for what at first glance might appear a relatively low-level, procedural and common sense reform. Mrs Thatcher was a very new prime minister in 1979 when she acceded to the request of her then Leader of the House of Commons, Norman St John-Stevas, that a new select committee system be established. The new Labour government was also elected on the basis that a 'new approach to governing' would be adopted and has

re-established a 'modernisation committee' for the House of Commons.<sup>17</sup>

The slightly odd element of the report is that a committee of the legislature is making a recommendation to the government about the creation of a new select committee. The government is almost constitutionally bound to respond that it is 'for parliament to decide upon parliamentary matters', but it may at the same time express a willingness to support such a measure which implies executive support. That said—and as the history of parliamentary reform and modernisation at Westminster has shown—there are few incentives for a government of any political hue to make its business of governing more difficult by creating or strengthening forms of parliamentary scrutiny. The 'cracks and wedges' theory of parliamentary reform—as outlined by the academic and long-serving select committee chair, Tony Wright, whereby initial concessions quickly become the focus of expansionary pressures—may well serve to convince a shrewd member of the government that any new committee established to monitor the implementation of accepted inquiry recommendations would, in all likelihood, quickly seek to expand its remit to question rejected recommendations as well.<sup>18</sup>

But, in focussing on the post-publication monitoring of accepted recommendations, the committee has expanded the boundaries of political debate *vis-à-vis* public inquiries into new territory. Moreover, it has also located this recommendation within an explicit contextual framing that recognises declining levels of public trust. If public inquiries are established, but their recommendations are not implemented, the committee is essentially arguing that levels of public trust in political institutions, political processes and politicians are likely to decline further still. The skill of the report is that it manages to operate within the Westminster tradition of 'continuity and change'—its focus on expertise reflecting the former, its call for a new select committee manifesting the latter—but it is the sociopolitical

<sup>15</sup>SIC, *Public Inquiries: Enhancing Public Trust*, para. 115.

<sup>16</sup>*Ibid.*, para. 116.

<sup>17</sup>A "Mission-Driven" Government to End "Sticking-Plaster" Politics, Labour Party, 2024; <https://labour.org.uk/change/mission-driven-government/>

<sup>18</sup>T. Wright, 'Prospects for parliamentary reform', *Parliamentary Affairs*, vol. 57, no. 4, 2004, pp. 867–876.

awareness of the report that signals the recognition that a new politics of public inquiries is emerging.<sup>19</sup>

## The new politics of public inquiries

The relevance of the work of the SIC is that it is arguably the first parliamentary report that connects with and can be related to a far wider set of external debates about why inquiries are established, how they operate and what they deliver. The most important element of this new politics is that it has generally emerged out of a critique of conventional inquiry processes and seeks to expand both the functional role of inquiries and their design characteristics.

### Function

As Table 3 illustrates, whereas the old politics focussed on internal issues relating to process and precedent, the hallmark of the new politics is an emphasis on external engagement and bringing the public into inquiry processes as active contributors; for example, from an elite process done for affected citizens to a participatory process conducted with affected citizens. The SIC notes that ‘inquiries can provide catharsis for those closely affected by a tragedy’ and it is possible to argue that, in recent years, inquiry processes have added an explicit emphasis on providing an arena for social healing and emotional expression to their traditional roles in relation to blame allocation and lesson learning.

The Scottish Covid Inquiry, for example, innovated from the outset by holding a major public consultation around the initial terms of reference. This revealed a strong public appetite for a ‘person-centred’ inquiry process that integrated different forms of lived experience and the inquiry team was initially very honest about the challenges this would pose.<sup>20</sup> Nevertheless, the subsequent inquiry’s ‘let’s be

heard’ public engagement project launched in May 2023 has travelled all over Scotland and employed a range of engagement methods to solicit insights and opinions from thousands of people.

The Independent Inquiry into Child Sexual Abuse was pioneering in bringing ‘experts by lived experience’ into the formal structure of a public inquiry. More specifically, the ‘victims and survivors consultative panel provided valuable advice to the chair, the inquiry panel and inquiry secretariat that helped shape critical dimensions of the inquiry’s work.’<sup>21</sup>

The UK Covid Inquiry’s terms of reference included a formal obligation to ‘listen to and consider carefully the experiences of bereaved families and others who have suffered hardship or loss as a result of the pandemic.’ This led to the online ‘every story matters’ project and the collection of over 35,000 individual testimonials that have been analysed and fed into each of the inquiry’s main modules and—in a reflection of the increasingly cathartic or healing-focussed dimension of inquiries—will be stored and published as a lasting memorialisation of the inquiry process.

The Infected Blood Inquiry has its own memorial which grew as the inquiry progressed. The memorial mimics a laboratory specimen holder and inside each specimen jar is a message to a loved one written by someone infected or affected by the contaminated blood scandal. Originally created by people attending the commemoration at the start of the preliminary hearings in September 2018, the inquiry memorial was redesigned so that everyone attending hearings right up to the closing sessions in February 2023 could contribute with a permanent home for the memorial now being identified. The point being made is that inquiries increasingly have an explicit emotional dimension that is both symbolic and substantive. It is symbolic in the sense that victims and affected citizens want not only to play

<sup>19</sup>P. Weller and C. Haddon, ‘Westminster traditions: continuity and change’, *Governance*, vol. 29, no. 4, 2016, pp. 483–498.

<sup>20</sup>*Scottish COVID-19 Inquiry: Analysis of the Public and Stakeholders Views on the Approach to Establishing the Public Inquiry*, Scottish Government, 14 December 2021; <https://www.gov.scot/publications/scottish-covid-19-inquiry-analysis-public-stakeholders-views-approach-establishing-public-inquiry/>

<sup>21</sup>K. Wright, et al., *Lived Experience Panels Consulting to Inquiries: Maximising Benefits and Minimising Harms*, La Trobe University and University of Essex, 2023; [https://opal.latrobe.edu.au/articles/report/Lived\\_Experience\\_Panels\\_Consulting\\_to\\_Inquiries\\_Maximising\\_Benefits\\_and\\_Minimising\\_Harms/24708222?file=43413075](https://opal.latrobe.edu.au/articles/report/Lived_Experience_Panels_Consulting_to_Inquiries_Maximising_Benefits_and_Minimising_Harms/24708222?file=43413075)

**Table 3: The old and new politics of public inquiries**

	Old Politics	New Politics
Emphasis	Internal (administration, machinery, remit, etc.)	External (Engagement, Emotions, etc.)
Approach	Due Process Precedent	Innovation Evolution
Primary Relationship(s)	Minister - Inquiry	Public - Inquiry - Minister
Key Tensions	Blame Allocation / Policy Learning	Blame Allocation - Policy Learning - Social Healing
Focus	Documentation	Memorialisation
Disciplinary Anchor	Public Law	Intelligent Design
Space	Courtroom	Public Space
Core Themes	Terms of reference Patronage and appointments Cost and timescales Blame avoidance	Choice Architecture Enforcing engagement Performative dynamics Public expectations
Framing	Elite Process	Participatory Process
End Stage	Publication of Report	Policy Learning/Closure
Exemplar Texts	Wraith, 1971, <i>Public Inquiries as a Tool of Government</i>	Stark, 2024, <i>Public Inquiries and Policy Design</i>
Blueprint	Mitchell, et al., 2023, <i>The Practical Guide to Public Inquiries</i>	Flinders, Mulgan and Stark, 2021, <i>Range and Variety in Models of Public Inquiry</i>
Report Relevance	Focus on internal expertise and capacity	Focus on social context and policy change

a role in inquiry proceedings, but to enact their emotions in a manner that is formally recorded and, through this, afforded credibility and respect. This also has substantive implications in that inquiry findings and recommendations are likely to become more accurate and potentially impactful for policy learning if they are informed by a diverse range of insights. Coping with complexity is therefore a key element of the new politics of public inquiries which links back to the SIC's call for a bolstering of capacity and expertise at the centre of government—not least as inquiries are generally staffed by civil servants on secondment, who are steeped in a bureaucratic culture that is hierarchical, legalistic and emphasises neutrality, thus being at odds with the need to adopt flatter, less rigid and more inclusive ways of working.

### Form

This emphasis on less rigid ways of working flows into a second feature of the new politics of public inquiries and an attempt to stretch

the range and variety of inquiry types. This is again a topic where the SIC sought to promote discussion through a focus on format and flexibility, statutory versus non-statutory options and the use of individual chairs or panels.<sup>22</sup> The link back to participatory processes was also broached as the committee recommended that 'ministers should meet and consult victims and survivors' groups before publishing the terms of reference' which reflected the way in which both the UK Covid Inquiry and the Lampard Inquiry had held public consultation processes on draft terms of reference.<sup>23</sup>

But the design debate is far more advanced than the SIC seems to have recognised, with increasing doubts raised about whether traditional inquiry models are able to cope with complexity. The International Public Policy Observatory (IPPO), for example, argued back in 2021 that the Covid-19 pandemic was a uniquely wide-ranging and systemic challenge which could only be fully explored through a

<sup>22</sup>SIC, *Public Inquiries: Enhancing Public Trust*, ch. 2. 1

<sup>23</sup>Ibid., para. 46.



non-traditional ‘whole of society’ approach.<sup>24</sup> In a way that chimes with this article’s focus on an old and new politics of public inquiries, IPPO’s distinction between traditional inquiry processes and innovation-led inquiries (Table 4, above) seeks to promote design-orientated approaches that fit form to function. The link to the recent SIC’s report is demonstrated in the final column of Table 4 which focusses on post-report implementation monitoring and highlights that an emphasis on innovation-led forms would facilitate a ‘formal follow-up framework to close the scrutiny loop’. The 2021 King’s College report *Learning the Right Lessons for the Next Pandemic* made a similar evidence-based and design-orientated argument, but, in this case, for the establishment of two official inquiries into the government’s response to Covid.<sup>25</sup> The idea being that with one inquiry focused upon blame-allocation and a completely separate inquiry focused on lesson-learning that the traditional tension that often pulls public inquiries in very different directions could be avoided.

This focus on form can also be linked to rising levels of anti-political sentiment and to the fact that formal public inquiries are increasingly launched not by governments, but by aggrieved citizens or networks of experts who are keen to reduce the costs, delays and potential political interference that comes with traditional statutory public inquiry processes. The UK People’s Covid Inquiry, for example, was established in February 2021 at a time when the prime minister, Boris Johnson, was procrastinating over whether to establish a public inquiry. Chaired by Michael Mansfield, the internationally respected human rights lawyer who was supported by a panel of experts, the People’s Covid Inquiry worked through eight thematic stages using a whole of society approach that emphasised inclusion and everyday lived

experience.<sup>26</sup> In Canada, the government’s outright refusal to establish a Covid-focussed public inquiry led to the creation of a similar citizen-led and citizen-funded inquiry process, while at the international level the 2015 Harvard-London School of Health and Tropical Medicine Independent Panel on the Global Response to Ebola provides another model of public inquiry design.<sup>27</sup> Drawing together a wide range of expertise from academia, civil society and the third sector, the panel took a ‘global, system-wide view’ to ensure the necessary policy changes to prevent outbreaks in the future. In addition to leading to a restructuring of the World Health Organization to increase scientific capacity, the panel served to create political will and engagement, catalysing new partnerships and regulatory mechanisms to advance emergency research and development.

## Pathologies, pitfalls and problems

The introduction to this article set out three core questions: why are public inquiries now so commonly created and what does this tell us about the changing nature of British politics? How might traditional ways of understanding the politics and governance of public inquiries need to be updated? And, if a new politics of public inquiries is emerging, then what are the potential pitfalls and pathologies of this process in a sociopolitical climate that has come to be almost defined by anti-political sentiment, democratic disaffection and populist pressures? This article’s main argument—about interpreting the recent SIC report as forming a bridge between what has been framed as the old and new politics of

<sup>24</sup>M. Flinders, G. Mulgan and A. Stark, *Range and Variety in Models of Public Inquiry: How to Stimulate Innovative Inquiry Design, Process and Practice*, IPPO, 2021; <https://theippo.co.uk/range-variety-models-public-inquiry-innovative-inquiry-design-process-practice/>

<sup>25</sup>C. Meyer, et al., *Learning the Right Lessons for the Next Pandemic*, King’s College London, 2021; <https://www.kcl.ac.uk/eis/assets/KDEISResearchReport-June2020-A4-proof3-SinglePage.pdf>

<sup>26</sup>*Misconduct in Public Office: Why Did So Many Thousands Die Unnecessarily?*, People’s Covid Inquiry, 2021; <https://www.peoplescovidinquiry.com/inquiry-report>

<sup>27</sup>*Final Report: National Citizens Inquiry into the Appropriateness and Efficacy of the Covid 19 Response in Canada*, National Citizens Inquiry, 2023; <https://nationalcitizensinquiry.b-cdn.net/wp-content/uploads/2023/12/FINAL-REPORT-Volume-1-2-3-Inquiry-into-the-Appropriateness-and-Efficacy-of-the-COVID-19-Response-in-Canada-December-21-2023.pdf>; S. Moon, et al., ‘Will Ebola change the game? Ten essential reforms before the next pandemic. The report of the Harvard-LSHTM independent panel on the global response to Ebola’, *The Lancet*, vol. 386, no. 10009, 2015, pp. 2204–2221.

**Table 4: Range and variety in models of public inquiry**

	Core goal	Initiation/ trigger	Public consultation	Chair/ panel	Physical framing	Inputs	Process	Focus	Output	Outcome
<b>Core question:</b>	What is the primary objective?	Who has the power to establish and inquiry?	Is the public engaged in inquiry design?	What assumptions are made about inquiry leadership?	What space does the inquiry take place within?	What is the core currency within the inquiry process?	Is the process tight and centralised or decentralised?	Is the focus tight or broad enough to embrace context?	More than a formal report and recommendations?	Processes for follow-up and assessment?
<b>Traditional statutory public inquiry</b>	Past focussed: blame and retribution	Ministers	Not usually	Preference for judicial skills	Legally-infused courtroom	'Evidence': data, forms of written or oral evidence <i>(What happened?)</i>	Tight process based around phases. Cross-questioning	Usually tight event/ issue-based focus	Report and recs. to ministers	Few and far between
<b>Innovation-led public inquiry/ies</b>	Future-focussed: lesson-learning	Ministers, Parliament, NGO or public petition.	Yes, public consultation re. terms of reference	Broad approach to skills—panel approach or co-chairs	Loose-flexible agora. Online and off-line platforms	'Experience': expressions of everyday lived experience <i>(How did it feel?)</i>	Flexible approaches, conversations, 'Whole of Society' or 'Matrix Model'	Facts, feelings and context-aware remit	Report and recs. To public. Emphasis on communicating with 'multiple audiences in multiple ways'	Formal follow-up framework to close the scrutiny loop.

public inquiries—offers a fresh framework for engaging with these questions.

The reason that public inquiries are so commonly created reflects a changed sociopolitical context. As the latest British Social Attitudes report shows, public trust and confidence in Britain's system of government is at an all-time low.<sup>28</sup> A record high of 45 per cent of the public 'almost never' trust governments to put the nation's interests first, while separate studies find that two-thirds of the public are confident that public inquiries can preserve their independence from ministers.<sup>29</sup> In this context, almost any policy error or political scandal is likely to become subject to public demands for a 'full and independent' inquiry—and the weight of public pressure can also make it almost impossible for ministers to reject these demands. In terms of how traditional ways of understanding the politics and governance of public inquiries need to be updated, the focus of this article's argument has been on function and form. Two-thirds of the public now expect public inquiries to play a role in terms of cathartic healing and memorialising, while questions regarding 'range and variation' in inquiry design are also increasing in salience. However, it is important to understand that the distinction between the new and the old politics of public inquiries presented in this article is not intended to suggest that the new has or is replacing the old; indeed, it is quite the opposite. What makes this topic so interesting is that the new has been layered upon—rather than having replaced—the old.

Returning to Table 3, internal issues concerning due process and independence are now overlaid with a new emphasis on public engagement and a sensitivity to emotional dynamics and healing processes. Inquiry chairs or panels must continue to sustain and nurture a working relationship with their 'parent' department, but now while dedicating equal attention to affected communities and

campaigners. The traditional focus on blame allocation and policy learning continues to exist, but now as a tripartite task that includes social healing; documentation remains core to the process, but has now been joined by an emphasis on memorialisation. The old politics exists within the new, which is an argument that brings the discussion to the third and final question of a focus on pathologies, pitfalls and problems.

The main argument here is that public inquiries risk falling foul of a form of 'mission creep' whereby the gradual accretion and sedimentation of roles risks over-inflating the public's expectations as to what a public inquiry can realistically deliver, while at the same time perpetuating perennial problems and concerns. A greater emphasis on public engagement and social healing, for example, creates new questions about how inquiry processes retain their independence from affected communities, just as the old politics focussed on independence from ministers. The chair of the Grenfell Tower Inquiry, Sir Martin Moore-Bick, for example, faced physical protests for refusing a request to appoint a survivor or Grenfell Tower resident to the inquiry panel on the basis that assessors must themselves be independent, or it would 'risk undermining his impartiality in the eyes of others who are also deeply involved in the inquiry'.<sup>30</sup> Longstanding concerns regarding the costs and length of inquiries are only likely to be exacerbated by a fresh focus on person-centred participatory processes. The UK Covid Inquiry's latest financial report to 30 June 2024 includes costs of over £10 million just on 'every story matters, engagement and memorialisation'. As Emma Ireton has recently argued, public inquiries will always involve the management of irreconcilable interests and the paradox of the expansionary pressures of the new politics outlined in this article is that, without careful management, they may risk further undermining public confidence in British politics rather than rebuilding it.<sup>31</sup>

*Matthew Flinders* is Professor of Politics and Public Policy at the University of Sheffield.

<sup>28</sup>I. Montagu and N. Maplethorpe, *Five Years of Unprecedented Challenges: The Impact of the 2019–2024 Parliament on Public Opinion*, National Centre for Social Research, 2024; <https://natcen.ac.uk/sites/default/files/2024-06/BSA%2041%20Five%20years%20of%20unprecedented%20challenges.pdf>

<sup>29</sup>J. Clements, 'The public's view of public inquiries: insights from our 2022 survey', *Crest*, 2022; <https://www.crestadvisory.com/post/2022-the-publics-view-of-public-inquiries>

<sup>30</sup>'Grenfell Tower inquiry opens', *Euronews*, 13 September 2017; <https://www.euronews.com/2017/09/13/grenfell-tower-inquiry-opens>

<sup>31</sup>E. Ireton, 'Public inquiries: irreconcilable interests and the importance of managing expectations', *Journal of Social Welfare and Family Law*, vol. 45, no. 3, 2023, pp. 212–233.