



National Audit Office

Report

by the Comptroller
and Auditor General

Cabinet Office

Investigation into government-funded inquiries

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Report by the Comptroller and Auditor General

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National Audit Act 1983 for presentation to the House of
Commons in accordance with Section 9 of the Act

Sir Amyas Morse KCB
Comptroller and Auditor General
National Audit Office

21 May 2018

Our interest in government-funded inquiries was triggered by the prevalence of inquiries and the public funds spent on them. We investigated the framework for conducting inquiries and the responsibilities for establishing and managing inquiries across government.

Investigations

We conduct investigations to establish the underlying facts in circumstances where concerns have been raised with us, or in response to intelligence that we have gathered through our wider work.

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Contents

What this investigation is about 4

Summary 8

Part One

The establishment and framework
for inquiries 11

Part Two

The cost, duration and scale
of inquiries 18

Part Three

The sponsorship of inquiries 26

Appendix One

Our investigative approach 32

Appendix Two

Government-funded inquiries
since 2005 and our samples 34

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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).

Part One

The establishment and framework for inquiries

1.1 The government may decide to hold an inquiry to investigate matters of public concern. Inquiries can fulfil multiple purposes, including establishing the facts, determining accountability and responsibility but not liability, learning lessons and making recommendations. Inquiries are intended to be independent of government but are funded by government and are therefore accountable to Parliament for their expenditure.

The legal framework for inquiries

1.2 The Inquiries Act 2005 came into force in June 2005. Before this, statutory inquiries had been carried out under a wide variety of different legislation.¹ The Act provides a statutory framework for ministers to establish an inquiry with full powers to call for evidence and witnesses. It aimed to improve the administration of inquiries by encouraging a focus on managing costs and improving transparency. The Inquiries Rules 2006 set out rules intended to cover matters of evidence and procedure in relation to inquiries.²

1.3 Not all inquiries are established using the Inquiries Act. Alternative forms of inquiries include:

- statutory inquiries under other subject-specific legislation;
- non-statutory ad hoc inquiries which are not bound by procedural rules;
- inquiries by a Committee of Privy Counsellors, which allow secure information to be seen;³
- parliamentary inquiries undertaken by select committees; and
- Royal Commissions, which are normally used to consider matters of broad policy rather than to investigate a specific incident.⁴

1 Including the Tribunals of Inquiry (Evidence) Act 1921; the National Health Service Act 1977; the Health and Safety at Work Act 1974; and the Merchant Shipping Act 1995.

2 Established under section 41(1) of the Inquiries Act 2005.

3 The Privy Council is a formal body of advisers to the Sovereign of the United Kingdom. Its membership mainly comprises senior politicians who are current or former members of either the House of Commons or the House of Lords.

4 House of Commons Library, *Public Inquiries: non-statutory commissions of inquiry*, November 2016.

Responsibilities for inquiries across government

1.4 No single department is responsible for the running of inquiries across government. However, the Cabinet Office is the department with the widest range of roles in respect of inquiries. These include:

- ensuring that the Prime Minister is consulted in good time about any proposal to set up an inquiry under the Inquiries Act;⁵
- acting as a liaison point between the lead departments on the inquiry and the centre of government;
- advising departments on the relationship between them and the inquiry; and
- providing advice and guidance on establishing an inquiry to inquiry chairs, teams and sponsor departments.⁶

1.5 Other parts of government also have responsibilities in respect of inquiries:

- The **Ministry of Justice** has policy responsibility for inquiries legislation and advises other departments on the application of the Inquiries Act and the underpinning rules.
- The **Government Legal Department** supports the chair by offering advice on the selection of counsel and solicitors to the inquiry, and provides legal advice and support to government departments.
- **HM Treasury** sets out principles and conditions for the use of public funds (including spending on inquiries) in *Managing Public Money*.⁷
- The **government department with policy responsibility** for the matter for inquiry is responsible for sponsoring the inquiry and supporting the chair to resource the inquiry secretariat.

⁵ This is a requirement of the Ministerial Code which sets out the standards of conduct expected of ministers.

⁶ Ministry of Justice, *Government Response to the Report on the House of Lords Select Committee on the Inquiries Act 2005*, June 2014.

⁷ HM Treasury, *Managing Public Money*, July 2013.

Roles within inquiries

1.6 Inquiries are intended to be independent of government. While not prescribed, there are some typical responsibilities associated with the role of the minister, inquiry chair and sponsor department (**Figure 2**).

Deciding to establish an inquiry

1.7 The minister of the relevant policy department is responsible for deciding how matters of public concern should be addressed and whether an inquiry is appropriate. Ministers have discretion to decide on the specific type of an inquiry, and whether an inquiry is established as statutory or non-statutory.

Figure 2

Typical roles of the minister, the inquiry chair and the sponsoring department

Responsibilities of the minister	Responsibilities of the chair	Responsibilities of the permanent secretary of the sponsoring department
Appointing the chair.	Conducting the work necessary to discharge the inquiry's terms of reference.	Ensuring that the financial and other management controls applied by the department are appropriate and sufficient to safeguard public funds.
Setting the terms of reference.	Providing strategic leadership to the staff working for the inquiry.	Ensuring that the inquiry's compliance with the controls is effectively monitored.
Providing financial and other resources to the inquiry.	Being responsible for the efficient use of resources.	Ensuring that internal controls conform to the requirements of regularity, propriety and good financial management.
Reporting to Parliament on the inquiry's work.	Ensuring high standards of probity and impartiality.	
Receiving the chair's report and laying it before Parliament.	Collating and assessing all of the evidence and presenting their findings to the minister.	
Responding to the chair's findings.		

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

1.8 Cabinet Office draft guidance states that departments should seek advice from the Cabinet Office's Propriety and Ethics Team about the different forms of inquiry and the merits of the different options. There are no formal criteria to determine the choice of an investigatory mechanism and considerations are built on precedent. Factors that may influence a minister's decision on the type of inquiry may include:

- **the sensitivity of the subject matter:** A minister may decide it is appropriate to deal with a sensitive subject through a statutory inquiry because of its importance. Non-statutory inquiries are not bound by procedural rules which enable this type of inquiry to take evidence in private. This means that, on occasion, ministers may feel that this type of inquiry is more appropriate because of its flexibility;
- **the need for evidential powers:** Statutory inquiries can compel witnesses and the release of documents but non-statutory inquiries cannot. For example, it was decided that the Iraq Inquiry could function as a non-statutory inquiry because the majority of people giving evidence were civil servants who did not need to be compelled to appear;
- **whether an inquiry is a suitable vehicle for establishing the facts** or whether an alternative form of investigation may be a better way of addressing concerns; and
- **the level of public concern regarding the issue:** Statutory inquiries have a duty to ensure public access to the documents informing the inquiry but there is no such obligation for non-statutory inquiries.

1.9 Ministers are not required to explain the reasons for their decision on the type of inquiry launched. Of the five inquiries we looked at in detail, the minister had publicly explained the reasoning behind their choice of type of inquiry in two cases (**Figure 3** on pages 15 and 16). In these five inquiries, another form of investigation such as an inquest, police investigation or court martial proceeding had been undertaken before the decision was made to launch an inquiry.

1.10 There is often considerable time between an incident occurring and an inquiry being announced. **Figure 4** on page 17 shows that the minimum elapsed time between these events is four years, and the maximum, nine years. Influencing factors sometimes include other criminal investigations or judicial proceedings which preclude an inquiry from commencing. For example, an inquest and judicial review took place before the Litvinenko Inquiry was announced.

Figure 3

Decisions to establish an inquiry

Inquiry name	Purpose of inquiry	Publicly available information to support selection of inquiry type	Further explanation of inquiry type provided by sponsor department
The Detainee Inquiry (non-statutory)	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.	Yes – Prime Minister’s statement says that it is not possible to have a full public inquiry into something that is meant to be secret; and intelligence material will not be made public and intelligence officers will not be asked to give evidence in public. ¹	Legal action and sensitivity of material. Legal action was taken against the government in the form of claims for civil damages. The government decided that sensitive material would be difficult to manage in an inquiry that was open to the public and a judge-led Privy Council inquiry should be held, in which evidence could be taken in open and closed sessions. By the time the decision to launch the inquiry had been made, the Metropolitan Police had launched two criminal investigations. A decision was taken not to formally start the inquiry until the police had concluded their work; the inquiry was ultimately brought to a close when the police announced a third investigation.
The Azelle Rodney Inquiry (statutory)	To ascertain how, where and in what circumstances Azelle Rodney came by his death.	No – Minister announced the intention to establish the inquiry under the Inquiries Act but did not explain why. ²	Sensitivity of material. The decision was made to launch a statutory inquiry after an inquest failed because of issues regarding the coroner’s and jury’s access to sensitive material.
The Baha Mousa Inquiry (statutory)	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.	No – Minister announced the intention to establish the inquiry under the Inquiries Act but did not explain why. ³	Risk of legal action. The inquiry was preceded by court martial proceedings. However, the decision was made to announce an inquiry because the original proceedings failed to identify systemic issues and establish the full facts, and because of the prospect that the government could be ordered by the High Court to hold a public inquiry on the basis of failing to meet European Court of Human Rights obligations to conduct an independent and effective investigation into the death. The Ministry of Defence told us that a public (statutory) inquiry with powers of compulsion was considered to be more effective at establishing who was responsible for what.
The Mid Staffordshire Inquiry (statutory)	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.	Yes – Ministerial statement refers to how the chair will have the full statutory force of the Inquiries Act to compel witnesses to attend and speak under oath. ⁴	Powers to compel witnesses. The report of the first (non-statutory) Mid Staffordshire inquiry recommended that there should be a further investigation of the operation and role of external bodies with the objective of learning lessons about how failing hospitals are identified. ⁵ The second inquiry was established under the Inquiries Act 2005 so that witnesses could be compelled to give evidence in public and recommendations could be directed at the NHS and external bodies.

Figure 3 Continued

Decisions to establish an inquiry

The Litvinenko Inquiry (statutory)

An investigation to ascertain who the deceased was, how, when and where he came by his death and where responsibility for the death lies.

No – Minister announced the intention to establish the inquiry under the Inquiries Act but did not explain why.⁶

Legal action and sensitivity of material.

A judicial review reversed the Home Secretary's previous decision not to undertake an inquiry, concluding that an inquiry was the only investigatory mechanism available which would have sufficient scope to meet the legal requirements for properly investigating the death. In addition, the coroner had previously requested that an inquiry be established so that closed evidence hearings could be held and sensitive material considered. (It would not have been possible to hold such hearings and exclude the public, core participants and press during an inquest.)

Notes

- 1 A statement given by the Prime Minister, 6 July 2010, available at: www.gov.uk/government/speeches/statement-on-detainees.
- 2 Hansard HC, 10 June 2010, cols 31-32.
- 3 Hansard HC, 14 May 2008, cols 60-61.
- 4 Hansard HL, 9 June 2010, vol. 719, col. 649.
- 5 Robert Francis QC, *Independent inquiry into care provided by Mid Staffordshire NHS Foundation Trust January 2005 – March 2009*, February 2010.
- 6 Hansard HC, 22 July 2014, vol. 584, col. 121.

Source: National Audit Office analysis of published inquiry data and departmental data; interviews with departmental officials

Setting the terms of reference for the inquiry

1.11 Terms of reference are often announced in the same statement to Parliament as the announcement of the inquiry and the announcement of the chair. The Act states that the minister may later amend the terms of reference in consultation with the chair if he or she considers it is in the public interest, and Cabinet Office guidance states that ministers may, but are not obliged, to consult individuals or groups involved in the events that led to the inquiry. Cabinet Office told us that when considering the scope of an inquiry, and what if any consultation on the terms of reference may be necessary, a number of factors may be taken into account in advice to Ministers including the views of the chair, the nature of the incident or issue under examination, the purpose of the inquiry and the range of interested parties and their views on scope.

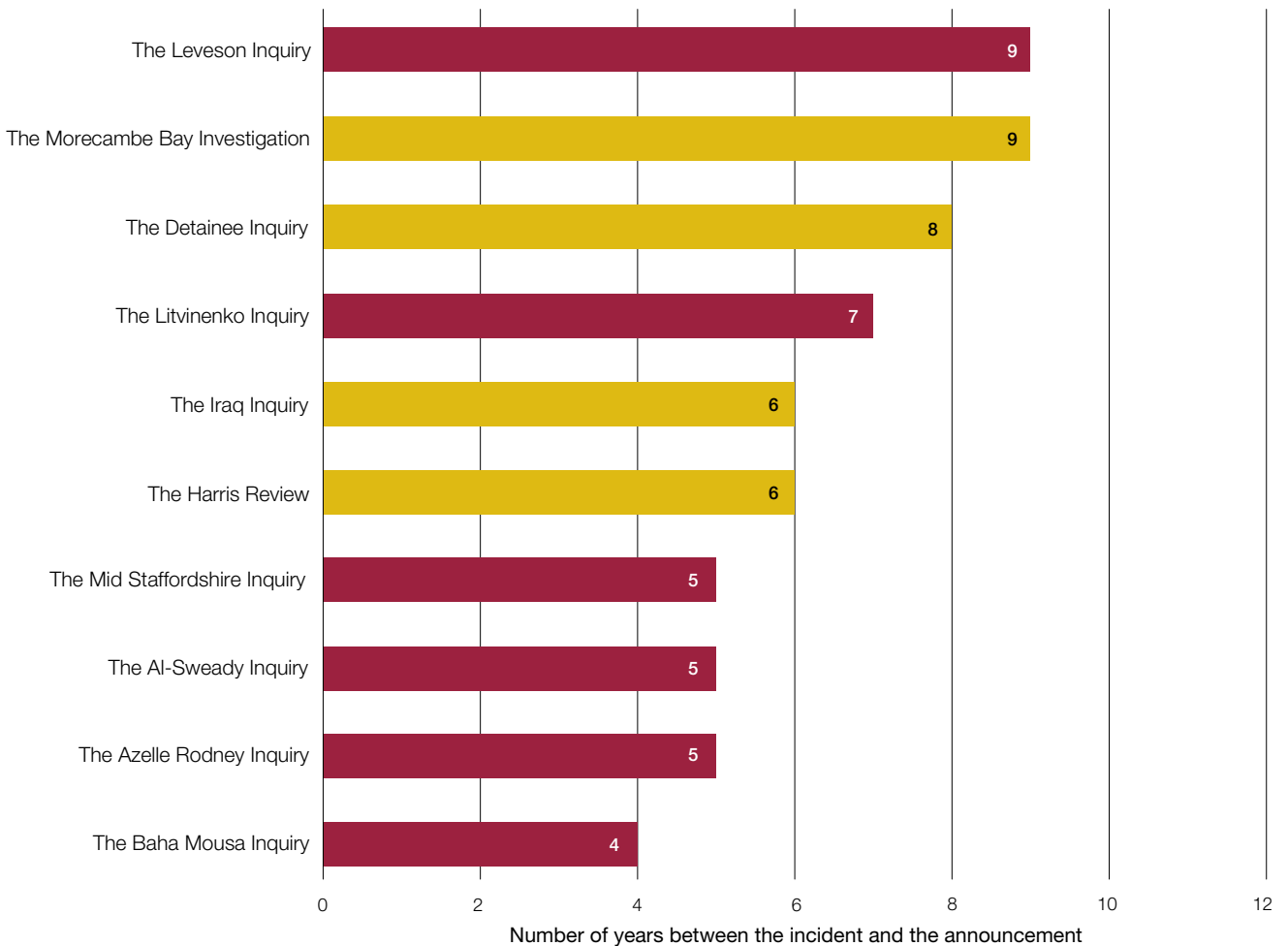
1.12 Of the five inquiries that we examined in detail, only the Baha Mousa Inquiry engaged widely with others on its terms of reference. In this case, draft terms of reference were debated at senior levels in the Ministry of Defence, discussed with the chairperson and agreed by the minister before consultation and consideration of comments by the lawyers representing Baha Mousa's family and others who had been detained and who had been vocal in calling for the inquiry. In contrast, there was no public consultation on the Mid Staffordshire Inquiry and the Detainee Inquiry was criticised by human rights groups and lawyers representing victims, partly as a result of the way it was set up and its terms of reference.⁸

⁸ House of Lords Select Committee on the Inquiries Act 2005, *Written and corrected oral evidence*, 11 March 2014, page 125.

Figure 4

Time taken between the incident and the inquiry announcement (statutory and non-statutory)

The minimum elapsed time between events is four years and the maximum, nine years



- Statutory inquiry
- Non-statutory inquiry

Notes

- 1 The data show the 10 inquiries selected for analysis from the 26 inquiries that have reported.
- 2 Where multiple incidents occurred before the announcement of an inquiry, our selected starting point is the date when the first incident occurred.
- 3 The number of years between incidents and inquiry announcements has been rounded down to the nearest year.

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

Part Two

The cost, duration and scale of inquiries

2.1 This part sets out government spending on inquiries since 2005, and includes analysis of the cost and time associated with our sample of inquiries. It also compares information on the scale of government-funded inquiries to select committee inquiries, which are often set up by select committees to examine similar types of issue of public concern.

The cost of inquiries

2.2 The government has spent more than £239 million on the 26 inquiries that have been established and concluded in the UK since 2005.⁹ Of the 10 inquiries that we examined, six were established under the Inquiries Act and four were non-statutory. The reported cost of inquiries ranged from £0.2 million to £24.9 million (**Figure 5**).

2.3 Detailed breakdowns of cost were available for seven of the 10 inquiries included in our sample. The largest single component of the cost of the inquiries in our sample was legal staff, which accounted for an average of 36% of the costs (**Figure 6** on page 20). Other significant costs of inquiries included general staff (21%), running costs (18%) and consultancy (10%).

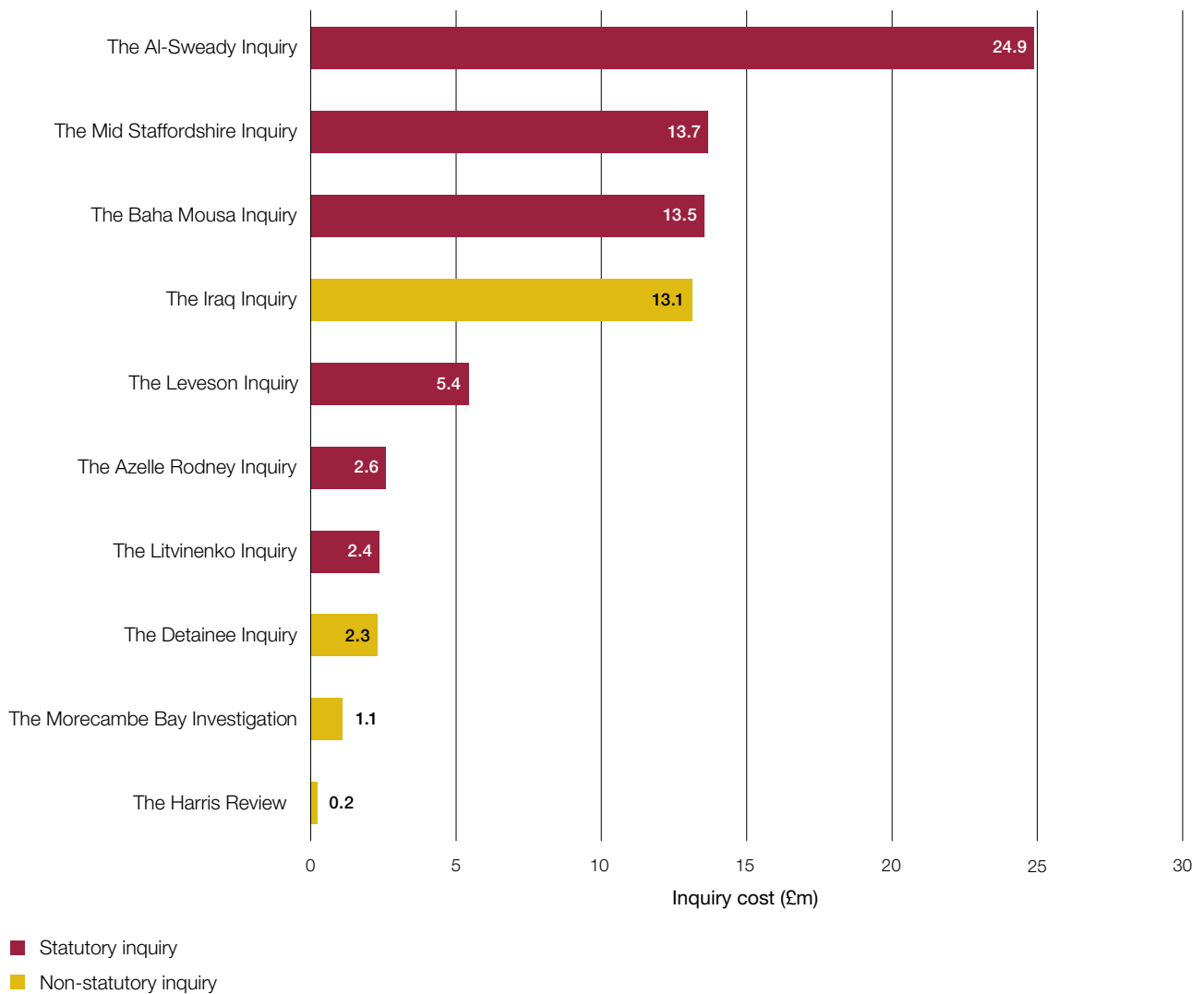
2.4 The type of costs incurred by inquiries varies significantly. For example, almost 30% (£7.3 million) of the reported costs of the Al-Sweady Inquiry were associated with consultancy costs for investigative and other expert services. Other inquiries reported minimal or no consultancy costs. Legal costs for inquiries ranged from less than 1% of the total cost for the Morecambe Bay Investigation, compared with £9.1 million (67% of the total cost) for the Mid Staffordshire Inquiry.

9 We identified a further 11 inquiries that are yet to conclude.

Figure 5

Cost associated with our sample of inquiries (statutory and non-statutory)

The reported cost of inquiries ranged from £0.2 million to £24.9 million

**Notes**

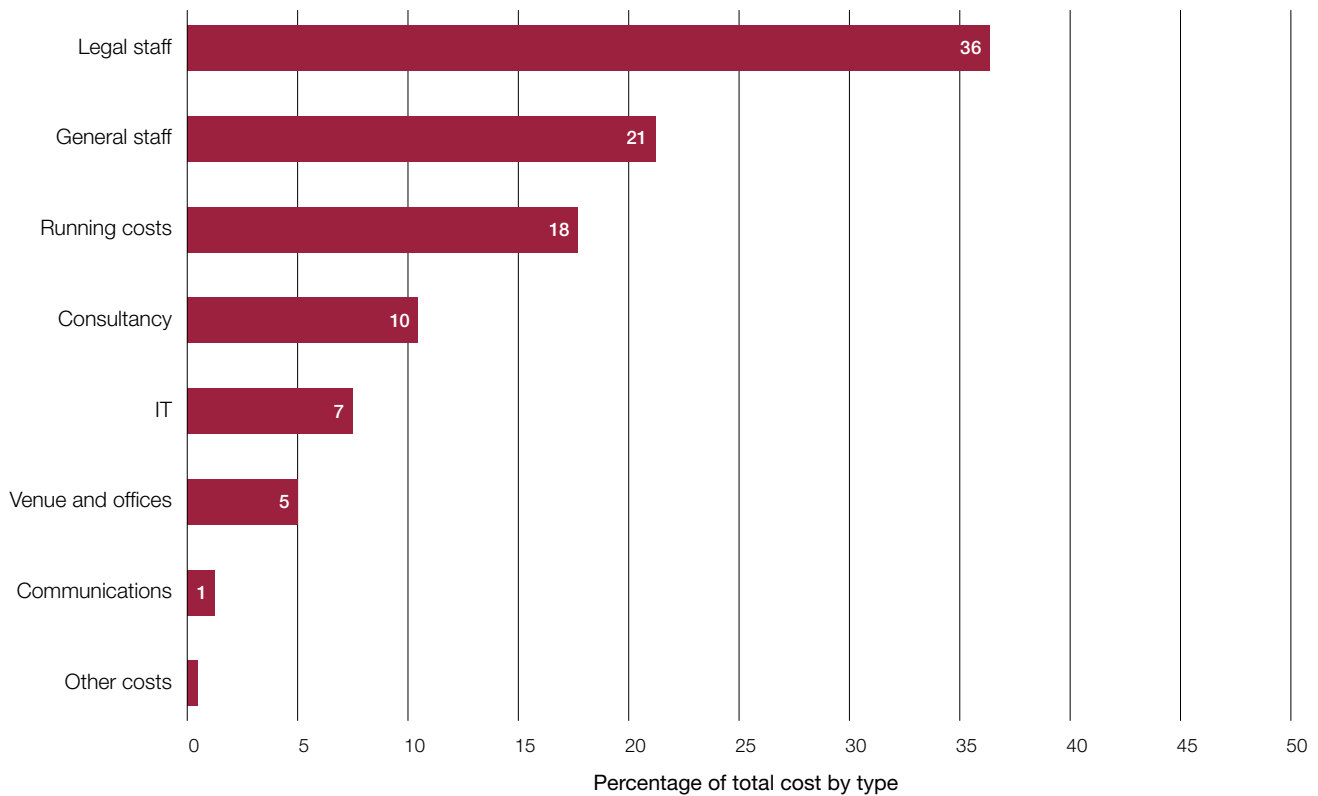
- 1 The data show the 10 inquiries selected for analysis from the 26 inquiries that have reported.
- 2 The total cost of an inquiry is based on the reported total cost of the inquiry. Reported costs exclude costs incurred by government departments in their roles as inquiry sponsors or core participants, or both.

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

Figure 6

The breakdown of inquiry costs by type

Highest costs are legal and general staff representing 57% of total inquiry costs



Costs (£m)	Legal staff	General staff	Running costs	Consultancy	IT	Venue and offices	Communications	Other costs
	27	16	13	8	6	4	1	0

Notes

- 1 The total cost of an inquiry is based on the published reported total cost of the inquiry.
- 2 The following inquiries have not been included in the analysis as a detailed breakdown of costs is not available: the Azelle Rodney Inquiry, the Detainee Inquiry and the Harris Review. Therefore, the breakdown of costs (above) does not reconcile with the total costs shown in Figure 5.
- 3 All figures have been rounded to the nearest million.

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

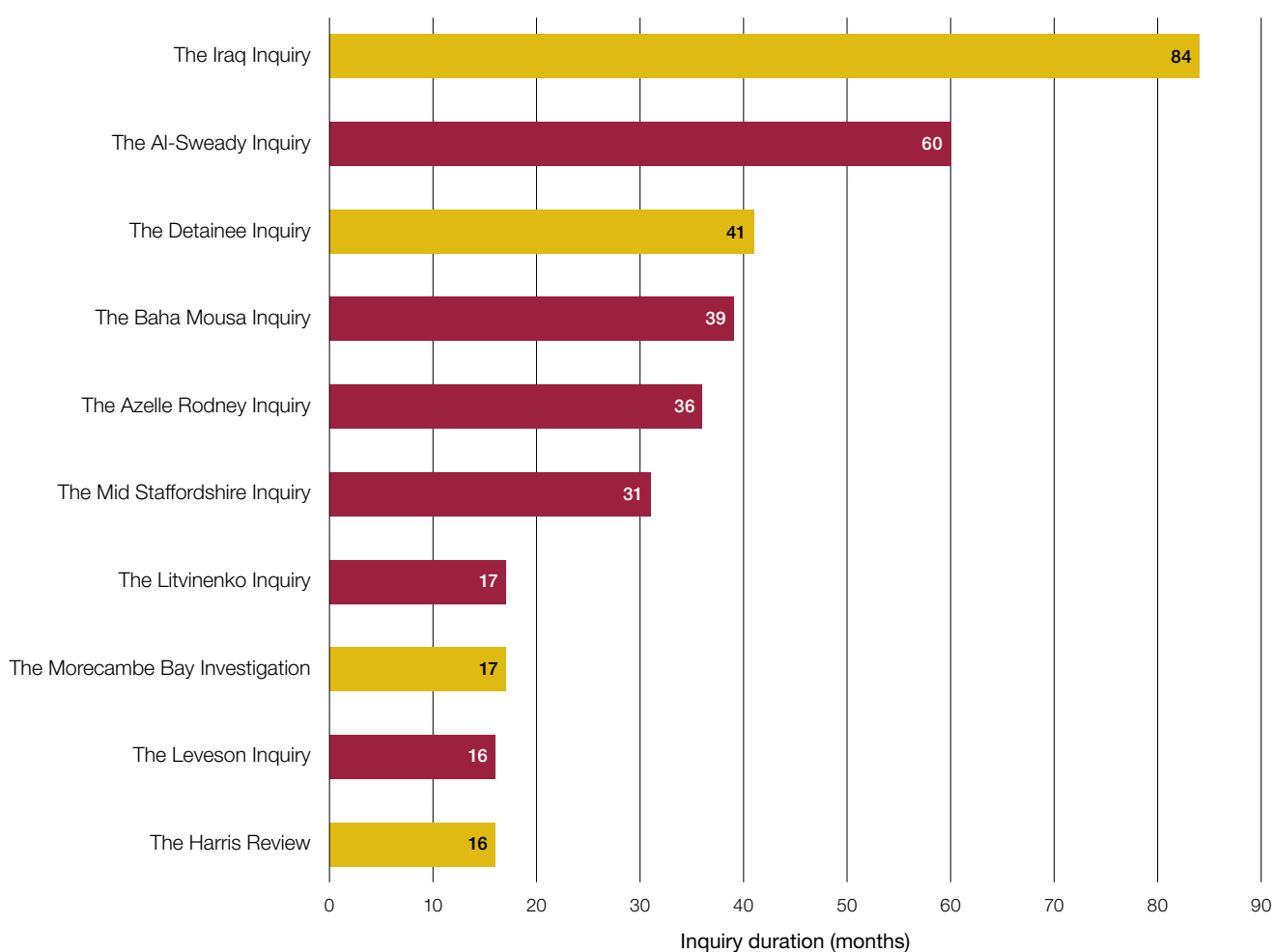
The duration of inquiries

2.5 The length of time for conducting inquiries varied considerably, from 16 months for the Harris Review and the Leveson Inquiry to seven years for the Iraq Inquiry (see **Figure 7**). The average length of the 26 inquiries that have concluded since 2005 was 40 months.

Figure 7

Time associated with our sample of statutory and non-statutory inquiries

The duration of inquiries varies considerably from 16 to 84 months



- Statutory inquiry
- Non-statutory inquiry

Notes

- 1 The data show the 10 inquiries selected for analysis from the 26 inquiries that have reported.
- 2 For the purposes of our analysis, we calculated the total length of an inquiry based on the number of days between the announcement of an inquiry and the publication of a final report.

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

2.6 Our analysis of 10 inquiries shows that the time taken to complete different stages of an inquiry varies. On average, 5% of an inquiry's time is spent on developing the inquiry terms of reference, appointing the chair and inquiry team; 10% of time preparing for inquiry hearings; 40% holding hearings; and 45% producing the report (see **Figure 8**).

2.7 The process of producing the inquiry report ranged from 22 days for the Morecambe Bay Investigation to more than five years for the Iraq Inquiry. Those involved in preparing inquiry reports have been critical of the procedural rules governing inquiry proceedings and the impact they can have on the time taken to produce the report. The chair of the Mid Staffordshire Inquiry estimated that rule 14¹⁰ (which requires the chair to send a warning letter to anyone significantly criticised in the report and give them a reasonable opportunity to respond and which is known colloquially as 'Maxwellisation') added six months to the work of the inquiry.¹¹ Those involved in the Leveson Inquiry similarly said that the process was complex and took an inordinate amount of time to complete.¹²

2.8 In November 2016 the Treasury Select Committee published a review they had commissioned of Maxwellisation.¹³ The review found that within common law there is no requirement to give those criticised the opportunity to respond prior to the report being published, provided that they have been given ample opportunity to comment at an earlier stage. The report did, however, note that giving individuals the opportunity to comment had become standard practice probably as a result of caution by those conducting and commissioning inquiries; a lack of clarity about what has been done before; and because the Inquiry Rules had effectively made consultation a statutory duty. The review recommended that the Cabinet Office should maintain an online resource so that when future inquiries are set up, chairs can see what processes have been adopted by previous inquiries. The review also noted that the government had agreed to reconsider a previous decision not to revoke the inquiry rules relating to Maxwellisation. No online resource has been developed or decision reached regarding the Inquiry Rules.

¹⁰ The Inquiry Rules 2006.

¹¹ See footnote 8, pp. 81.

¹² See footnote 8, pp. 256–257.

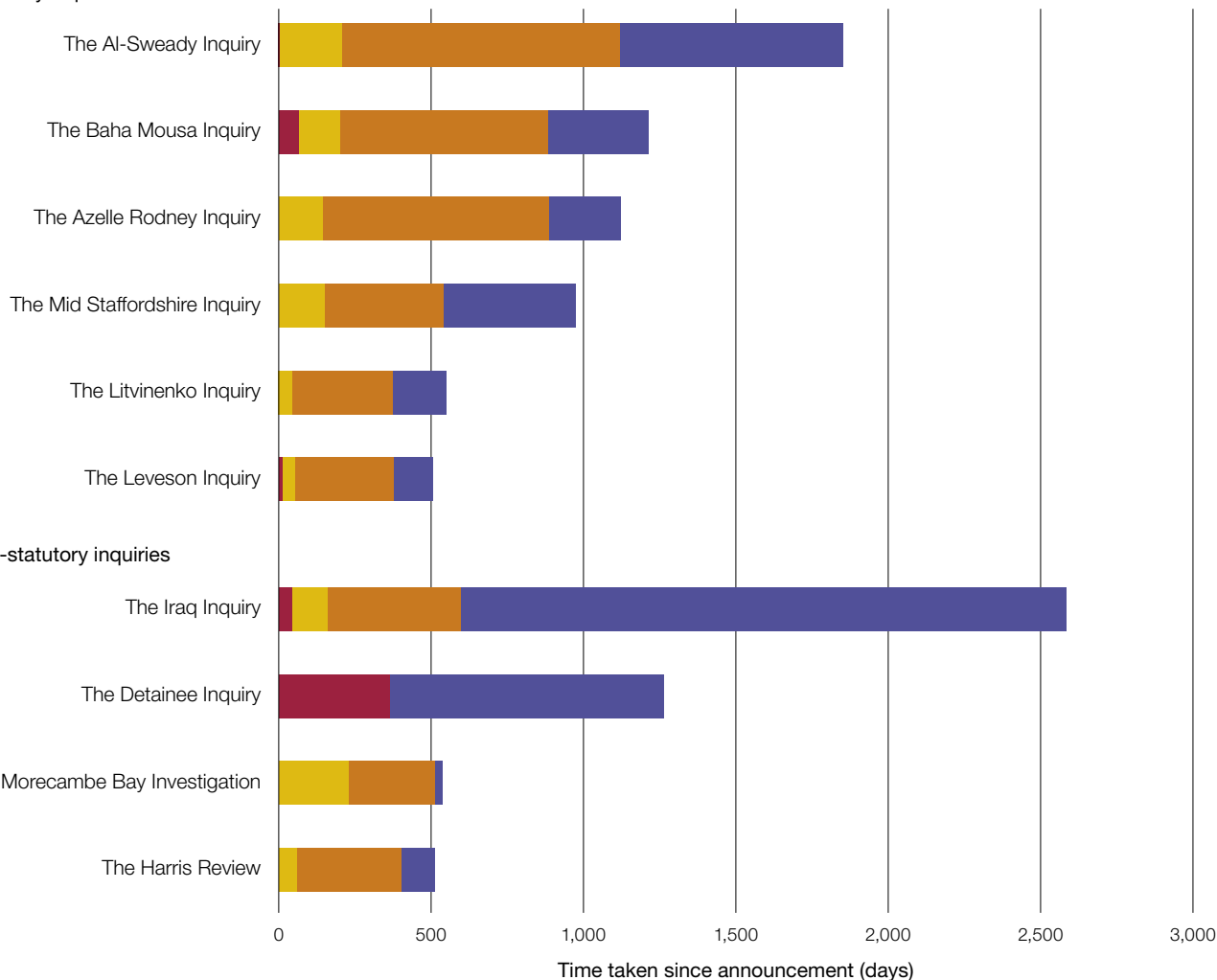
¹³ Andrew Green QC, Tony Peto QC, Pushpinder Saini QC, Fraser Campbell, Ajay Ratan, *A Review of 'Maxwellisation' for the Treasury Committee*, November 2016.

Figure 8

Time associated with the different stages of statutory and non-statutory inquiries

The time taken to complete different stages of an inquiry varies considerably

Statutory inquiries



- Time to develop terms of reference
- Time preparing for hearings
- Duration of hearings
- Time to produce a report

Notes

- 1 The data show the 10 inquiries selected for analysis from the 26 inquiries that have reported.
- 2 For the purposes of our analysis, we identified five stages associated with an inquiry, from its announcement through to publication of a report, and we calculated the time that elapsed between these stages.
- 3 Due to the publication of the terms of reference at the same time as the inquiry is announced, the following inquiries do not show the 'Time to develop terms of reference': Litvinenko Inquiry, Mid Staffordshire Inquiry, Azelle Rodney Inquiry, Harris Review and the Morecambe Bay Investigation.
- 4 The Detainee Inquiry shows fewer stages as the inquiry was postponed prior to hearings commencing. The inquiry team produced an interim report based on its analysis of documents.

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

The scale of inquiries

2.9 Inquiries typically consider documentary evidence and hold sessions where they hear evidence from individuals connected to the matter subject to inquiry. We compared the level of evidence underpinning our sample of government-funded inquiries with that underpinning a sample of select committee inquiries. We found that government-funded inquiries typically hear from hundreds of witnesses and review thousands of documents (**Figure 9**). For our sample of government-funded 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.

2.10 The scale of these inquiries is much larger than other forms of inquiry, such as select committee inquiries. Of our sample of select committee inquiries, the Home Affairs Select Committee inquiry into Hate Crime and its Violent Consequences held the most evidence sessions, hearing from 31 witnesses over six days; the Health Select Committee's Primary Care Inquiry considered the largest number of documents at 218. Available data suggest that government-funded inquiries take evidence from 12 times as many witnesses, examine 700 times more written documents, and hold 24 times as many evidence sessions as select committees.

Figure 9
The evidence underpinning inquiries

Inquiry team	Number of witnesses giving oral evidence	Number of document submissions	Number of evidence sessions
Government-funded inquiries			
The Baha Mousa Inquiry	388	10,600	115
The Mid Staffordshire Inquiry	164	64,319	139
The Al-Sweady Inquiry	282	Not available	169
The Azelle Rodney Inquiry	80	Not available	Not available
The Leveson Inquiry	337	Not available	Not available
The Litvinenko Inquiry	81	Not available ¹	32
The Iraq Inquiry	150	150,000	130
The Detainee Inquiry	Not applicable	20,000	Not applicable
The Morecambe Bay Investigation	118	15,280	Not available
The Harris Review	Not available	Not available	26
Average (government-funded inquiries)	200	52,040	102
Select committee inquiries			
Support for Service Personnel Subject to Judicial Processes	12	14	5
Military Exercises and the Duty of Care Inquiry	15	14	5
Antisemitism Inquiry	6	17	4
Hate Crime and its Violent Consequences Inquiry	31	98	6
Advisory Committee on Business Appointments	8	14	3
Primary Care Inquiry	22	218	5
Suicide Prevention Inquiry	25	129	4
Disclosure of Youth Criminal Records Inquiry	5	40	1
Prison Reform Inquiry	31	146	6
Restorative Justice Inquiry	17	52	3
Average (select committee inquiries)	17	74	4

Notes

1 The Home Office told us that it is not possible to provide a figure, due to the restriction notices which were applicable to the Litvinenko Inquiry.

2 We calculated the averages for government-funded inquiries by dividing the column totals by the total number of inquiries for which data was available.

Source: National Audit Office analysis of published inquiry and Parliamentary select committee websites and reports

Part Three

The sponsorship of inquiries

Improving the working of inquiries

3.1 As part of its wider role in respect of inquiries, in 2012 the Cabinet Office drew up draft guidance for inquiry chairs, teams and sponsor departments.¹⁴ The purpose was to offer “best practice guidance for all types of inquiry commissioned by government whether statutory or non-statutory, public or private”.

3.2 In March 2014, a House of Lords Select Committee that had been established specifically to scrutinise the law and practice relating to public inquiries, and in particular the Inquiries Act 2005, produced its report.¹⁵ The Committee criticised what it believed to be some unnecessary time and costs associated with the administration of inquiries. It specifically criticised the Cabinet Office’s guidance as being ‘wholly inadequate’ due to the fact that it contains detail about what needs to be done but very little about how to do it.

3.3 The Committee’s report contained 33 recommendations, including some to improve the administration of inquiries. These included recommendations to:

- create a unit responsible for all of the practical details of setting up an inquiry including, but not limited to, assistance with premises, infrastructure, IT procurement and staffing;
- ensure that on the conclusion of an inquiry, the secretary delivers a lessons learned paper from which best practice can be distilled and continuously updated; and
- review and amend the Cabinet Office inquiries guidance in the light of the Committee’s recommendations and the experiences of inquiry secretaries.

3.4 In its June 2014 response to the House of Lords Select Committee’s report, the government stated that, while it agreed with the spirit of the Committee’s recommendation in relation to establishing a standing unit with responsibility for inquiries, it did not think such a unit was appropriate or necessary, given the relative infrequency of new inquiries and their duration. It preferred instead to build on and improve the current system of support, specifically including strengthening Cabinet Office processes.¹⁶ While the minister said that changes would be implemented as soon as practicable, we have not seen evidence of improvements to the system of support.

¹⁴ Cabinet Office, *Inquiries Guidance*, unpublished.

¹⁵ House of Lords Select Committee on the Inquiries Act 2005, *The Inquiries Act 2005: post-legislative scrutiny*, report of session 2013-14, HL paper 143, 11 March 2014.

¹⁶ See footnote 6.

3.5 The government committed to completing the Cabinet Office's inquiries guidance and publishing it on the gov.uk website. As at February 2018, the Cabinet Office was consulting with departments on amendments to the draft guidance that has existed since 2012 and has not been published. Cabinet Office told us that it provides ad hoc advice because the complex and varied nature of inquiries means they have to be established according to the particular situation requiring investigation.

3.6 The draft guidance states that the inquiry secretary is responsible for submitting a 'lessons learned' report on conclusion of the inquiry. However, this has only been done for three inquiries to date (The Baha Mousa, Azelle Rodney and Al-Sweady inquiries). Eight inquiries have concluded since the government's response to the House of Lords report was published but the Cabinet Office was not able to give us any examples of lessons learned reports produced as a result of these inquiries.

3.7 The Home Office has been responsible for six inquiries since 2005. The frequency with which it found itself responsible for inquiries prompted the Home Office to establish its own dedicated inquiry sponsorship team in April 2017. The team aims to improve management of inquiries by:

- supporting inquiries while protecting their independence;
- establishing inquiries, and supporting secretariats in setting them up by helping to connect with specialist support services as required, including human resources, finance and IT; and
- helping inquiries to learn lessons from each other and join up on accessing support services, including providing links with other government departments and non-Home Office inquiries.

Safeguarding the independence of the inquiry

3.8 Where a department sponsors an inquiry and is also a core participant in the inquiry, functions should be separated and the inquiry managed in a way that recognises the potential for conflict of interests. However, there is no practical advice available as to how sponsor departments should separate these roles. Cabinet Office told us that there is no formal written guidance, but tailored advice is given in individual situations. Managing potential conflicts may also be further complicated where staff from the sponsor department are seconded to work directly on the inquiry team. Seven of the 10 inquiries in our sample included staff from the sponsor department, typically representing between a fifth and a third of the inquiry team.

3.9 The Ministry of Defence told us that its role as core participant in the Baha Mousa Inquiry was headed up by the Directorate of Judicial Engagement Policy, and separated from its sponsorship role, which was led by Finance. For the Cabinet Office, Department of Health and Ministry of Justice, lines of separation in the departments' dual roles were less clear and seemed to be developed on a case-by-case basis.

3.10 The Home Office uses memorandums of understanding to set out the separate duties of the Department in sponsoring the inquiry, and as a core participant to the inquiry in responding to requests for evidence. For any newly established inquiries in the Home Office, new ways of working, procedures, protocols and reporting arrangements aim to give inquiry teams more practical support and improve the Department's oversight and assurance. For example, the Sponsorship Team has developed detailed procedures on the practicalities of appointing a chair and panel.

Monitoring and oversight of the cost and progress of the inquiry

3.11 In order to maintain their independence, the chair has a significant amount of freedom to run the inquiry as they see fit. They are, however, expected to avoid any unnecessary cost. Government departments that sponsor inquiries are accountable to Parliament for the use of public funds and for ensuring that inquiry teams account for and manage financial, legal and propriety-related risks.

3.12 While documentary evidence confirmed that top-level budgets were set for the Detainee Inquiry, the Azelle Rodney Inquiry and the Litvinenko Inquiry, sponsor departments could not provide any evidence to support the basis for either the budgets or the assumptions that had been made. The reported outturn costs of £2.6 million for the Azelle Rodney Inquiry was more than twice the initial budget and the inquiry took three years longer than expected to conclude.

3.13 While a detailed budget was prepared for the Baha Mousa Inquiry, the Ministry of Defence in its own lessons learned report raised concerns about a lack of management information on work being done, which had made forecasting expenditure against budget very difficult. For the other four inquiries in our sample, sponsor departments could not demonstrate that they had scrutinised budgets and demands for additional funding from inquiry teams. Departments told us that they expect inquiry teams to demonstrate good financial management but we saw very little evidence of any regular financial information submitted by inquiry teams to sponsorship teams, or regular monitoring of spending and progress, or scrutiny of propriety and regularity.

Publication of information about the inquiry

3.14 Each inquiry must set up a website to make information about the inquiry available to the public. There is no guidance on what information should be communicated. Cabinet Office guidance states only that: “The inquiry should assess information and place relevant material on the website.” Websites no longer exist, or do not include accessible information, for three inquiries. Of the other seven inquiry websites that we reviewed, the quality and detail of information available to the public varied. All websites included transcripts and submissions from core participants but only some included cost information or management statements explaining how the relationship between the inquiry and sponsor department would be conducted.

Implementing the recommendations from inquiries

3.15 Not all inquiries are tasked with making recommendations but most will establish facts and reach conclusions. 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. Cabinet Office guidance states that government is not obliged to accept an inquiry’s recommendations but will be expected to indicate in its response which recommendations it accepts, and where practical, reasons for not accepting others.

3.16 There is no specific guidance as to how government departments should respond to an inquiry, and the minister has discretion about how to respond. The government’s initial response to the inquiries included in our sample ranged from written or oral ministerial statements to Parliament to published reports. All inquiries were acknowledged in a statement to Parliament but, for those inquiries that made recommendations, varying levels of information were included in the government’s response. This made it difficult to ascertain exactly which recommendations the government had accepted. **Figure 10** overleaf shows that, drawing from publicly available information sources, we estimated that of the eight inquiries in our sample which made recommendations:

- 45% were accepted by government;
- 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%.

Figure 10
The number and status of recommendations made by inquiries as reported to the public

	The Baha Mousa Inquiry	The Mid Staffordshire Inquiry	The Al-Sweady Inquiry	The Azelle Rodney Inquiry	The Leveson Inquiry	The Litvinenko Inquiry	The Iraq Inquiry	The Detainee Inquiry	The Morecambe Bay Investigation	The Harris Review	Total number	Response type (%)
Recommendations made	73	290	9	3	92	1	0	0	44	108	620	
Accepted	0	201	0	3	0	0	0	0	32	45	281	45
Accepted in principle	72	60	9	0	0	0	0	0	12	8	160	26
Partially accepted	0	20	0	0	0	0	0	0	0	10	30	5
Subject to wider reform	0	0	0	0	0	0	0	0	0	12	12	2
Rejected	1	9	0	0	0	0	0	0	0	33	43	7
No clear response	0	0	0	0	92	1	0	0	0	0	93	15

Notes

- 1 The data show the 10 inquiries selected for analysis from the 26 inquiries that have reported.
- 2 The Litvinenko Inquiry made one recommendation that has not been disclosed due to its security classification.

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

3.17 Once inquiries have concluded, there is no central repository or responsibility across government for tracking whether recommendations have been implemented and ensuring that inquiries have an impact. Individual inquiries and departments vary in the extent to which they are transparent about action taken in response to recommendations. For four inquiries – the Azelle Rodney Inquiry, the Harris Review, the Morecambe Bay Investigation and the Mid Staffordshire Inquiry – we found readily accessible information on progress against each recommendation. For three inquiries – the Al-Sweady Inquiry, the Baha Mousa Inquiry and the Leveson Inquiry – the minister gave general updates to Parliament on progress but did not give specific detail on action taken in response to each recommendation.

3.18 The Department of Health & Social Care told us how it has managed the response to the Mid Staffordshire Inquiry report and its 290 recommendations: the chair maintained dialogue with ministers and the department post-inquiry and weekly ministerial meetings were used to systematically go through all areas of the report and develop the response. The Department set up sub-groups involving arm's-length bodies and other national partners to think through recommendations and actions. Updates were subsequently provided to Parliament and actions taken to implement each recommendation published on the government's website, gov.uk.

3.19 The House of Lords Select Committee on the Inquiries Act 2005 made recommendations targeted at improving the accountability for implementing inquiry recommendations and making this more transparent.¹⁷ It recommended that:

- public bodies should have a statutory duty to say within a specified time whether they accept the inquiry's recommendations and, if so, what plans they have for implementing them; and
- in all cases the response should be published not more than three months after an inquiry report is received.

3.20 While the government accepted the Committee's recommendations, it did not consider that there needed to be a statutory duty and further set out that a six-month timeframe for publishing the government's response would be more achievable.¹⁸ Of the eight inquiries that have since concluded, the government has published a detailed response within six months to the recommendations made by two inquiries, the Morecambe Bay Investigation and the Harris Review.

¹⁷ See footnote 15.

¹⁸ See footnote 6.

Appendix One

Our investigative approach

Scope

- 1 We conducted an investigation into government-funded inquiries. Our interest in this topic originated from media coverage relating to ongoing inquiries. We investigated:
 - what framework exists for managing government inquiries;
 - the cost, duration and scale of inquiries established since 2005; and
 - how inquiries are managed in practice.

Methods

- 2 In order to investigate these areas, we drew on a variety of evidence sources and interviewed individuals with knowledge of the legislative framework on inquiries and those involved in administering and managing inquiries in practice.
- 3 We reviewed the Inquiries Act 2005 and supporting Inquiry Rules 2006 to understand the legislation and its application to statutory inquiries.
- 4 We reviewed the Cabinet Office's draft inquiries guidance and guidance information being developed by the Home Office Inquiry Sponsorship team, including their governance and control framework, and compliance procedures.
- 5 We reviewed published reports and relevant documents for background and context on the role, benefits and challenges of inquiries and commentary on the effectiveness of legislation, including good-practice guidance.
- 6 We used data on statutory and non-statutory inquiries provided by the Ministry of Justice and the Institute for Government as the basis for developing a list of inquiries announced and funded by government since new legislation was introduced. We identified 26 inquiries that have been established and reported, and 11 inquiries that have been announced but are ongoing and have yet to report (Figure 11 in Appendix Two).

7 We selected 10 inquiries for examination from the 26 inquiries started and concluded since 2005 (Figure 12 in Appendix Two). Our selection was influenced by those government departments that had sponsored (or co-sponsored) the most inquiries over this period: we selected two inquiries sponsored by the Cabinet Office, Department of Health & Social Care, Home Office, Ministry of Defence and Ministry of Justice.

8 We examined inquiry websites archived by the National Archives and other published sources to identify data relating to the 10 inquiries. In particular, we wanted to collate and analyse data in relation to:

- where costs are incurred;
- how inquiries are staffed;
- the duration between key milestones; and
- the government response to recommendations.

9 We gave sponsor departments the opportunity to validate the accuracy of the data relating to the inquiries they sponsored.

10 We undertook a more detailed examination of five of the 10 inquiries (one inquiry for each of the sponsor departments) and conducted semi-structured interviews with departmental officials to understand the role of the sponsor department and their relationship with the inquiry team. In particular, we sought to understand how inquiries are established, staffed, funded and monitored. We also sought to understand the role of the department once the inquiry report has been published, including the government response to recommendations, and action taken to track progress in implementing recommendations.

11 We selected a sample of 10 select committee inquiries with the specific purpose of analysing the level of evidence underpinning the inquiry process in order to draw comparisons between processes of conducting inquiries. Our sample is included at Figure 13 in Appendix Two.

Appendix Two

Government-funded inquiries since 2005 and our samples

1 **Figure 11** sets out information on the government-funded inquiries we identified since 2005.

Figure 11

Government-funded inquiries since 2005

Inquiry name	Sponsor department	Legislative framework	Announced	Concluded	Cost (£m)
Billy Wright Inquiry	Northern Ireland Office	Inquiries Act 2005	November 2004	Yes	29.8
Robert Hamill Inquiry	Northern Ireland Office	Inquiries Act 2005	November 2004	Yes	33
Rosemary Nelson Inquiry	Northern Ireland Office	Section 44 of the Police (NI) Act 1998	November 2004	Yes	46.4
E. Coli Inquiry	National Assembly of Wales	Inquiries Act 2005	March 2006	Yes	2.4
Inquiry into Human Tissue Analysis in UK Nuclear Facilities	Department for Trade & Industry/Department for Energy and Climate Change	Non-statutory	April 2007	Yes	
ICL Inquiry	Scottish and UK Government	Inquiries Act 2005	February 2008	Yes	1.9
Fingerprint Inquiry	Scottish Government	Inquiries Act 2005	March 2008	Yes	4.8
Penrose Inquiry	Scottish Government	Inquiries Act 2005	April 2008	Yes	12.1
Baha Mousa Inquiry	Ministry of Defence	Inquiries Act 2005	August 2008	Yes	13.5
Inquiry into the Outbreak of C. Difficile	Northern Ireland Department for Health, Social Services and Public Safety	Inquiries Act 2005	October 2008	Yes	1.8
Bernard (Sonny) Lodge Inquiry	Ministry of Justice	Inquiries Act 2005	February 2009	Yes	0.4
Iraq Inquiry	Cabinet Office	Non-statutory	June 2009	Yes	13.1
Independent Inquiry into Mid Staffordshire NHS Foundation Trust	Department of Health	Non-statutory	July 2009	Yes	

Figure 11 *continued*

Government-funded inquiries since 2005

Inquiry name	Sponsor department	Legislative framework	Announced	Concluded	Cost (£m)
FV Trident Inquiry	Department for Transport, Local Government and the Regions	Merchant Shipping Act 1995	October 2009	Yes	6.0
Vale of Leven Hospital Inquiry	Scottish Government	Inquiries Act 2005	October 2009	Yes	10.7
Al-Sweady Inquiry	Ministry of Defence	Inquiries Act 2005	November 2009	Yes	24.9
Hillsborough Independent Panel	Home Office	Non-statutory	December 2009	Yes	
Detainee Inquiry	Cabinet Office	Non-statutory	March 2010	Yes	2.3
Azelle Rodney Inquiry	Ministry of Justice	Inquiries Act 2005	June 2010	Yes	2.6
Mid Staffordshire Inquiry	Department of Health	Inquiries Act 2005	June 2010	Yes	13.7
Leveson Inquiry	Department for Culture, Media & Sport/ Home Office	Inquiries Act 2005	July 2011	Yes	5.4
Inquiry into Child Sexual Exploitation in Gangs and Groups	Office of the Children's Commissioner	Children Act 2004	October 2011	Yes	
Inquiry into Historical Institutional Abuse 1922 to 1995	Northern Ireland Executive	Inquiry into Historical Institutional Abuse Act (NI) 2013	May 2012	Yes	10.7
Daniel Morgan Independent Panel	Home Office	Non-statutory	May 2013	Ongoing	7.6
Morecambe Bay Investigation	Department of Health	Non-statutory	September 2013	Yes	1.1
Harris Review	Ministry of Justice	Non-statutory	February 2014	Yes	0.2
Gosport Independent Panel	Department of Health & Social Care	Non-statutory	July 2014	Ongoing	
Litvinenko Inquiry	Home Office/Foreign & Commonwealth Office/ intelligence agencies	Inquiries Act 2005	July 2014	Yes	2.4
Edinburgh Tram Inquiry	Scottish Government	Inquiries Act 2005	November 2014	Ongoing	8.0
Independent Inquiry into Child Sexual Abuse	Home Office	Inquiries Act 2005	February 2015	Ongoing	41.6
Undercover Policing Inquiry	Home Office	Inquiries Act 2005	March 2015	Ongoing	9.0
Scottish Child Abuse Inquiry	Scottish Government	Inquiries Act 2005	October 2015	Ongoing	11.9

Figure 11 *continued*

Government-funded inquiries since 2005

Inquiry name	Sponsor department	Legislative framework	Announced	Concluded	Cost (£m)
Anthony Grainger Inquiry	Home Office	Inquiries Act 2005	March 2016	Ongoing	
Renewable Heat Incentive Inquiry	Northern Ireland Executive	Inquiries Act 2005	January 2017	Ongoing	
Grenfell Tower Inquiry	Cabinet Office	Inquiries Act 2005	June 2017	Ongoing	
Infected Blood Inquiry	Cabinet Office	Inquiries Act 2005	November 2017	Ongoing	
Independent Inquiry into Ian Patterson	Department of Health & Social Care	Non-statutory	December 2017	Ongoing	
Total cost of concluded inquiries					239.2
Total cost of all (concluded and ongoing) inquiries					317.3

Notes

- 1 Cost information (including for those inquiries that are ongoing) has been included where available.
- 2 Although announced in November 2004 the Billy Wright Inquiry and the Robert Hamill Inquiry are included as they were subsequently converted into 2005 Act inquiries, while the Rosemary Nelson Inquiry, also announced in November 2004, continued under other legislation.

Source: National Audit Office analysis of published and departmental data

2 **Figure 12** sets out the inquiry population from which we selected our samples of inquiries for examination.

Figure 12

Inquiry population and sample groups

Sample group	Name	Legislation
Five inquiries selected for detailed review	The Baha Mousa Inquiry	Inquiries Act 2005
	The Azelle Rodney Inquiry	Inquiries Act 2005
	The Mid Staffordshire Inquiry	Inquiries Act 2005
	The Litvinenko Inquiry	Inquiries Act 2005
	The Detainee Inquiry	Non-statutory
Ten inquiries selected for analysis	The Al-Sweady Inquiry	Inquiries Act 2005
	The Leveson Inquiry	Inquiries Act 2005
	The Morecambe Bay Maternity and Neonatal Services Investigation	Non-statutory
	The Iraq Inquiry	Non-statutory
	The Harris Review	Non-statutory
Twenty-six statutory and non-statutory inquiries that have been established and reported since 2005	The Bernard (Sonny) Lodge Inquiry	Inquiries Act 2005
	The Billy Wright Inquiry	Inquiries Act 2005
	The Robert Hamill Inquiry	Inquiries Act 2005
	The E. Coli Inquiry	Inquiries Act 2005
	The ICL Inquiry	Inquiries Act 2005
	The Fingerprint Inquiry	Inquiries Act 2005
	The Penrose Inquiry	Inquiries Act 2005
	Inquiry into the outbreak of C. Difficile in Northern Health and Social Care Trust Hospitals	Inquiries Act 2005
	The Vale of Leven Hospital Inquiry	Inquiries Act 2005
	Rosemary Nelson Inquiry	Section 44 of the Police (Northern Ireland) Act 2005
	Human Tissue Analysis in UK Nuclear Facilities	Non-statutory
	Inquiry into Child Sexual Exploitation in Gangs and Groups	Children Act 2004, s.3
	Inquiry into Historical Institutional Abuse 1922 to 1995	Inquiry into Historical Institutional Abuse Act (Northern Ireland) 2013
	FV Trident	Merchant Shipping Act 1995, s.269
	Independent inquiry into the Mid Staffordshire NHS Foundation Trust	Non-statutory
	Hillsborough Independent Panel	Non-statutory

Notes

- 1 Twenty-six inquiries established and reported since the introduction of the Inquiries Act 2005.
- 2 Ten inquiries selected for analysis from the twenty-six inquiries that have reported.
- 3 Five inquiries selected for detailed examination.

3 **Figure 13** lists our sample of select committee inquiries for comparative analysis.

Figure 13

Sample of select committee inquiries

Select committee	Inquiry	Publication date
Defence	Support for service personnel subject to judicial processes	10 February 2017
Defence	Military exercises and the duty of care inquiry	20 April 2016
Home Affairs	Antisemitism inquiry	16 October 2016
Home Affairs	Hate crime and its violent consequences inquiry	1 May 2017
Public Administration and Constitutional Affairs	Advisory committee on business appointments	24 April 2017
Health	Primary care inquiry	21 April 2016
Health	Suicide prevention inquiry	16 March 2017
Justice	Disclosure of youth criminal records inquiry	27 October 2017
Justice	Prison reform inquiry	7 April 2017
Justice	Restorative justice inquiry	1 September 2016

Source: National Audit Office analysis of Parliamentary select committee websites

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