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Kenneth Gibson
Convener
Finance and Public Administration Committee
The Scottish Parliament
Edinburgh
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20 March 2026

Dear Kenneth,

REPORT ON THE COST-EFFECTIVENESS OF SCOTTISH PUBLIC INQUIRIES

I was pleased to contribute to the Committee's debate on its report on the Cost-effectiveness of Scottish Public Inquiries held on 26 February 2026. In my contribution to that debate I committed to provide the Committee with some additional assurance that the Scottish Government will engage positively with the recommendations contained in the Committee's report. To that end, my original written response should be read in conjunction with this letter.

A point that was made repeatedly during the debate concerned the Committee's desire to see timescales and budgets specified from the outset of an inquiry. I understand the considerable frustration that can arise when a public inquiry takes an extended period of time to complete its investigation and deliver its findings. Total costs are closely linked to an inquiry's duration so the Committee's recommendations which link the two aspects are understandable.

It is in everyone's interests, especially those most closely affected by the matter being investigated by an inquiry, such as victims and survivor groups, that an inquiry progresses timeously. Ministers are already able to specify certain timescales in relation to an inquiry and we will continue to consider whether that is necessary or desirable when agreeing inquiry terms of reference with the independent Chair on a case by case basis. I recognise that doing so may help to limit public expenditure. In addition, as I indicated in my initial response to the Committee, it would be possible to make provision by primary legislation in respect of budgets for those public inquiries relating to devolved matters. The Committee will understand that such legislation would be for a future administration to consider.

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During the debate several Members raised the issue of how to manage potential conflicts of interest when establishing public inquiries or amending their Terms of Reference. The recommendation at paragraph 81 of the Committee's report asks that the Scottish Government publishes comprehensive guidance covering all aspects of potential conflicts of interest. I can confirm that the Scottish Government will prepare and publish updated guidance which explains the requirements on all concerned. As I said during the debate, all Ministers are personally responsible for ensuring that no conflict arises, or could be perceived to arise, and to make sure that that is acknowledged straight away.

Finally, I wish again to express my view that consideration of significant changes to the system of public inquiries in Scotland is best approached on a cross-party and cross-parliamentary basis, and any decisions on legislation will of course be for a future administration.

I thank the Committee for its detailed scrutiny of this very important matter.

Yours sincerely,



KATE FORBES

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