

The non-statutory independent inquiry into the mistreatment of asylum applicants and others at the Manston holding facility in 2022, and into the death of Hussein Haseeb Ahmed who had been held there, (the Manston Inquiry)¹ has begun phase 2 of its processes. Phase 1 was primarily about eliciting and sifting through documentary evidence and written witness statements.² Phase 2 is about defining the participants and issues for investigation and beginning public hearings.³ The first hearing on preliminary matters was conducted in public on 15 January 2026.⁴

During that hearing the Chair, Sophie Cartwright KC, began by invoking the principles behind the Public Office (Accountability) Bill (aka the Hillsborough Law) which, if enacted, would institute a legal duty by which:

public bodies and officials will be required to assist inquiries, inquests and other investigations to achieve their objectives with candour, promptly and proactively, and without favour to their own position to ensure there is the fullest investigation⁵

Inquiries are an important part of the wider accountability ecosystem in immigration and asylum law.⁶ Statutory Inquiries have key powers to compel evidence or witnesses⁷ - backed up with the threat of fines and imprisonment⁸ - and to make witnesses give evidence under oath.⁹ It is because public inquiries have these powers that the High Court sided with detainees at the Brook House Immigration Removal Centre and found that only a statutory inquiry could discharge the state's a.3 ECHR investigatory duties when things went catastrophically wrong for detained migrants there.¹⁰

¹ Manston Inquiry, 'Terms of Reference' <<https://www.manston.independent-inquiry.uk/terms-of-reference/>> accessed 4 February 2026.

² Manston Inquiry, 'Phase 1 Overview Protocol' (09 July 2025) <<https://manston-prod.s3.eu-west-2.amazonaws.com/2025/07/20250709-Manston-Phase-1-Overview-Protocol.pdf>> accessed 4 February 2026.

³ Manston Inquiry, 'Phase 2 Overview Protocol' (24 November 2025) <<https://manston-prod.s3.eu-west-2.amazonaws.com/2025/11/20251125-Manston-Phase-2-Overview-Protocol.pdf>> accessed 4 February 2026.

⁴ Manston Inquiry, 'First Preliminary Hearing – 15 January 2026' <<https://www.manston.independent-inquiry.uk/first-prelim/>> accessed 4 February 2026.

⁵ Manston Inquiry, 'Transcripts of the preliminary hearing' (15 January 2026) <<https://manston-prod.s3.eu-west-2.amazonaws.com/2026/01/Manston-Inquiry-Preliminary-Hearing-Transcript.pdf>> accessed 4 February 2026.

⁶ Jonathan Collinson, 'From Learning to Lawyering: When Can Political Accountability Have Legal Consequences?' (*UK Constitutional Law Association*, 11 September 2025) <<https://ukconstitutionallaw.org/2025/09/11/jonathan-collinson-from-learning-to-lawyering-when-can-political-accountability-have-legal-consequences/>> accessed 4 February 2026.

⁷ Inquiries Act 2005, s21.

⁸ Inquiries Act 2005, s35.

⁹ Inquiries Act 2005, s17.

¹⁰ *MA & BB v Secretary of State for the Home Department* [2019] EWHC 1523 (Admin).

It remains to be seen whether the decision to downgrade the Manston Inquiry from a statutory to a non-statutory inquiry (a decision taken to save costs)¹¹ is able to maintain a.3 ECHR compliance without powers of compulsion and/or without the statutory duty of candour, thus forcing it to be ‘inevitably ... converted into a statutory inquiry’.¹²

But inquiries are only one part of the accountability ecosystem, and despite their extensive powers are arguably the least important due to their ad hoc, post hoc nature. As currently drafted, the Hillsborough Law would only (in England) extend to statutory and non-statutory public inquiries, coroner’s inquiries, and local authority inquiries.¹³ Public Law Project have argued that the duty of candour ought to extend¹⁴ to ombudsmen investigations, Inspectorates (like the Independent Chief Inspector of Borders), and Commissioners (such as the Independent Anti-Slavery Commissioner and Windrush Commissioner).

The Manston Inquiry is discharging some of its own responsibilities of candour to the general public. The Chair rightly pressed the Home Secretary to permit public hearings, which are livestreamed. There are fifteen protocols, policies, and document¹⁵ and seven written submissions made before the first preliminary hearing already available for download.¹⁶

However, understanding the preliminary hearing required me to follow a breadcrumb trail of context clues dotted throughout the extant documentation. I claim no expertise in inquest law, I have no doubt that my legal training assisted in distinguishing the breadcrumbs from the loaf. Whilst submissions about who ought to have participant status are unlikely to attain blockbuster status (although 622 views on Youtube is not a bad box office),¹⁷ it is disappointing that more cannot be done on the Inquiry’s website to help guide the lay audience. Transparent accountability is not just a formal process of info dumping and substantive transparency must also proactively engage with accessibility.

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¹¹ Diane Taylor, ‘Revealed: Home Office “completely lost grip” at notorious Manston asylum centre’ (*The Guardian*, 23 November 2024) <<https://www.theguardian.com/uk-news/2024/nov/23/revealed-home-office-completely-lost-grip-at-notorious-manston-asylum-centre>> accessed 4 February 2026.

¹² Jed Pennington, ‘Home Office settles Manston inquiry judicial review’ (*Free Movement*, 17 January 2025) <<https://www.theguardian.com/uk-news/2024/nov/23/revealed-home-office-completely-lost-grip-at-notorious-manston-asylum-centre>> accessed 4 February 2026.

¹³ Public Office (Accountability) Bill, Schedule 1.

¹⁴ Public Law Project, ‘Public Office (Accountability) Bill: House of Commons’ Report Stage Briefing’ (January 2026) <<https://publiclawproject.org.uk/content/uploads/2026/01/Public-Office-Bill-HoC-Report-Briefing.pdf>> accessed 4 February 2026.

¹⁵ Manston Inquiry, ‘Documents, Protocols & Policies’ <<https://www.manston.independent-inquiry.uk/protocol/>> accessed 4 February 2026.

¹⁶ Manston Inquiry, ‘First Preliminary Hearing – 15 January 2026’ <<https://www.manston.independent-inquiry.uk/first-prelim/>> accessed 4 February 2026.

¹⁷ Youtube, ‘Manston Inquiry Live Stream’ <<https://www.youtube.com/watch?v=NbSYeUYJ7UM>> accessed 4 February 2026.