

Inquiry into the cost-effectiveness of Scottish public inquiries

Purpose

1. The Committee is invited to take evidence from the following witness in relation to the Committee's inquiry into the cost-effectiveness of Scottish public inquiries—
 - Professor Sandy Cameron CBE.

Inquiry remit and approach

2. The Committee agreed on 1 April 2025 to carry out a short, focussed [inquiry into the cost-effectiveness of Scottish public inquiries](#), with the following remit—
 - to foster greater understanding of the current position with public inquiries in Scotland, including their number, timescales, extensions to remit, costs, categories of spend and outstanding recommendations
 - to enhance clarity around the purpose, framework and decision-making process for establishing public inquiries and their terms of reference, and whether any improvements are required
 - to establish if public inquiries in Scotland deliver value for money, the extent to which spending controls are necessary, and how they might be implemented while maintaining the independence and effectiveness of inquiries
 - to identify examples of good practice (in Scotland or elsewhere) which ensure cost-effectiveness
 - to identify alternatives to the Scottish inquiry model, including how such alternatives may work, deliver outcomes and value for money.
3. The inquiry will not make recommendations on the merits or otherwise of individual Scottish Government decisions on whether to hold a specific public inquiry, or recommendations made by individual public inquiries.
4. The Committee ran a [call for views](#) from 4 April to 9 May 2025. At the time of writing 13 submissions have been received. The questions asked in the call for views are attached at Annexe A. A summary of responses is being produced and will be published shortly. [Published responses](#) are available on the Committee's webpage.
5. The Committee has also written to the [Scottish Government](#) and current public inquiries ([Scottish Child Abuse Inquiry](#), [Scottish Hospitals Inquiry](#),

[Scottish Covid-19 Inquiry](#), [Eljamel Inquiry](#) and [Sheku Bayoh Inquiry](#)) seeking additional information. Responses to these letters are expected by 23 May 2025.

6. A [SPICe briefing](#) providing background information on the area has also been published, to inform the evidence sessions for this inquiry.

Written submission 20 May session

7. A written submission has been received from Professor Sandy Cameron CBE. This is attached at Annexe B. Some key issues raised in the submission are summarised below—

- Long running inquiries risk losing public interest and may add pressure to witnesses who are desperate for an outcome. There is also a risk of “compassion fatigue” for participants.
- The Independent Jersey Care Inquiry (IJCI) was estimated to take three months to hear evidence and around 6 months to produce a report of findings and recommendations. It was expected to cost £6m. The IJCI panel sat for two years and cost £23m. The largest element of the costs was for legal fees even though these had been negotiated by the panel to the lowest possible level.
- Reasons for rising costs included difficulty in managing the legal costs and holding the solicitors to the Inquiry to budget. “It has to be recognised that inquiries are a source of substantial income for some large legal firms and as such the question arises as to the extent to which they are motivated to keep costs to a minimum and within budget”.
- Other reasons included an expanded timescale as a result of the time taken to identify witnesses and take statements. More witnesses came forward as the inquiry proceeded. Redaction of documents by “expensive” lawyers also added to cost and extended timescale.
- For the final stage of hearings, the panel met with witnesses either individually or in small groups to give their evidence in public outwith the formal Hearing Room. Lawyers were not involved in this process. This informal approach was beneficial for witnesses to share their experiences and could be adopted rather than the more intimidating quasi-judicial approach with questions from counsel.
- There was an agreement that the number of recommendations made should be kept small. It was stated that a “mechanism should be established to monitor and verify the implementation of the recommendations”. The agreed approach was for the Panel “to return to the island in two years to hear from those providing services and those receiving them”. The inquiry team visited in this timescale and published a progress report. This is believed to be a unique approach that was well received by those involved.
- Many recommendations are repeated over time with each child care inquiry. This pointed to ineffective implementation of recommendations.

- All inquiries whether they are dealing with victims or not have a stated objective of learning lessons and avoiding the recurrence of failures in the future. Measuring the effectiveness of public inquiries is problematic as it is rarely clear what this is to be measured by. There is a need for further research and investigation into effectiveness.
- There is little measurement of the extent to which recommendations are fully implemented and whether they prove to be effective.
- The submission suggests several ways of achieving better outcomes at less cost:
 - some statements could be recorded differently reducing legal costs
 - informal approaches to evidence taking
 - take a more inquisitorial approach than an adversarial approach
 - standardised approach to the practicalities would reduce start up time and costs
 - transparency of costs
 - hidden costs for public bodies (e.g. redaction of documents)
 - opportunity costs for participants both in terms of finance but also in terms of staff time
 - inquiries could work to set budgets and timetable
 - alternatives to judge-chaired inquiries, such as a social work professional.

8. Professor Cameron was also part of the programme team from the Scottish Universities Insight Institute examining “[What are Public Inquiries meant to achieve and how can we do it faster, better, cheaper?](#)”¹. Some key issues raised in the report of the participation event are also summarised at Annexe C.

Next steps

9. The Committee will continue taking evidence in relation to its Scottish public inquiries inquiry during May and June and is expected to report its findings in autumn 2025.

Committee Clerking Team
May 2025

¹ What are Public Inquiries meant to achieve and how can we do it faster, better, cheaper?, Scottish Universities Insight Institute, 2017. Available at: https://www.scottishinsight.ac.uk/Portals/80/ReportsandEvaluation/Programme%20reports/Public%20Inquiries_Summary%20Report.pdf?ver=2017-09-27-161533-463

Cost-effectiveness of Scottish Public Inquiries inquiry: call for views

1. How effective is the current model of public inquiries in Scotland, and to what extent does it deliver value for money?
2. Is there sufficient transparency around the purpose, remits (including any extensions), timescales, costs and effectiveness of public inquiries and what, if any, improvements are required?
3. Are the current legislative framework and decision-making processes for establishing public inquiries adequate, and what, if any improvements are required?
4. Are the processes for setting and monitoring costs for public inquiries adequate? What measures should be put in place at the establishment of a public inquiry to ensure value for money and prevent time and cost overruns?
5. What is the best way to ensure cost effectiveness of public inquiries while maintaining their independence?
6. What, if any, measures should be put in place to ensure recommendations made by public inquiries are implemented in a timely way?
7. What alternatives to the current model of public inquiries should be considered when particular events have, or could cause, public concern? Are there examples of good practice from other countries that Scotland could learn from?

Written submission from Professor Sandy Cameron CBE received 14 May 2025

Background

This brief note is based on my experience of sitting as a panel member on the Independent Jersey Care inquiry between 2014 and 2017. Previously I had been Executive Director of Social Work in South Lanarkshire Council and Chairman of the Parole Board for Scotland. Following the Jersey Inquiry I was involved with my colleague Alyson Leslie in exploring the effectiveness of child care inquiries and subsequently in work with the University of Northumbria to explore the effectiveness of Inquiries into the care and protection of children. Unfortunately this work was interrupted by Covid.

Prior to the commencement of the Scottish Child Abuse Inquiry I gave a presentation to senior Scottish Government and Local Authority officials to assist with preparation for the Inquiry. In that presentation I made the comment that you could confidently predict that such inquiries will last longer than anticipated and cost more than budgeted for. That predictions demonstrated to have been correct in that the Scottish Child Abuse Inquiry has now been running for 9 years which is 5 years longer than originally expected and has cost in excess of £90m. The same pattern can be seen in relation to other public inquiries into non child care matters.

The Independent Jersey Care Inquiry (IJCI)

The inquiry was established under Jersey law to look into historic abuse of children in care which had been highlighted by the police investigation at the Haut de la Garenne children's home which attracted global media interest.

The Inquiry was originally scoped to take three months to hear evidence and around 6 months to produce a report of findings and recommendations. It was expected that the cost would be £6m. Within a few weeks of getting underway it became clear that the costs would be much higher and the timescale would be longer. In the end the panel sat for two years and the costs rose to £23m. The largest element of the costs were in relation to legal fees despite the fact that these had been negotiated to lowest possible level by the panel at the outset. The cost level was in many ways also the result of difficulty in managing the legal costs and holding the solicitors to the Inquiry to the budget. It has to be recognised that inquiries are a source of substantial income for some large legal firms and as such the question arises as to the extent to which they are motivated to keep costs to a minimum and within budget. The timescale expanded as a result of the time it took to identify witnesses and take statements and as the inquiry proceeded more witnesses came forward. The redaction of documents by expensive lawyers also added to cost and extended timescale.

The inquiry followed a quasi judicial format with witnesses appearing under oath and being questioned by Counsel to the Inquiry. Further questions were put to witnesses by the panel members. With a few exceptions all evidence was given in public. For the final stage of hearings the panel decided to introduce a new format whereby witnesses either individually or in small groups met around a table with the panel to give their evidence. This was done outwith the more formal Hearing Room but with members of the public being present. Lawyers were not involved in this process. This approach allowed for witnesses to make their views and experiences known in a much less formal and intimidating manner but nonetheless added considerably to the information the panel were able to take into account. This method demonstrated in our opinion that alternative approaches could be adopted which nonetheless gave witnesses the opportunity to have their stories and views heard in public.

The report took around a year to write. We were agreed that we should aim to make the number our recommendation as short as possible and therefore 8 recommendations were made. In addition we stated that “mechanism should be established to monitor and verify the implementation of the recommendations” and that a transparent way of doing this would be for the Panel “to return to the island in two years to hear from those providing services and those receiving them.” All the recommendations were accepted and the Panel returned in 2019 for two weeks during which we heard from a range of interests as to what progress was being made. A further report was published indicating where we considered good progress had been made and importantly where more progress needed to be made. This was well received particularly by survivors many of whom asked if we would return in a further two years. We declined to do this on the basis that we believed that ongoing responsibility had to lie with the States of Jersey and its citizens. To the best of our knowledge this is the only occasion on which an Inquiry Panel has reviewed and reported on progress with its recommendation.

Effectiveness

The first UK Inquiry was held into the death of a foster child Dennis O’Neil in 1945. It was chaired by Sir Walter Monkton KC who commenced in March and reported in May. His report was 15 pages long and the recommendations he made have been repeated in every child care inquiry since then. Clearly since then Inquiries have hugely expanded both in terms of their costs and their timescales.

Measuring the effectiveness of public inquiries is problematic since it is rarely clear what it is to be measured by. There is a need therefore for further research and investigation into effectiveness. Broadly the objective of inquiries can be to give victims/survivors a voice but the extent to which victims/survivors feel this has been achieved tends not to be measured. This is part of finding out what happened and then holding institutions and people accountable. From the victim point of view the question which needs to be explored is whether they feel that justice has been served. All inquiries whether they are dealing with victims or not have a stated objective of learning lessons and avoiding the recurrence of failures in the future. There is however little measurement of the extent to which recommendations are fully implemented and whether they prove to be effective. In the case of child abuse inquiries it is the fact that very similar findings and recommendations have been made time after time since Dennis O’Neil which might be seen as an indicator that

the lessons have not been learned. The IJCI uniquely went back to review progress with implementation. Should there not therefore be a process built into inquiries to review progress and report on implementation with a view to both ensuring that lessons had indeed been learned and the cost of the inquiry had delivered value.

Costs

The costs of public inquiries are very high indeed as is shown in the Committee papers with the current cost of the Scottish Child Abuse Inquiry sitting at more than £90m and the Sheku Bayoh inquiry at more than £23m. The major element of these costs lie in legal costs. Lord Saville said 'lawyers are expensive, very expensive'. High costs such as these must raise questions as to the opportunity costs of inquiries and whilst there is undoubtedly a need and demand for inquiries into matters of great public interest and concern questions need to be asked as to whether there should be alternative ways of giving voice and learning lessons. Whilst legal input will of course be necessary for some aspects are there not other ways of achieving the same or indeed better outcomes at less cost? Some questions which should be asked are:

Could we do it differently?

Do statements need to be taken in every case or can they be recorded differently? (In Jersey every statement required two solicitors to be involved at considerable hourly rates)

Could there be more roundtable discussion with witnesses?

Would witnesses be more comfortable with more informal approaches to enabling them to tell their stories?

Can we emphasise an inquisitorial approach rather than the more adversarial approach which lawyers often take?

Inquiries have to start from scratch. Could there be a more standardised approach to the practicalities to help reduce start up time and reduce costs?

Are the true costs recognised?

What are the hidden costs for participants such as local authorities in e.g. preparing documents? Redaction alone can cost a great deal.

What are the opportunity costs for participants both in terms of finance but also in term of staff time?

There is a need to examine ways in which the costs of inquiries can be contained without being seen to compromise independence. Could inquiries be expected to work to set budgets and timetables as opposed to the somewhat open ended arrangements which pertain at present and which too often result in escalating costs.

There needs to be consideration as whether it is necessary to have Inquiries chaired by judges as seems to be the prevailing view. Other professionals are well able to undertake this role as is demonstrated by the fact that Prof Alexis Jay, a social work professional, chaired the major Independent Inquiry into Child Sexual Abuse. (IICSA)

Conclusions

Public Inquiries are without doubt important in giving a voice to victims/survivors in some cases and in all cases identifying what went wrong and learning lessons. The very lengthy timescales for many inquiries to reach their conclusions may mitigate against that however therefore the question of how best to manage timescales without compromising independence must be explored. Inquiries which run for many years risk losing public interest and may add pressure to witnesses who are desperate for an outcome. There is also a risk of compassion fatigue for participants.

Essentially we need to ask the questions what are Inquiries trying to achieve and could they be done differently? If we were starting from scratch could we devise a process which was more effective and less costly?

The objective of the work which I referred to above with the University of Northumbria was to explore whether a body could be established to undertake research on this topic and to develop alternative ways of dealing with issues of concern which would deliver best outcomes for victims and survivors in particular.

Summary of What are Public Inquiries meant to achieve and how can we do it faster, better, cheaper? By the Scottish Universities Insight Institute

- The participation event focused on care inquiries and the function, operation and outcomes of child care inquiries, though much of the discussion had applications for other forms of public inquiries.
- There were differing expectations about the purpose and outcomes of an inquiry from politicians, victims and families, the media and the wider public. It was acknowledged that these differing expectations could/had become incompatible and unachievable. One factor giving rise to unrealistic expectations of inquiries was “the lack of understanding by politicians and public of how and why they operated in the way they do”.
- The quasi-judicial approach of UK inquiries contrasted markedly with models used in other European inquiries which appeared to deliver findings and outcomes faster and in shorter timescales and at less cost.
- Experience of participants was that the inquiry process was often indistinguishable from adversarial proceedings rather than an ‘inquisitorial’ approach.
- The UK approach meant evidence to inquiries was prepared to the standard and in the manner of criminal proceedings. Other countries took a research-based approach which maintained the integrity of the evidence but at a lower cost.
- The UK model could result in years between an adverse event and the dissemination and adoption of learning from the case, by which time practice and policy had often moved on and recommendations from inquiries could become outdated by the time they were published.
- Parallel processes of inquiry and investigation in the UK, such as, criminal investigation, health and safety, fire investigation, serious case review, coroner inquest, fatal accident inquiry raised concerns about how well they are co-ordinated and the extent to which there was overlap with the work of a subsequent public inquiry.
- The absence of research into inquiry methodologies and outcomes was seen as a crucial shortcoming.
- Overall, there was consensus that the UK model of inquiry needed to adapt – though this depended on the matter to be inquired into and the needs of victims and families and how their needs might be met. Actions agreed were:
 - Collation and analysis of all the data and thinking captured from the events for publication.
 - Interviews to be undertaken with senior judges who had spoken on the need for a review of how inquiries were undertaken, and with chairs of major inquiries of the past 30 years to capture their views

- Develop a website to act as a point for collation of information on current inquiries, on inquiry processes and research on inquiries.
- Collaboration with a UK research institution with a combined law /social science faculty to pursue funding for some initial research into the effectiveness of inquiries.
- Briefings to parliamentarians across the UK jurisdictions and a public event to share the outputs of the SUII event