



National Audit Office

Report

by the Comptroller
and Auditor General

Cabinet Office

Investigation into government-funded inquiries

What this investigation is about

1 After an event which gives rise to public concern the government may decide to hold an inquiry. Inquiries can fulfil multiple purposes including: establishing the facts, determining accountability, learning lessons and making recommendations. Inquiries are intended to be independent of government. However, they are funded by government and are accountable to Parliament for their expenditure. The government has spent more than £200 million on the 26 inquiries we have identified that have been established and reported since 2005. We also identified 11 ongoing inquiries and, while we did not focus on those inquiries that have yet to conclude, the findings may be equally relevant.

2 Inquiries investigate events which are often complex and multi-faceted. Matters for investigation may relate to one-off incidents or multiple incidents of public concern. In this way, the nature, size and subject matter of inquiries varies significantly. While all inquiries are different, they all face the common challenge of maintaining public confidence and achieving the purpose for which they were established, while concluding within an acceptable timescale and cost. Public confidence in inquiries may be affected by issues such as:

- **the choice of the chair and terms of reference for the inquiry:** if those impacted by the inquiry do not have confidence in how it is established it is unlikely to be able to successfully address issues of public concern;
- **the cost of the inquiry:** inquiries can cost significant amounts in areas such as legal fees and staff costs;
- **the time taken for the inquiry to conclude:** where inquiries last for considerable amounts of time there is a risk that their impact can be lost or their findings become irrelevant; and
- **the extent to which the government addresses the findings of the inquiry:** when the government is not transparent about how it intends to address the findings of the inquiry this can undermine the inquiry process.

3 Given the prevalence of inquiries, the frequency with which the government uses them following high-profile failures, their importance in relation to the public's trust of authorities, and the public funds spent on them, we have conducted an investigation to establish:

- what framework exists for establishing and managing government inquiries;
- the cost, duration and scale of inquiries established since 2005; and
- how inquiries are managed in practice.

Our investigation does not seek to evaluate the value for money of inquiries which, by their nature, seek to address issues of complexity. Rather, we seek to present the facts relating to the costs and duration of the inquiries within our sample and the framework by which they are managed.

4 We undertook our investigation between November 2017 and May 2018, and carried out fieldwork between December 2017 and January 2018. For the purposes of our investigation, we have defined inquiries as government-funded inquiries, announced by a minister or the Prime Minister to investigate issues that have caused public concern, or circumstances that could give rise to public concern. We are aware that various other types of inquiry and investigative mechanisms may be commissioned and undertaken across government in response to similar issues (paragraph 1.3), such as Parliamentary inquiries undertaken by select committees. Like government-funded inquiries, select committee inquiries are often set up to examine issues of public concern and will hear evidence and make recommendations. While the scope and objectives of government-funded inquiries and select committee inquiries may differ, there are similarities in that both types of inquiry rely on the collection of oral and written evidence, report to Parliament and government is expected to respond to their reports.

5 Our investigative approach and methods are set out in Appendix One. Our investigation focuses on 10 of the 26 statutory and non-statutory inquiries that have started and concluded since 2005. This sample equates to two inquiries by those government departments that have sponsored the most inquiries during this period (Cabinet Office, Department of Health & Social Care, Home Office, Ministry of Defence and Ministry of Justice). We did not seek to evaluate the value for money of inquiries but to present facts on the cost and duration of the inquiries in our sample. We also undertook a more detailed examination of one inquiry sponsored by each of these departments. **Figure 1** on pages 6 and 7 lists the inquiries included in our sample. We supplemented our examination by selecting 10 select committee inquiries (Figure 13), and analysing the level of evidence underpinning both inquiry processes so that the reader can compare data on the size, scale and depth of evidence considered by these different inquiry mechanisms.

Figure 1

The 10 inquiries included in our sample

Inquiry name	Sponsor department	Dates	Purpose of the inquiry	Inquiry type
The Iraq Inquiry	Cabinet Office	June 2009 to July 2016	Inquiry to consider the UK's involvement in Iraq, including the way decisions were made and actions taken.	Non-statutory
The Al-Sweady Inquiry	Ministry of Defence	November 2009 to December 2014	To investigate and report on the allegations made by claimants in the Al-Sweady judicial review proceedings against British soldiers of unlawful killing at Camp Abu Naji, and the ill-treatment of five Iraqi nationals detained at Camp Abu Naji and subsequently at the divisional temporary detention facility at Shaibah Logistics Base.	Inquiries Act 2005
The Detainee Inquiry ¹	Cabinet Office	July 2010 to December 2013	To examine whether the UK government and its intelligence agencies were involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas, or were aware of improper treatment of detainees in operations in which the UK was involved.	Non-statutory
The Baha Mousa Inquiry ¹	Ministry of Defence	May 2008 to September 2011	To investigate and report on the circumstances surrounding the death of Baha Mousa and the treatment of those detained with him, taking account of the investigations that have already taken place, in particular where responsibility lay for approving the practice of conditioning detainees by any members of the 1st Battalion The Queen's Lancashire Regiment in Iraq in 2003.	Inquiries Act 2005
The Azelle Rodney Inquiry ¹	Ministry of Justice	June 2010 to July 2013	To ascertain how, where and in what circumstances Azelle Rodney came by his death on 30 April 2005.	Inquiries Act 2005
The Mid Staffordshire Inquiry ¹	Department of Health	June 2010 to February 2013	To consider the role and intervention of the primary care trust and strategic health authority, how the trust was able to gain foundation status with poor clinical standards and why regulatory bodies did not act sooner to investigate the trust with mortality rates significantly higher than the average since 2003.	Inquiries Act 2005
The Morecambe Bay Investigation	Department of Health	September 2013 to March 2015	To investigate the service provided by the University Hospitals of Morecambe Bay Trust, and response of the Trust to shortcomings previously identified.	Non-statutory

Figure 1 *Continued*

The 10 inquiries included in our sample

The Litvinenko Inquiry ¹	Home Office	July 2014 to January 2016	An investigation into the death of Alexander Litvinenko in order to ascertain who the deceased was, how, when and where he came by his death and where responsibility for the death lies.	Inquiries Act 2005
The Leveson Inquiry	Home Office/ Department for Culture, Media & Sport	July 2011 to November 2012	Inquiry into the culture, practices and ethics of the press and the system of regulation.	Inquiries Act 2005
The Harris Review	Ministry of Justice	February 2014 to July 2015	To make recommendations for reducing the risk of future deaths in custody.	Non-statutory

Note

1 This inquiry was included in our detailed examination of one inquiry per sponsor department.

Source: National Audit Office analysis of published inquiry data and departmental data

Summary

Key findings

On the establishment and framework for inquiries

1 Since 2005, we identified 26 government-funded inquiries that have concluded, of which 15 were carried out under the Inquiries Act 2005. The Inquiries Act 2005 and the Inquiry Rules 2006 set out the legislative framework for conducting inquiries. Through the introduction of a framework the Act aimed to improve the administration of inquiries and encourage a focus on managing costs and improving transparency (paragraphs 1.2, Figure 12).

2 There is no legal requirement for inquiries to be set up under the Inquiries Act. This decision is made by the relevant minister when they establish the inquiry. Non-statutory inquiries can vary in their format and powers. They are not bound by procedural rules and therefore have greater flexibility in regard to how they are conducted. However, they do not have the same powers as statutory inquiries, including the power to compel witnesses to attend and to require the release of documents (paragraphs 1.3 and 1.8).

3 Ministers set the terms of reference for inquiries and are under no obligation to consult publicly on these. The Inquiries Act 2005 requires ministers to consult with the chair before setting out the terms of reference but they are not obliged to consult other individuals or groups and will determine whether or not to do so based on a range of factors. Of our detailed examination of five inquiries, only the Baha Mousa Inquiry consulted widely on its terms of reference. Each of the subjects of the five inquiries that we looked at in detail had previously been subject to another form of investigation, such as an inquest (paragraphs 1.9, 1.11 and 1.12, Figure 3).

On the cost, duration and scale of inquiries

4 The government has spent at least £239 million on the 26 inquiries concluded since 2005. The cost of the 10 inquiries that we examined ranged from £0.2 million to £24.9 million. The largest component of the cost of these inquiries was legal staff, which accounted for an average of 36% of the costs, ranging from less than 1% for the Morecambe Bay Investigation to 67% for the Mid Staffordshire Inquiry. Other significant costs included running costs, consultancy and other staff costs (paragraphs 2.2 to 2.4, Figure 5).

5 The average duration of the 26 inquiries that have concluded since 2005 is 40 months. The duration of the 10 inquiries we examined ranged from 16 months (for the Harris Review and the Leveson Inquiry) to 84 months (for the Iraq Inquiry). On average, 5% of an inquiry's time is spent on the terms of reference and appointing the chair and inquiry team; 10% preparing for the hearings; 40% holding hearings; and 45% producing the report (paragraphs 2.5 and 2.6, Figures 7 and 8).

6 Inquiries typically take evidence from hundreds of witnesses and consider thousands of documents. For our sample of inquiries where information was available, inquiry teams spent an average of 102 days hearing testimony from 200 witnesses and considered more than 52,000 documents. For example, the Iraq Inquiry team considered evidence from 150 witnesses over 130 days of evidence sessions and considered 150,000 documents. The scale of these inquiries (statutory and non-statutory) is much larger than other forms of inquiry, such as select committee inquiries, which, for those in our sample, heard evidence from a maximum of 31 witnesses over six days and considered a maximum of 218 documents (paragraphs 2.9 and 2.10, Figure 9).

On the sponsorship of inquiries

7 No individual department is responsible for establishing and managing inquiries. Government has previously rejected a House of Lords Select Committee recommendation to set up a central inquiries unit, instead wanting to build on and improve the current system of support, whereby several parts of government, including the Cabinet Office, the Ministry of Justice and individual sponsor departments are involved in administering and managing inquiries (paragraphs 1.4, 3.3 and 3.4).

8 The Cabinet Office and the Ministry of Justice have not acted on recommendations to improve the way inquiries are run. Since 2014, the Cabinet Office and the Ministry of Justice have committed to various actions to improve the efficiency and effectiveness of inquiries originating from two parliamentary select committee reports. These include updating and publishing its inquiry guidance for Inquiry Chairs, secretaries and sponsor departments; reviewing the *Inquiry Rules* relating to the Representations Process which allows individuals criticised in inquiries to review and comment on extracts from the report; and requesting and sharing lessons learned reports from inquiries. None of these commitments have been fulfilled (paragraphs 2.8, 3.2, 3.3 and 3.5).

9 The Home Office has developed its own bespoke processes for running inquiries. The Home Office has been responsible for six inquiries since 2005 (four of which are still ongoing). The frequency with which it found itself responsible for inquiries prompted the Home Office to establish its own inquiry sponsorship team in April 2017. This has been tasked with developing bespoke processes to give inquiry teams more support and make the Home Office's sponsorship of inquiries more consistent, including by developing its own guidance (paragraph 3.7).

10 Departments were unable to provide us with evidence that they have consistently monitored and overseen the cost and progress of inquiries.

While departments provided evidence which confirmed that budgets had been fixed for four of the five inquiries in our sample, only one of these included supporting information on how estimates of cost and time had been calculated. We saw very little evidence of sponsor departments collecting regular financial information from inquiry teams or carrying out regular monitoring of spending and progress, or scrutiny of propriety and regularity (paragraphs 3.12 to 3.13).

11 Not all inquiries make recommendations and the government is under no obligation to accept those that are made or explain the reasoning behind its decision.

The publicly available responses we reviewed did not often explain why government had chosen to accept or reject individual recommendations or set out its intended actions in relation to the recommendation. Eight of the 10 inquiries we reviewed made a total of 620 recommendations, ranging from 290 for the Mid Staffordshire Inquiry to one for the Litvinenko Inquiry. We estimate that of these 45% were accepted by government, a further 33% were 'accepted in principle', 'partially accepted' and 'subject to wider reform', 7% were explicitly rejected, and no clear response was given to the remaining 15% (paragraphs 3.15 and 3.16, Figure 10).

12 Departments vary in the extent to which they are transparent about action taken in response to recommendations.

Of the eight inquiries we reviewed which made recommendations we found readily accessible information on progress in relation to four. For other inquiries, the minister gave general updates to Parliament but did not give specific detail on action taken in response to each recommendation. There is no organisation across government or Parliament with responsibility for monitoring and tracking whether recommendations have been implemented and ensuring that inquiries have the intended impact (paragraphs 3.17 and 3.18).