

INDEPENDENT PUBLIC ADVOCATE

Justice Select Committee

Tuesday 16th May 2023

Chair,

I have chaired the Hillsborough Independent Panel, the Independent Panel on Forestry, the Gosport Independent Panel and the Independent Commission on Long Term Sentences.

Following the publication of the Hillsborough Independent Panel Report I also published the Report on learning from the experiences of the Hillsborough Families called 'The Patronising Disposition of Unaccountable Power'.

Although it was not one of my 25 points of learning I commended the proposal to create an Independent Public Advocate.

I therefore welcome the Government's proposal recently announced by the previous Justice Secretary and outlined in the current Bill before Parliament and I welcome the intention to consult widely not least because more work needs to be done on clarifying the role.

What I offer the Justice Select Committee is simply my experience as I worked on the Report 'The Patronising Disposition of Unaccountable Power' and how I found myself contacted by those affected by and involved in Public Tragedies namely the Gosport War Memorial Hospital, the Grenfell Tower Fire, the Infected Blood Community, the Manchester Arena Bombing. the Covid Inquiry and also by the Emergency Services.

Allow me to comment briefly on each of these by way of demonstrating the need to establish an Independent Public Advocate.

GOSPORT HOSPITAL

This is now the focus of the largest criminal investigation in the country so I cannot comment on the substance. However, I can tell you that when the Government first approached me about the possibility of investigating the non-recent deaths I suggested that I should first meet with families to hear their concerns and to share with them the process of an Independent Panel so as to assist them in deciding whether this would be an appropriate way of addressing the alleged tragedy of the early deaths of their loved ones.

GRENFELL TOWER

Shortly after the publication of 'The Patronising Disposition of Unaccountable Power' I was approached by Grenfell United who asked to meet with me saying that they were experiencing issues similar to the Hillsborough Families. I was subsequently approached separately by the Chair and the Council of RBKC, by the Inquiry Secretariat, by Grenfell Next of Kin, by the London Fire Brigade and by the Grenfell Tower Memorial Commission. I made interventions on behalf of the bereaved. The scope of my engagement, none of which I solicited, convinces me that there is a need for an Independent Public Advocate after Public Tragedies.

THE INFECTED BLOOD INQUIRY

I was approached by Dame Diana Johnson on behalf of the different groups affected by the Infected Blood scandal to meet with them. One of their major concerns was that the sponsoring body of the proposed Inquiry was to be the Department of Health that was heavily implicated in the allegations. I wrote to the Prime Minister asking that the Department 'should have no role in the Inquiry except as either witnesses or defendants' and that 'the statutory inquiry ...be set up under the Inquiries Act of 2005'. On 3rd November 2017 the Prime Minister wrote to me agreeing to both these points. I am happy to share this correspondence with the Chair.

THE MANCHESTER ARENA BOMBING

I was approached by Lord Kerslake who headed up the interim Inquiry into the Manchester Arena Bombing so that I could share my experience of Chairing the Hillsborough Independent Panel. I was able to labour the point that it was imperative to listen carefully to the bereaved and to the survivors in order to draw up the Terms of Reference.

THE COVID INQUIRY

I have met with the Secretariat of the Covid Pandemic Inquiry to share lessons learned from the Gosport (War Memorial Hospital) Independent Panel and other Panels. Among the points made were the relative merits of Inquiries and Panels, the value of Regional Meetings with those affected, the importance of the Terms of Reference and the therapeutic value of Inquiries and Panels.

THE EMERGENCY SERVICES

I and my colleagues especially Ken Sutton who headed up the Hillsborough Independent Panel Secretariat and with whom I continue to work have over the last ten years been consulted about how the emergency services should respond to Public Tragedies – the National Police Chiefs Council, the Chief Constables of England and Wales, the Chief Fire Officers of England and Wales, the College of Policing.

Chair, all of this convinces me that there is definitely a role for an Independent Public Advocate.

In conclusion I'd like to make two further brief points with reference to Hillsborough.

In my second Report I published The Charter for those Bereaved through Public Tragedy. In essence it commits public authorities to put the interests of the bereaved and survivors over and above their natural reaction to protect their own reputation.

The Report also calls for proper legal representation for those who find themselves at Inquests that are contested by legally represented state agencies paid for by the public purse - otherwise victims of tragedies are further traumatised by this offence to natural justice.

I see one of the roles of the IPA as ensuring that all agencies implicated in public tragedies adhere to the Charter.

If only there had been a standing IPA in existence at the time of the Hillsborough Disaster they could have intervened immediately on behalf of the traumatised families and impeded the emergence of a false narrative that took some thirty years and hundreds of millions of pounds to correct.

I believe that what is in the Bill needs to be informed by those whose lives have been traumatised by public tragedy and I hope that the Government will listen carefully to their experiences.

Thank you.

The Right Reverend James Jones KBE

16th February 2023