

Compass Chambers



PUBLIC INQUIRIES AND HILLSBOROUGH LAW

CLARE CONNELLY, Advocate
November 2025



- SINCE 2005 THERE HAVE BEEN 11 PUBLIC INQUIRIES IN SCOTLAND.
- COMPLETED INQUIRIES INCLUDE
THE ICL INQUIRY (STOCKLINE)
FINGER PRINT INQUIRY
THE PENROSE INQUIRY (contaminated blood)
THE VALE OF LEVEN INQUIRY
EDINBURGH TRAM INQUIRY





CURRENT INQUIRIES

- SCOTTISH CHILD ABUSE INQUIRY
- SHEKU BAYOH INQUIRY
- THE SCOTTISH HOSPITALS INQUIRY
- SCOTTISH COVID INQUIRY
- THE ELJAMEL INQUIRY
- THE EMMA CALDWELL INQUIRY



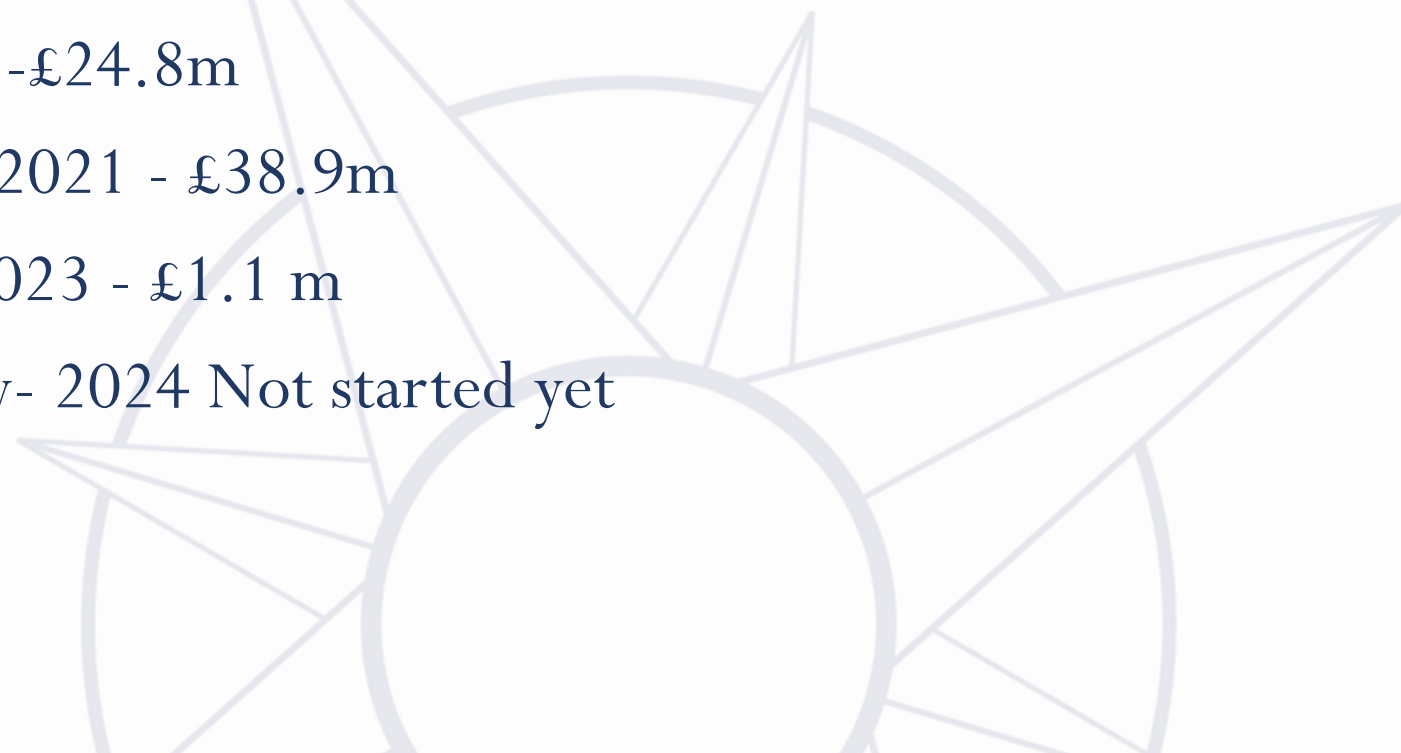


IN MAY 2025 SPICe PUBLISHED COSTS

- ICL Stockline - £1.9m
 - Fingerprints Inquiry-2008- £4.8m
 - Penrose Inquiry - 2008 - £12.1m
 - Vale of Leven Inquiry -2014 -£10.7m
 - Edinburgh Tram Inquiry -2014- £13.1m
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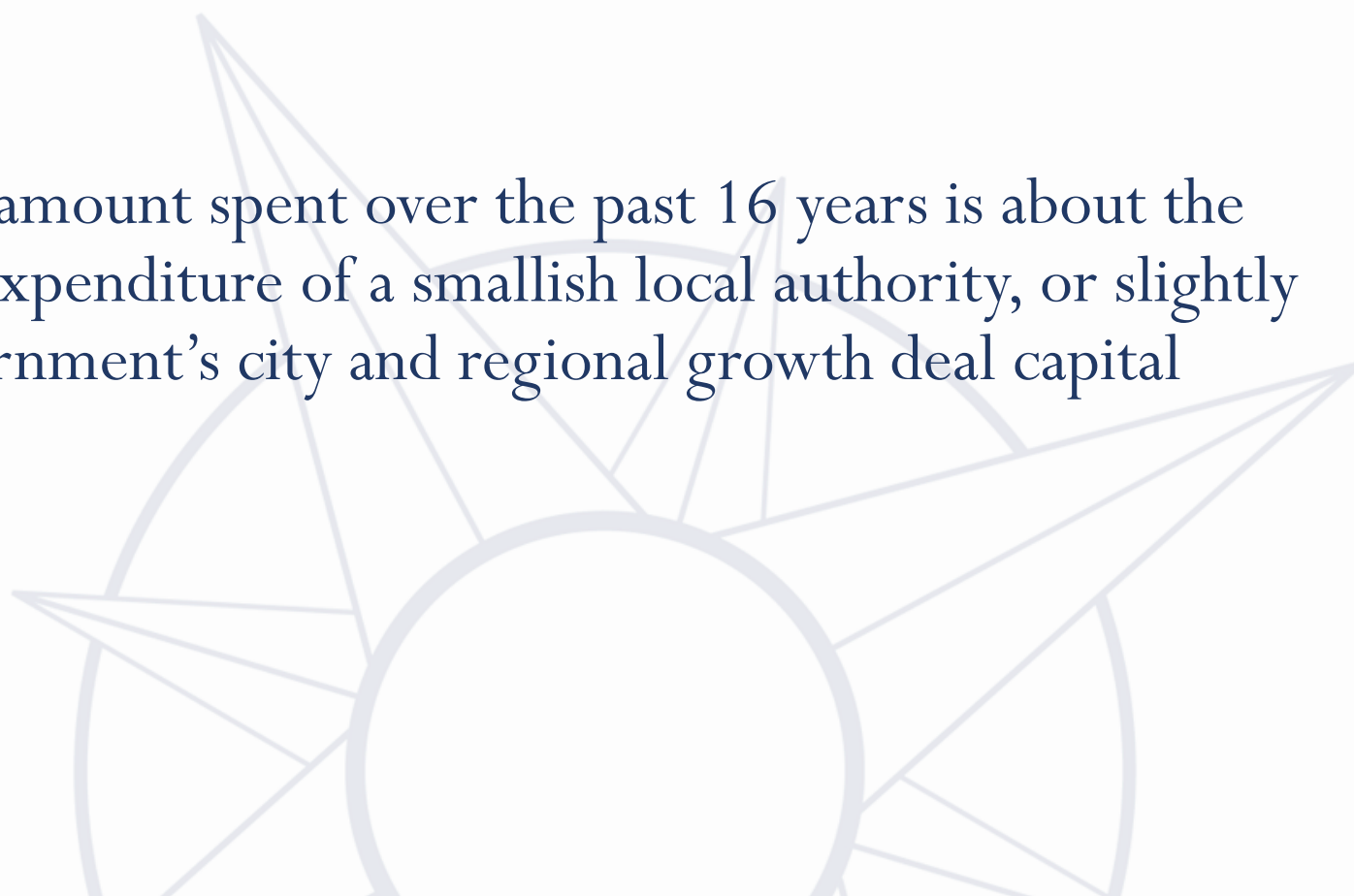
- Scottish Child Abuse Inquiry -2014 -£95.3m
- Scottish Hospitals Inquiry - 2019 £25.4m
- Sheku Bayoh Inquiry – 2019 -£24.8m
- Scottish Covid-19 Inquiry – 2021 - £38.9m
- Professor Eljamel Inquiry- 2023 - £1.1 m
- Emma Caldwell Case Inquiry- 2024 Not started yet





SPICe COMMENT

- When put into 2024-25 prices, the total cost of the above inquiries is £240 million (thus far).
- To put this into context, the amount spent over the past 16 years is about the same as the annual revenue expenditure of a smallish local authority, or slightly more than the Scottish Government's city and regional growth deal capital investment in 2025-26.





Hidden Public Costs

- COSTS INCURRED BY PUBLIC BODIES PARTICIPATING IN PUBLIC INQUIRIES

HEALTH BOARDS

POLICE SCOTLAND

POLICE FEDERATION

CROWN OFFICE

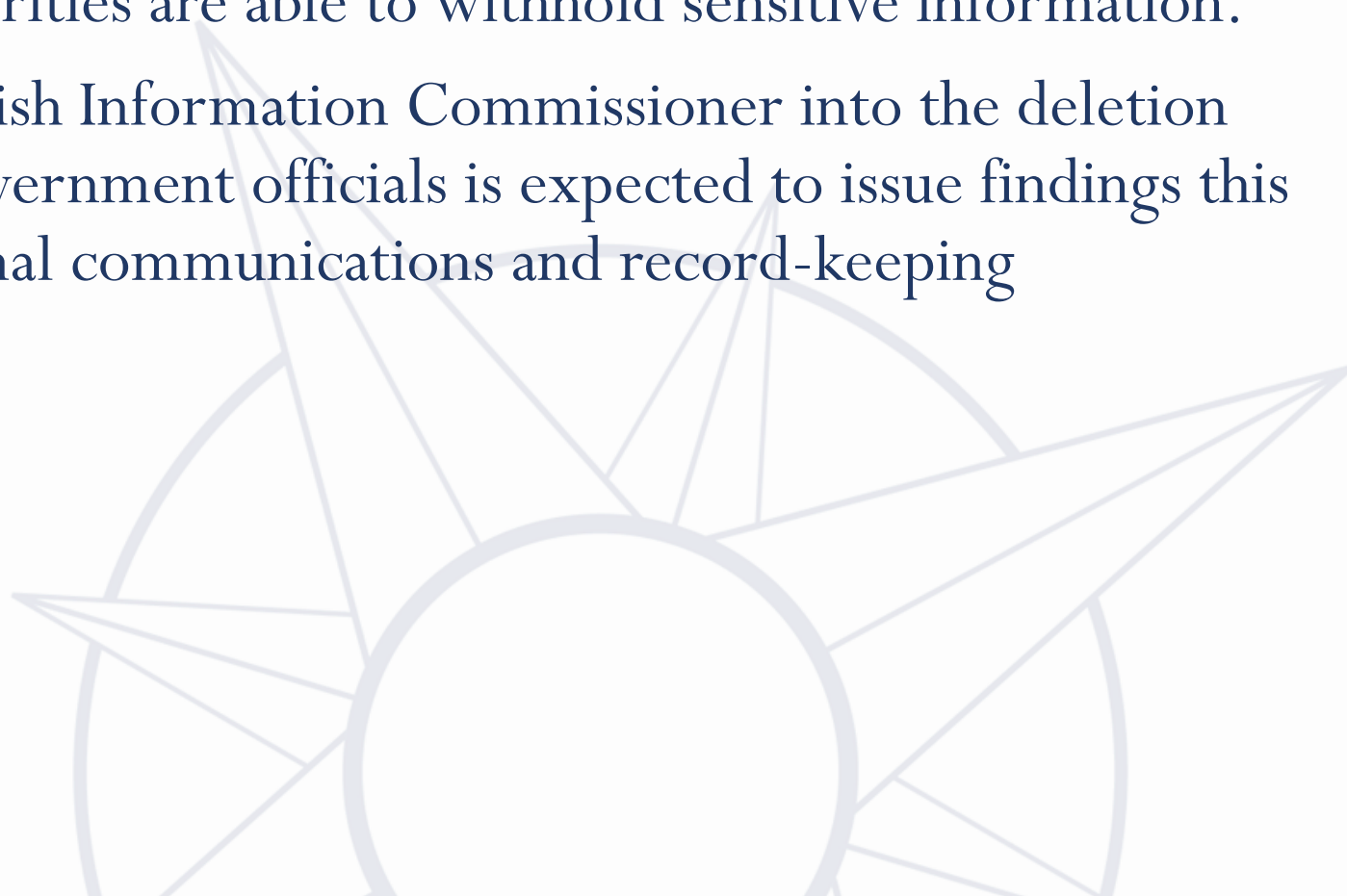
LOCAL AUTHORITIES





IN MAY 2025 SCOTTISH LEGAL NEWS REPORTED

- The Law Society of Scotland raised concerns about the effectiveness of inquiries, warning that authorities are able to withhold sensitive information.
- An investigation by the Scottish Information Commissioner into the deletion of electronic messages by government officials is expected to issue findings this summer on the use of informal communications and record-keeping





HILLSBOURGH LAW

- The Public Authority (Accountability) Bill, which was introduced by Andy Burnham in 2017
- Establish a statutory duty of candour on public authorities
- The 2017 Bill would also provide for parity of funding for bereaved people, to ensure equality of arms with the state.

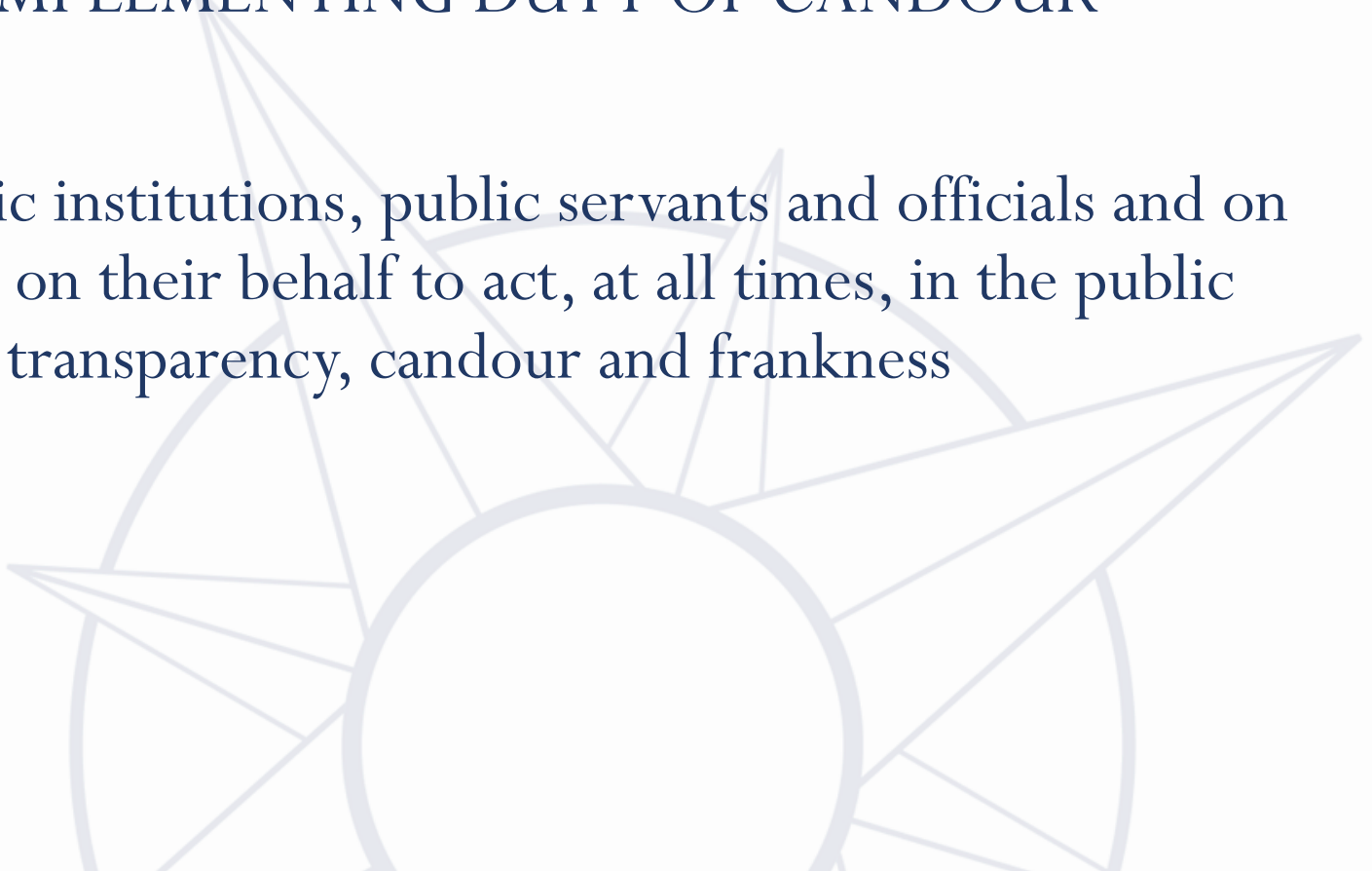




Public Authority (Accountability) Bill

PURPOSE OF ACT : IMPLEMENTING DUTY OF CANDOUR

S.1(1) Creates duties for public institutions, public servants and officials and on those carrying out functions on their behalf to act, at all times, in the public interest and with transparency, candour and frankness





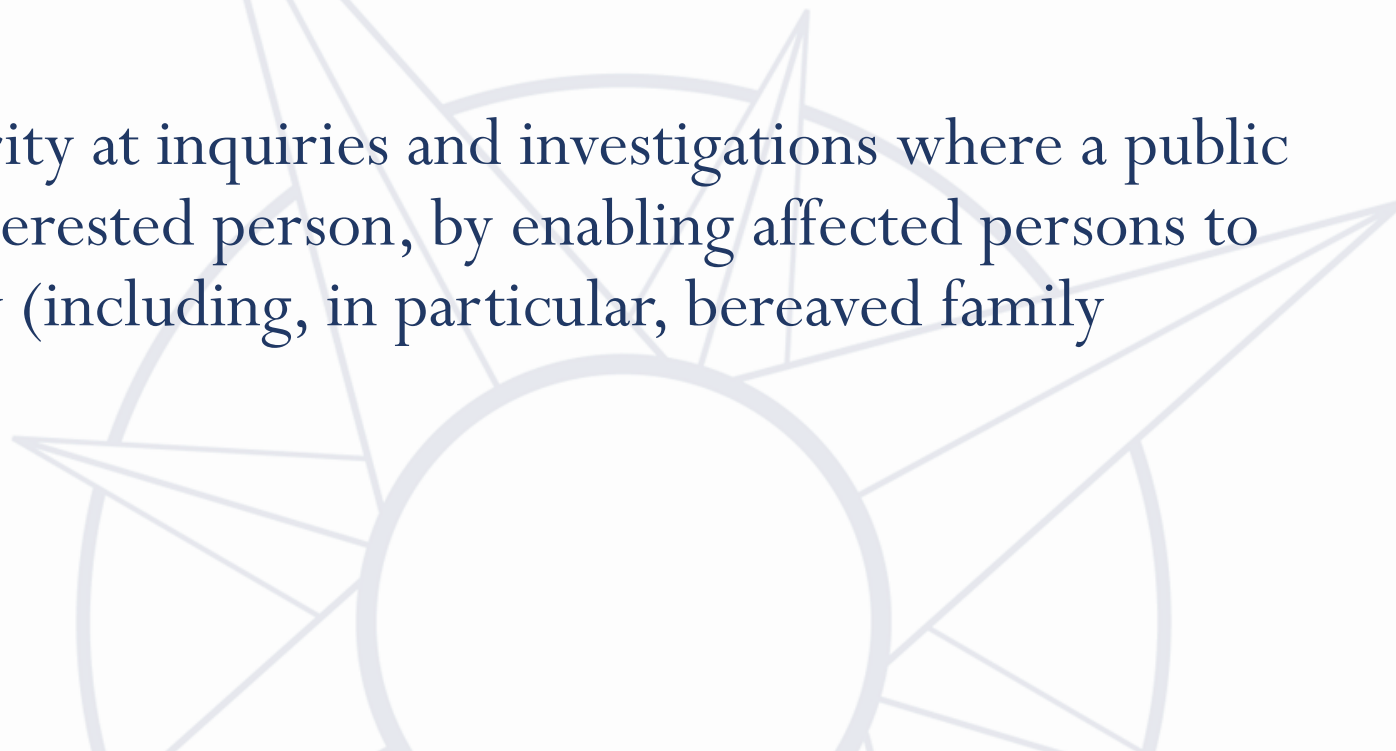
S.1(2) This Act does so by -

- (a) Public authorities and public servants and officials have a duty to assist court proceedings, official inquiries and investigations and imposes criminal liability for breach (Chap 1 of Part 2)
- (b) Public authorities require to promote and maintain ethical conduct, candour, transparency and frankness within all parts of the authority (Chapter 2 Part 2)
- (c) imposes criminal liability on authorities and officials who mislead the public in ways that are seriously improper (Chap 3 of Part 2)



(d) imposing criminal liability for seriously improper acts by individuals holding public office and for breaches of duties to prevent death or serious injury(Part 3)

(e) making provision about parity at inquiries and investigations where a public authority is a participant or interested person, by enabling affected persons to participate fully and effectively (including, in particular, bereaved family members) (Part 4)



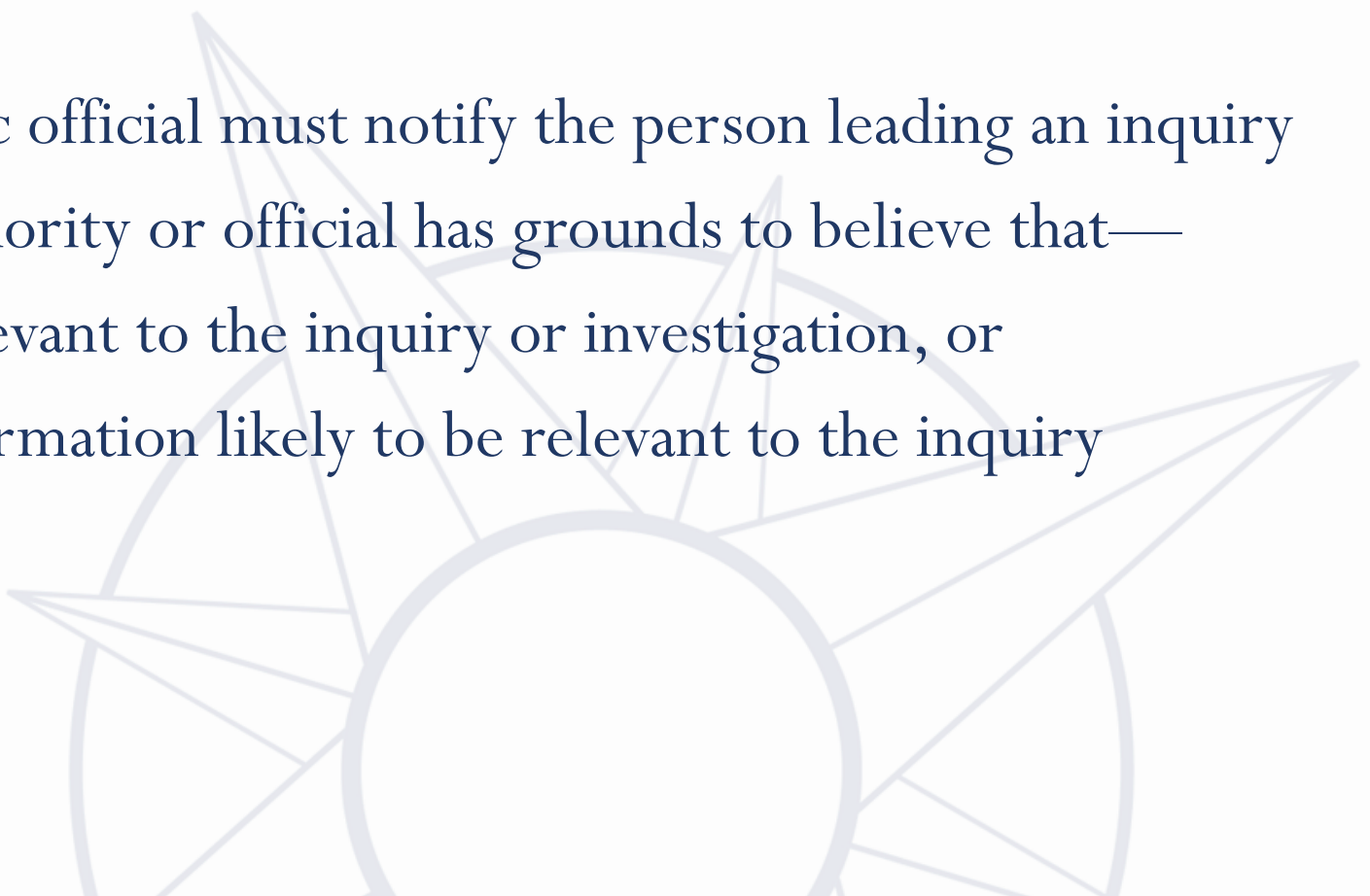


Chapter 1 Inquiries and Investigations

DUTY OF CANDOUR AND ASSISTANCE:

(3) A public authority or public official must notify the person leading an inquiry or investigation where the authority or official has grounds to believe that—

- (a) their acts are or may be relevant to the inquiry or investigation, or
- 25(b) they otherwise have information likely to be relevant to the inquiry or investigation





- 4) A public authority or public official must provide all such assistance as they can reasonably give to assist an inquiry or investigation to meet its objectives, and (in particular) must—
- (a) where the authority or official has information that is likely to be relevant to the inquiry or investigation, provide that information;
 - (b) where any such information is likely to be of particular significance to the inquiry or investigation, draw attention to that fact;
 - (c) if any errors or omissions are discovered in information previously provided, correct those errors or omissions;
 - (d) in the case of a public authority, provide a position statement;
 - (e) where requested by the person leading the inquiry or investigation, provide further information or clarification or comply with other requirements, so far as reasonably practicable.



(5) Where a public authority is subject to the obligations in subsection (3) or (4), the public official who is in charge of the authority must take all reasonable steps to secure that the authority complies with those obligations.

(6) In complying with obligations arising under this section, a public authority or public official must act—

(a) expeditiously, and

(b) without favour to their own, or another person's, position.



4 Extension of duty to other persons with public responsibilities

(1) A person who—

(a) is not a public authority or public official, but

(b) had a relevant public responsibility in connection with an incident,

must comply with the duty of candour and assistance in relation to an inquiry or investigation being held in connection with the incident.

(2) A person had a “relevant public responsibility” in connection with an incident if—

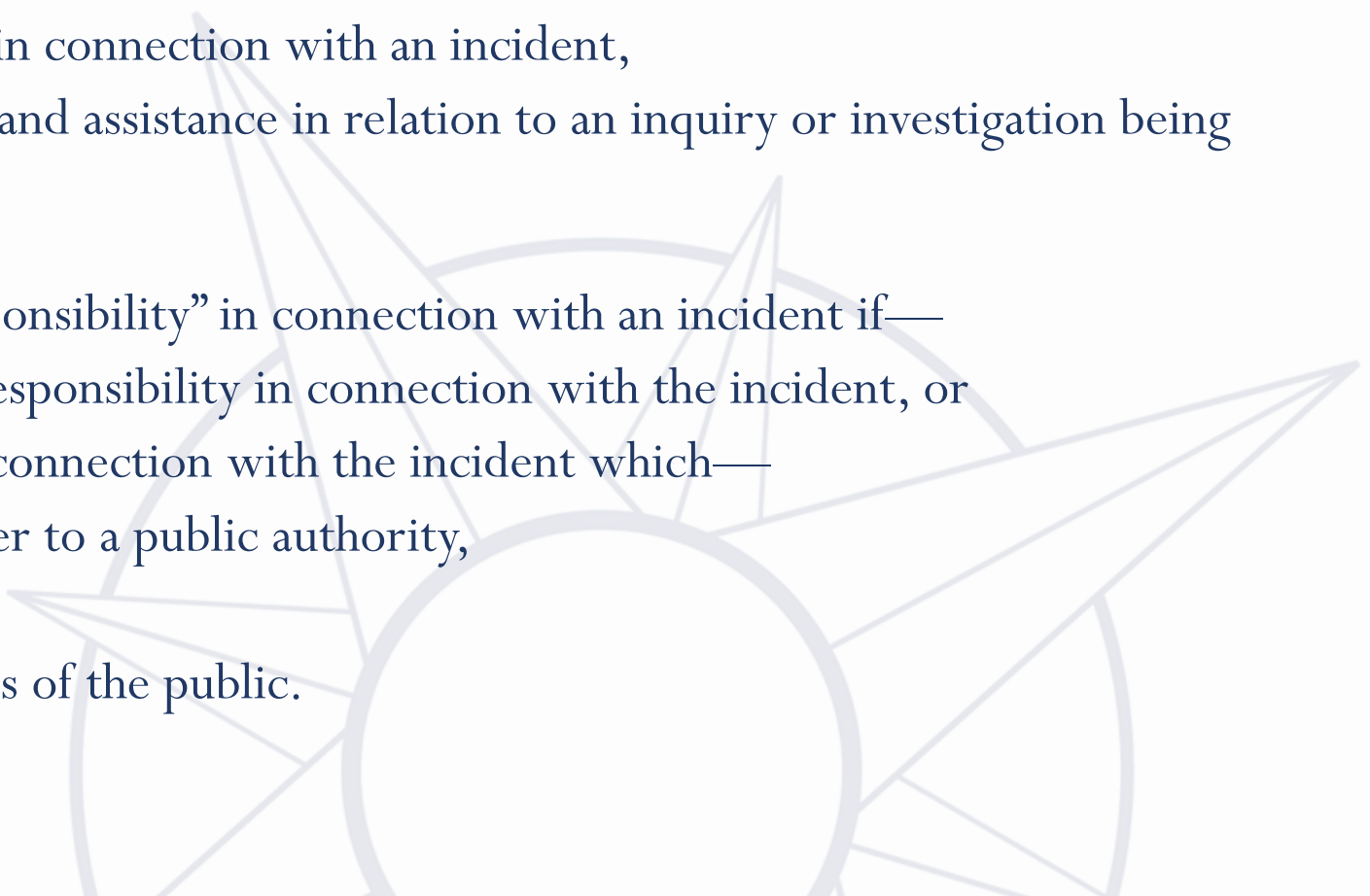
(a) the person had a health and safety responsibility in connection with the incident, or

(b) the person carried out activities in connection with the incident which—

(i) were carried out as a service provider to a public authority,

and

(ii) had a significant impact on members of the public.





5 Offence of failing to comply with duty

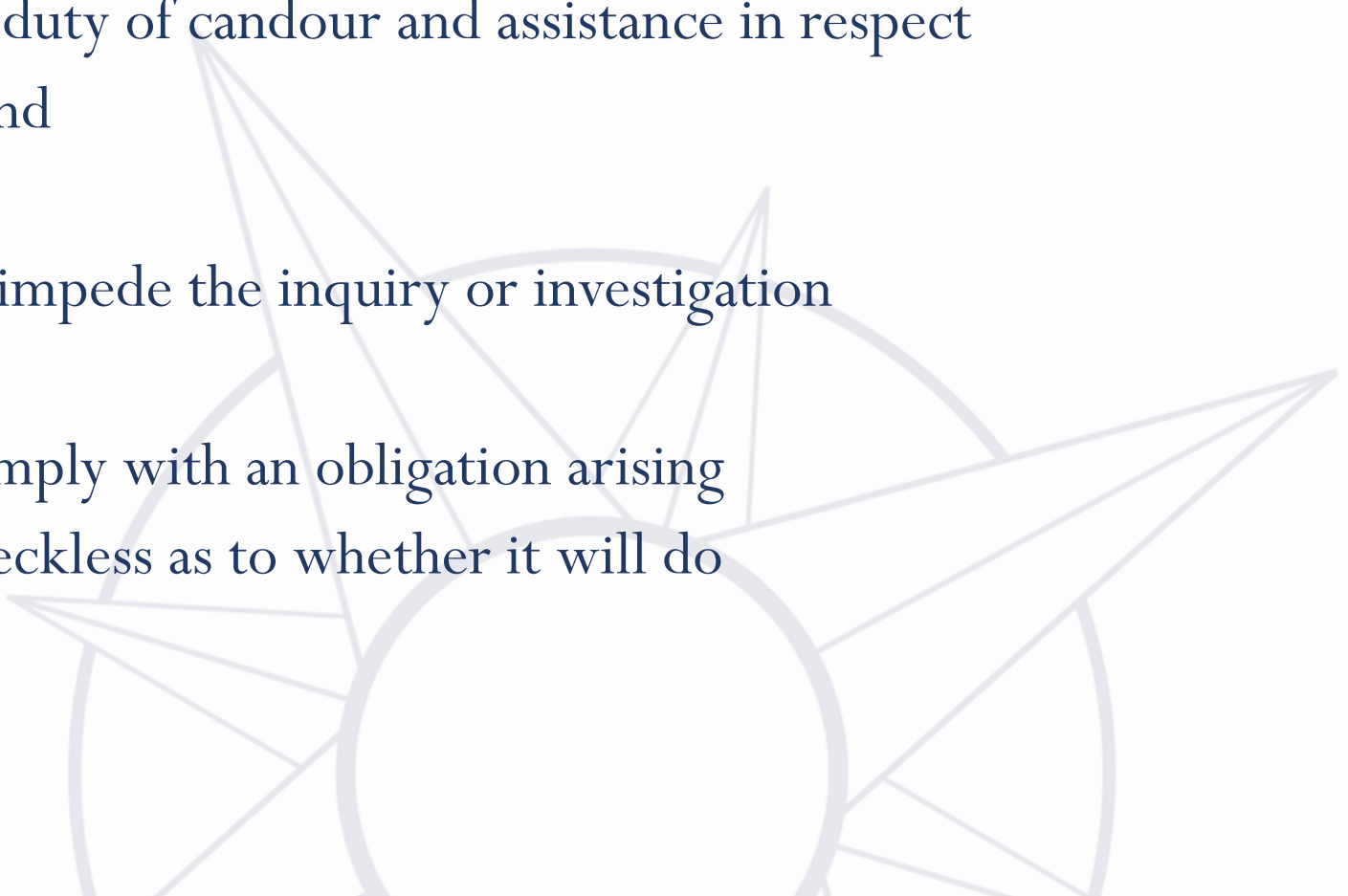
(1) A person commits an offence if—

(a) they fail to comply with the duty of candour and assistance in respect of an inquiry or investigation, and

(b) they—

(i) intend that their failure will impede the inquiry or investigation achieving its objectives, or

(ii) in the case of a failure to comply with an obligation arising under section 2(4) or (5), are reckless as to whether it will do so.





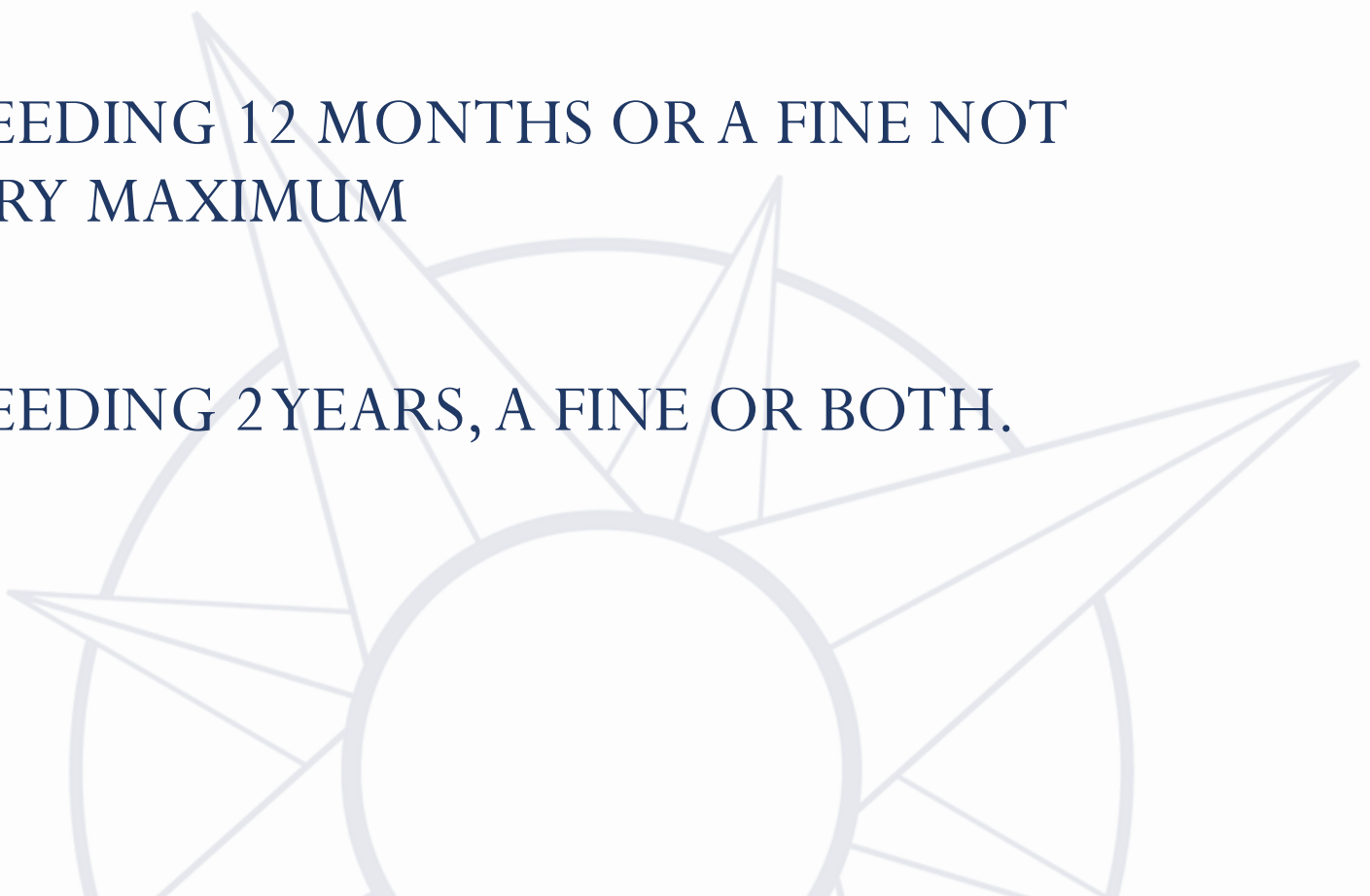
PUNISHMENT

- SUMMARY

IMPRISONMENT NOT EXCEEDING 12 MONTHS OR A FINE NOT EXCEEDING THE STATUTORY MAXIMUM

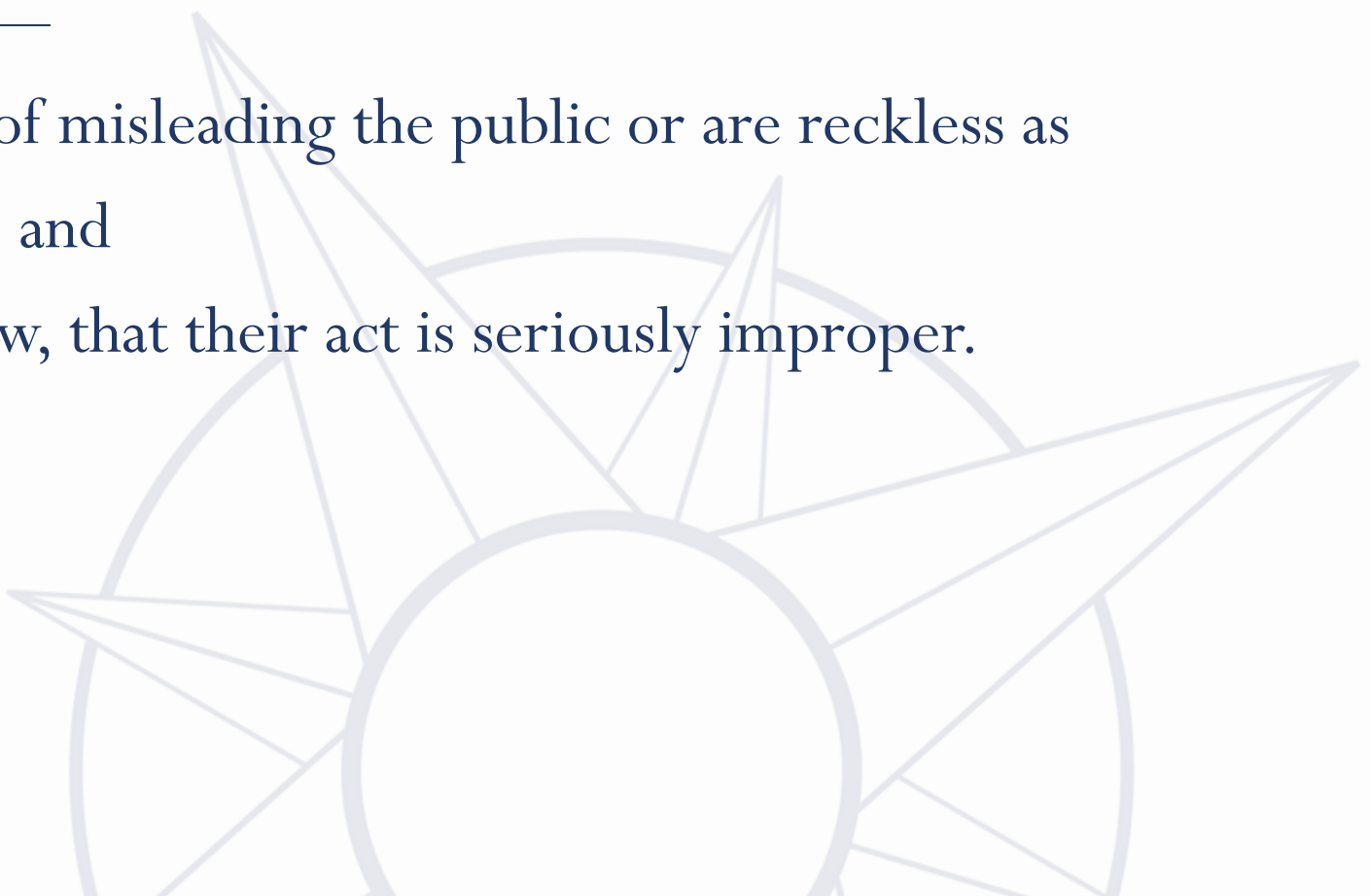
- INDICTMENT

IMPRISONMENT NOT EXCEEDING 2 YEARS, A FINE OR BOTH.





11 OFFENCE OF MISLEADING THE PUBLIC

- (1) A public authority or public official commits an offence if, in their capacity as such an authority or official—
- (a) they act with the intention of misleading the public or are reckless as to whether their act will do so, and
 - (b) they know, or ought to know, that their act is seriously improper.
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PART 4 PARTICIPATION OF PERSONS AT INQUIRIES AND INVESTIGATIONS

- 1) Schedule 6 contains amendments to legislation, and other provision—
 - (a) requiring public authorities to have regard to guidance setting out principles that promote the need to—
 - (i) act with candour, transparency and frankness in their dealings with UK inquiries and investigations,
 - (ii) support the inquisitorial nature of UK inquiries and investigations,
 - (iii) assist UK inquiries and investigations to meet their objectives,and
 - (iv) help UK inquiries and investigations to facilitate the participation of certain descriptions of persons (“affected persons”);



(b) requiring that public authorities engage legal representatives to act for them at UK inquiries and investigations only if, and so far as, necessary and proportionate having regard to—

(i) the comparative position of affected persons in respect of their means to engage legal representatives

(ii) the nature and extent of the obligations of public authorities to assist in respect of disclosure and other matters, and

(iii) the importance of the issues under investigation and the need for those issues to be investigated fairly, proportionately, expeditiously and cost-effectively;



- (c) enabling concerns to be raised over the conduct of a public authority or its legal representatives and requiring a response to any such concerns;
- (d) requiring those conducting or participating in UK inquiries held under the Inquiries Act 2005 and inquests to have regard to an overriding objective aimed at ensuring (among other matters) that affected persons are able to participate fully and effectively in proceedings at the inquiry or inquest;
- (e) providing for legal aid to be made available, without a means test, to bereaved family members at inquests where a public authority is an interested person.



WHAT THE FUTURE HOLDS?



Compass Chambers



Parliament House

Edinburgh

EH1 1RF

DX 549302, Edinburgh 36

www.compasschambers.com

Clare Connelly,

Advocate

07957113833

clare.connelly@compasschambers.com

Gavin Herd

Practice Manager

Phone: 0131 260 5648

Fax: 0131 225 3642

gavin.herd@compasschambers.com