

Finance and Public Administration Committee  
21st Meeting 2025 (Session 6)  
Tuesday 17 June 2025

## **Inquiry into the cost-effectiveness of Scottish public inquiries**

### **Purpose**

1. The Committee is invited to take evidence from the following witnesses in relation to the Committee's inquiry into the cost-effectiveness of Scottish public inquiries—
  - John Sturrock KC;
  - John Campbell KC.
2. Both witnesses have experience of inquiries. John Sturrock KC also conducted a review into accusations of bullying and harassment in NHS Highland. John Campbell KC was counsel for Lord Fraser's inquiry into the design, construction, and cost of the Scottish Parliament building.

### **Inquiry remit and approach**

3. The Committee agreed on 1 April 2025 to carry out an [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.
4. 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.
5. The Committee ran a [call for views](#) from 4 April to 9 May 2025. Fifteen submissions have been received, as well as six written submissions

received after the call for views closed, which are available under [correspondence to the inquiry](#). [Published responses](#) are available on the Committee's webpage and a summary of those responses has also been [published](#).

6. The Committee has also written to the Scottish Government and current public inquiries seeking additional information. Responses to these letters have been received and are linked below:

- [Scottish Government](#)
- [Eljamel Inquiry](#)
- [Scottish Covid Inquiry](#)
- [Sheku Bayoh Inquiry](#)
- [Scottish Child Abuse Inquiry](#)
- [Scottish Hospitals Inquiry](#)

7. A [SPICe briefing](#) providing background information on the area has also been published along with an [updated cost table](#), to inform the evidence sessions for this inquiry.

## Previous evidence sessions

8. The Committee has taken evidence:

- [20 May 2025](#), from Professor Sandy Cameron CBE
- [27 May 2025](#), from Rt. Hon. Lord Hardie, Former Chair, Edinburgh Tram Inquiry; Dr Emma Ireton, Nottingham Trent University; Law Society of Scotland; Faculty of Advocates; and Compass Chambers
- [3 June 2025](#), from the Institute for Government and NHS National Services Scotland
- 10 June 2025, from the Crown Office and Procurator Fiscal Service and Scottish Police Federation.

9. The following key issues were discussed at the evidence session on 10 June—

### Crown Office and Procurator Fiscal Service (COPFS)

- Work from public inquiries is demand led. A senior prosecutor or subject-matter expert would be assigned to a public inquiry. The public inquiry team can flex across inquiries and is developing expertise in this area.
- Public inquiries are a funding pressure and every year COPFS will discuss how its budget can meet this pressure, including making efficiency savings. On the impact of inquiries on resourcing other business, COPFS explained that staff working on inquiries could be deployed elsewhere e.g. clearing backlogs, but not all those staff would be prosecuting cases.

- COPFS and the Lord Advocate had given advice to the Scottish Government to inform its decision on whether to hold a Fatal Accident Inquiry or a public inquiry into the death of the Sheku Bayoh in custody. That advice was that there were matters that fell outwith the scope of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (the FAI Act) and that the case would benefit from a public inquiry.
- Ministers should set sharp and focussed Terms of Reference (ToR) to address timescales and costs at the outset. COPFS understood independence of an inquiry as a philosophical question. Once an inquiry is set up, imposing timescales and cost controls at the beginning potentially constrains an inquiry and so the Scottish Government would need to accept compromises have to be made. COPFS noted the approach could work in principle, though it risks compromising public trust in the inquiry.
- In terms of transparency and accountability of public inquiries, COPFS highlighted the use of a modular approach like the Scottish Child Abuse Inquiry, where interim recommendations are published, and costs are set out in inquiry annual report and accounts.
- In principle, COPFS was supportive of inquiries carrying out a review of implementation of recommendations, but it cautioned that this comes with a cost and that the Government and Parliament will have a view on the cost of implementing some recommendations and the impact they might have on the Scottish budget.
- COPFS suggested non-statutory inquiries could be more cost-effective. It pointed to examples, such as the two inquiries into the death of Surjit Singh Chhokar and the Angiolini Inquiry. COPFS noted that these inquiries did not hold public hearings and that this may have led to shorter timescales. On the need for statutory inquiries, which have powers to compel, COPFS recognised that in its case, as a public authority, the COPFS is there to be scrutinised. COPFS would actively assist inquiries, although there may be some information that cannot be released due to other rights.
- COPFS could see the advantages of having an independent body supporting public inquiries.
- It was explored whether providing advice on the “Rangers” case would present a conflict of interest for legal professionals. COPFS said it is required to keep Scottish Government up to date on the litigation and the progress of the investigation but noted that as an organisation to be inquired into there is a limit to what COPFS can say about holding a public inquiry. COPFS did not consider there would be a conflict of interest if the inquiry is Scottish judge led, as judges have experience of looking at matters concerning the actions of the COPFS or the Scottish Government.
- Choosing chairs is a matter for Government, though COPFS explained the skills that judges bring to an inquiry, they are independent, have a background in ensuring fairness and in making complex decisions and writing up those decisions. They are

also used to using power to compel the provision of evidence, so it is understandable why inquiries have become legalistic.

- Regarding increased demand for public inquiries, the COPFS considered the public's expectation of public organisations has increased and "to a large extent that is quite right".

## Scottish Police Federation (SPF)

- SPF said, "the amount of and the sheer task that public inquiries places on the police service, resource wise, is quite extraordinary".
- The Sheku Bayoh Inquiry has cost Police Scotland £25 million. SPF explained taking this figure, would equate roughly to "500 police officers", and that the current resourcing levels within Police Scotland is having an "absolute detrimental effect".
- With regard to the pressure the police force is under, and the impact on day-to-day policing, SPF drew attention to a recent FOI about a Glasgow Division which showed one Detective Inspector is in charge of 176 rape inquiries. To further demonstrate the resourcing impact, SPF said at one point 60 officers were involved with the Scottish Hospitals Inquiry and for the Sheku Bayoh Inquiry, 17 officers and senior staff have been involved in getting statements and preparing documentation. For the latter inquiry personnel cost is currently sitting at around £5 million.
- SPF said the impact on resources from the number of inquiries, has increased in recent years. This has led to some officers taking sick leave from work, "The knock-on effect is when you have so many officers going on to a day shift role doing inquiries, that leaves the operational roles short."
- Before agreeing a public inquiry, SPF said Scottish Ministers should carry out impact assessments for relevant agencies and their services. SPF's concern is that taking officers away from their duties to deal with public inquiries could result in more public inquiries in the future. It warned "we're going to have more public inquiries in 10 years' time because of items and cases that have been missed now". SPF highlighted that the Emma Caldwell Inquiry will be the biggest yet as the police will have to look back over 20 years.
- SPF stressed the inquiry system must be reformed and called for ring-fenced funding for public organisations involved in public inquiries to ensure services are not impacted.
- SPF also suggested that the scope of the FAI Act could be widened to improve the system.
- Finance issues are routinely raised with the Scottish Government. Specifically, SPF has raised the funding of the Emma Caldwell case with the Cabinet Secretary for Justice and Home Affairs, and though there has not been a response, a meeting has been offered.
- In relation to timescales and costs, SPF said public inquiries can "spiral and spiral" and this has an impact. Discussions with

- organisation like the police service or the NHS early on would enable the Scottish Government to quantify and set aside funding.
- Regarding public satisfaction, SPF thought there would be “small wins for public inquiries but inevitably not the satisfaction people want”, particularly as many organisations are making changes in advance of a public inquiry.
  - On the reasons as to why there are more public inquiries, SPF believed the general public are not satisfied with the public services they receive.
  - Responding to a question about whether the complexity of public inquiries is increasing, SPF believed that this is not necessarily the issue. Public organisations are siloed, SPF said, rather than working together to ensure such an incident doesn’t happen again.

## Written submissions of 17 June 2025 witnesses

10. Written submissions were received from the witnesses appearing at the Committee’s meeting on 17 June. These are attached at Annexe A. Some key issues raised in the submissions are summarised below.

John Sturrock KC

- **Concerns about the current model:**
  - (a) the cost of conducting public inquiries
  - (b) the time it takes to complete public inquiries
  - (c) their impact when they finally publish their conclusions, and
  - (d) whether or not their recommendations when made are actually implemented.
- **Lack of transparency:** There is insufficient transparency and scrutiny in particular around control over timescales and costs.
- **Effectiveness:** It is not clear whether a cost/benefit exercise is carried out for public inquiries to establish effectiveness, e.g. measuring their impact, implementation of recommendations, or their effect on public opinion.
- It is highlighted that the balance between the chair’s independence from external interference and value for public money is a delicate one.
- **Support and Monitoring:** Oversight of and support for the conduct of public inquiries, possibly by an independent regulator, would be beneficial.
- A parliamentary committee could be established to oversee implementation of recommendations, with annual reviews of progress. Alternatively, a statutory body could carry out this function. It is noted that a new ministerial accountability board is to be established to oversee the implementation of Fatal Accident Inquiry recommendations.
- **Chairing of public inquiries:** The emphasis on a judicial, detailed forensic approach can, it seems, lead to an overly legalistic approach generally.

- The present culture could lead to less openness and more defensiveness, making it less likely that the real facts will be revealed. This may be one reason that inquiries can take so long.
- Other skills that might be useful for someone chairing could be:
  - subject-matter expertise,
  - ability to cut through detail and identify key points,
  - delegation and management of time,
  - facilitation or inquisitorial skills, and
  - the ability to draw out quickly the underlying issues, key differences, and common ground.
- The pool for possible chairs could be expanded. Co-chairs with specialist knowledge could also be appointed.
- **Alternative models:** An example is given of an inquiry into NHS Highland which Mr Sturrock undertook in less than a year, which was estimated to cost under £150,000. It was acknowledged that this approach might not be right in all circumstances but there are other less costly and time-consuming options to address matters of public concern.

## John Campbell KC

- **Effectiveness:** This depends on the aim of the inquiry. Mr Campbell highlights a few examples. A politically motivated inquiry could be judged by those who commission it and by the informed public. Whereas an inquiry into actions judged to be negligent etc. should identify lines of responsibility and recommend measures against recurrence. An inquiry into wasted public money may be more like an audit.
- **Control and transparency of costs:** It is possible to track expenditure using management accounting as professionals have a charging rate. The budget can be controlled if this rate is known in advance. Publication of overall accounts would appear to be a necessary part of the process, though Mr Campbell sees no merit in publishing individual remunerations.
- Processes are adequate to control costs if there are strict and skilled project management and in-house management accounting. The use of digital technology is now essential and greatly assists the inquiry.
- Also, an inquiry team should be large enough to manage the data, but not so large as to be unwieldy.
- **Cost effectiveness:** Value for money is often measured by deemed public acceptability and is often guided by press headlines. Mr Campbell states that this “is the wrong measure”. A clear remit is an essential starting point. Once the remit is settled, the parties identified, and preparation time set aside, it is possible to reach a preliminary view about cost effectiveness, though this interim conclusion may change over time. He states that the best measure is not overall cost, but the effectiveness of the methods of

examination used to investigate the topic, as they correlate to the solutions or answers to be found by the inquiry.

- **Implementation of inquiry recommendations:** Mr Campbell suggests an annual half-day debate in the Scottish Parliament on, for example, “*This year’s Inquiries and their recommendations*” would assist with accountability for recommendation implementation. Also, delivering findings quickly is important and interim reports are often useful, in a long and complicated matter.
- **Alternative models of public inquiry:** An inquiry chair using a “quiet examination and questioning” can be effective and is often used in Planning cases. Mr Campbell, however, emphasises “cross-examination is undoubtedly the most effective method of securing evidence and admissions of negligence, wrongdoing, mistake or culpability” and states “careful taking of evidence in any format takes time”. He considers time and money are saved by maintaining a strict focus on the reason for the inquiry, and by refusing to allow the inquisitorial purpose to be diverted to a ‘blame-game’.

## Next steps

**11. The Committee will continue taking evidence in relation to this inquiry at future meetings.**

Committee Clerking Team  
June 2025

## Written submission from John Sturrock KC

### **1. How effective is the current model of public inquiries in Scotland, and to what extent does it deliver value for money?**

There must be major concerns about the current model for at least four reasons: (a) the cost of conducting them, (b) the time it takes to complete them (c) their impact when they finally publish their conclusions and (d) whether or not their recommendations when made are actually implemented.

### **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?**

Building on answer 1, there must be concern that, for entirely understandable reasons related to the independence of those chairing them, there is insufficient transparency and scrutiny in particular around control over timescales and costs. This may be related to remits. Effectiveness is a separate issue: what sort of cost/benefit exercise is ever carried out in relation to public inquiries? Who measures their impact, the implementation of recommendations, the effect on public opinion etc?

It would seem that some sort of oversight of and support for the conduct of public inquiries - possibly by an independent regulator - would be beneficial, not least to inquiry chairs. It would be interesting to explore what happens in other jurisdictions. The balance between chair independence from external interference and value for public money is a delicate one.

### **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?**

I refer to my answer 2. This may be carried out already but is there in effect a clear "business plan" / budget to cover planned activities / project scoping carried out at the outset?

### **5. What is the best way to ensure cost effectiveness of public inquiries while maintaining their independence?**

Consideration should be given to the way in which public inquiries are conducted. The emphasis on a judicial, detailed forensic approach can, it seems, lead to an overly legalistic approach generally. This is understandable if the chairs are judges whose experience is of the adversarial court system and if the main advisers and representatives are lawyers familiar with that system. It is also a likely consequence of a culture in which what is sought is to look back to find fault or allocate blame (and to protect clients from adverse findings) rather than to look forward and to learn lessons about what worked



or didn't work and how things could be done differently or better in the future.

The present culture could lead to less openness and more defensiveness, making it less likely that the real facts will be revealed. This may be one reason that inquiries can take so long. (One should also remember the amount of time and resources which bodies (often public) need to devote to ongoing inquiries and the associated effects in stress and morale for those individuals subject to them over a number of years).

A different approach to the purpose of public inquiries, their conduct and in particular the gathering of information, its analysis and synthesis might reduce timescales (and costs) considerably.

I wrote this in an article some time ago: "It is almost always the case that a senior judge, usually but not always nearing retirement, is appointed as chair. There are good reasons for this of course: independence, experience, authority, ability to absorb and analyse detail. But what other skills might be needed for these extraordinary exercises? Subject-matter expertise? Ability to cut through detail and identify key points? Delegation? Management of time? What about facilitation or inquisitorial skills, the ability to draw out the real underlying issues, key differences and common ground quickly, in a non-confrontational environment? Should the pool for possible chairs be expanded? Or, at least, might there be a case for specialists, with differing skills, to co-chair?" (<https://core-solutions.com/what-is-the-point-of-public-inquiries/>)

## **6. What, if any, measures should be put in place to ensure recommendations made by public inquiries are implemented in a timely way?**

I suggest that a Parliamentary Committee could be established to oversee implementation of recommendations, with annual reviews of progress. Alternatively, a statutory body could carry out this function. I note that a new ministerial accountability board is to be established to oversee the implementation of FAI recommendations.

## **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?**

I offer this example with due humility, as an illustration of what can be achieved by a different approach.

In 2019, whistle blowers made serious accusations about a culture of bullying and harassment in NHS Highland. In December 2019, I was commissioned by the then Cabinet Secretary for Health to conduct a review, the stated purpose of which was to:

- Create a safe space for individual and/or collective concerns to be raised and discussed confidentially with an independent and impartial third party.
- Understand what, if any, cultural issues have led to any bullying, or harassment, and a culture where such allegations apparently cannot be raised and responded to locally.
- Identify proposals and recommendations for ways forward which help to ensure the culture within NHS Highland in the future is open and transparent and perceived by all concerned in this way.

The (fairly extensive) report of the review was submitted in March 2020 and published in May 2020. NHS Highland, while considerably hampered by the onset of the Covid pandemic, implemented a number of changes as a result. Importantly, those who were affected were given a voice. The total cost of the review, so far as I am aware, was less than £150,000.

A detailed description of how the review was conducted can be found in the report itself: <https://www.gov.scot/publications/report-cultural-issues-related-allegations-bullying-harassment-nhs-highland/>

Clearly the review did not carry out the kind of forensic inquiry which often occurs in matters of such public interest. Those involved did not have the benefit of legal advice or representation. The approach is by no means the right one for all circumstances. However, I do wonder if it suggests that there may be different, less costly and less time-consuming but sufficiently effective, means to address the kinds of issues that are sometimes sent to full public inquiries.

## Written submission from John Campbell KC

### **1. How effective is the current model of public inquiries in Scotland, and to what extent does it deliver value for money?**

In my opinion, effectiveness may be judged by a number of metrics, so it depends upon the lens through which one is looking. An investigatory inquiry needs to look for answers. A politically motivated inquiry may be judged through the eyes of those who commission it, and by the informed public. An inquiry arising from a state of affairs judged to be negligent, or careless, or incompetent should identify lines of responsibility and recommend measures against recurrence. An inquiry into wasted public money may seem like an audit. There are other examples.

### **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?**

It is the Chairman's responsibility to ensure that the processes he or she devises are transparent. Internet streaming helps. I see no merit in publishing individual remunerations. Professional people have a charging rate, and so long as this is known in advance to those in charge of the budget, it is possible by means of management accounting to keep track of expenditure. Publication of overall accounts after the event would appear to be a necessary part of the process.

### **3. Are the current legislative framework and decision-making processes for establishing public inquiries adequate, and what, if any improvements are required?**

Yes. The 2005 Act is adequate, but a Chairman must have the discretionary freedom to establish and regulate processes to suit the case, for example to limit the participation of parties, or their legal representation by means of time limits, or limitations on participation, or questioning, or the use of written submissions. It is often forgotten that an inquiry is investigatory, and not a Court case.

### **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?**

Yes, the process is adequate in the correct hands. Strict Project Management and in house Management Accounting by a skilled person / people is required. The use of digital technology has become essential, and greatly assist the disposal of business.

**5. What is the best way to ensure cost effectiveness of public inquiries while maintaining their independence?**

This question repeats some of the above. Cost effectiveness or VFM is so often measured by deemed public acceptability, often guided by Press headlines. That is the wrong measure. Perhaps obviously, a clear remit is an essential starting point. Once the remit is settled, the parties identified, and the preparation time set aside, it is possible to reach a preliminary view about cost effectiveness. That interim conclusion may change over time. The best measure is not overall cost, but the effectiveness of the methods of examination and inquiry, given the importance of the questions and the solutions or answers found by the Inquiry in its report.

**6. What, if any, measures should be put in place to ensure recommendations made by public inquiries are implemented in a timely way?**

Implementation is not for the Inquiry. It is for the legislature or other commissioning body to determine whether, or how, recommendations are implemented. One suggestion is an annual half day debate in the Scottish Parliament on (for example) *"This year's Inquiries and their recommendations."*

**7. What alternatives to the current model of public inquiries should be considered when particular events have, or could cause, public concern?**

The status of an Inquiry can place events which have, or could cause public concern in a spotlight. That is often because an Inquiry is seen as an adversarial process. A quiet Examination and questioning by an Inquiry Chairman can be effective and is often used in Planning cases, yet cross examination is undoubtedly the most effective method of securing evidence and admissions of negligence, wrongdoing, mistake or culpability. A model which combines careful written submissions with detailed questioning by knowledgeable representatives (who are often, but not always, Counsel) and a Chairman can take time, but almost always yields results.

**Are there examples of good practice from other countries that Scotland could learn from?**

Probably there are. I do not think we learn much from England & Wales, despite having the same legislation. Inquiries seem, in the public's mind to take an inordinate length of time, but that is a feature not confined to that jurisdiction. Inquiries are dominated by lawyers, whose instinct is to be thorough. A Chairman would be criticised for rushing, just as for taking time for mature reflection.

The careful taking of evidence in any format takes time. It is acknowledged to be difficult to confine inquiries to a strict remit, a strict budget, or a strict programme; lines of questioning can lead to digressions from the Remit, or

indeed to relevant avenues of further inquiry. Time and money are saved by maintaining a strict focus on the reason for the Inquiry, and by refusing to allow the inquisitorial purpose to be diverted to a blame-game.

A model employed with some success (e.g. Hutton, Fraser) is to secure the appointment of a 'Counsel to the Inquiry' or perhaps two. Questioning of witnesses would be confined to those Counsel alone, unless a party's representative first asks for, and then justifies his intervention on a particular topic. That intervention would be vetted, and then subjected to a time limit. Counsel to the Inquiry would be at liberty to refuse or allow a request for participation.

Rapidity in delivering findings is important. Interim reports are often useful, in a long and complicated matter (e.g. Blood, Child Abuse, Hospitals).

Finally, Inquiry participation is very hard work. An Inquiry Team should be large enough to manage the data, but not so large as to be unwieldy. When sitting, four days each week is sufficient to yield worthwhile results unless urgency dictates otherwise.