

Written evidence submitted by Independent Public Advocate for the Public Office (Accountability) Bill Committee (POAB13)

IPA Background

1. The Independent Public Advocate is a statutory role established under the Victims and Prisoners Act 2024 to support victims, survivors and bereaved families following major incidents across England and Wales. The IPA provides independent advocacy throughout complex investigative, legal and administrative processes; steps in where families' needs are not being met; and ensures they receive the information, access and coordinated support they require. The role is proactive and system-facing — identifying barriers, raising concerns with public bodies, and promoting transparency, timely progress and accountability. Ultimately, the IPA ensures that those affected can engage meaningfully with post-incident processes and secure truth and justice.

Introduction

2. We set out eight proposals to strengthen the Public Office (Accountability) Bill, commonly referred to as the Hillsborough Law. Together, they aim to ensure that candour, accountability, legal parity and humanity are firmly embedded across the public institutions and processes that shape how the state responds to harm, loss and accountability. These proposals are practical, proportionate measures to improve transparency, coherence and public confidence.

Summary

1	Recognising the Independent Public Advocate within the Accountability and Candour Framework	Make a targeted, proportionate reference to the Independent Public Advocate within the Bill, confirming its role within the broader accountability and candour landscape
2	Coherence of Moral Language Across the Framework	Ensuring the Bill, the Victims & Prisoners Act 2024, and the Hillsborough Charter speak in a coherent moral and legal register.
3	Monitoring the Duty of Candour During Deployed Incidents	Giving the IPA a statutory power to monitor candour during deployment
4	Victim and Survivor Voice in Implementation and Oversight	Establish a Victims and Survivors Partnership Forum, linked to the Ethics & Integrity Commission, to shape guidance, training, and reporting under the Duty of Candour and advise on funding parity.
5	Transparency on Legal Representation Spend ("Equality of Arms")	Require relevant public authorities involved in inquests, inquiries or investigations after major incidents to publish aggregate, anonymised data on legal representation costs, alongside equivalent information for bereaved families.

6	Statutory Review Clause	Introduce a statutory requirement for Parliament to conduct a review of the operation and effectiveness of the Act within three to five years of commencement, taking evidence from victims, survivors, bereaved families and relevant public authorities
7	Duty to Consult Before Declaring a Major Incident	A statutory duty requiring the Secretary of State to consult the IPA before determining whether to declare a major incident, consider formal representations from the IPA and publish a short, proportionate rationale where the decision is not to deploy.
8	Exceptional Circumstances Provision	Extending the IPA's remit to a small number of tightly defined, exceptional cases, allowing action in rare cases of significant trauma, complexity or public interest, even where statutory thresholds are not met.

1.Recognising the Independent Public Advocate within the Accountability and Candour Framework

Focus:

3. Ensuring the Independent Public Advocate is clearly located within the national accountability architecture.

Context:

4. The Independent Public Advocate was established by Parliament to help ensure openness, accountability, and transparency in the aftermath of major incidents. However, the Public Office (Accountability) Bill currently contains no explicit reference to the IPA, despite it being a statutory office created directly in response to the failures of candour at Hillsborough, and the relevance of its work to public trust and victims' experience. Omitting the IPA risks creating an artificial separation between the candour duty and the office designed to support those most affected by its breach.

Why this matters:

5. Without explicit reference, agencies may be unsure how the IPA fits into the candour and accountability ecosystem.
6. This risks fragmentation, especially during major incidents when clarity of roles is essential.
7. A modest clarification would support consistency, avoid duplication, and reinforce Parliament's original intent in establishing the IPA.

What should change:

8. Make a targeted, proportionate reference to the Independent Public Advocate within the Bill, confirming its role within the broader accountability and candour landscape. This does not expand the IPA's remit but strengthens clarity and coherence.

Impact:

9. A small, technical insertion that improves system alignment, supports clarity for public bodies, and maintains public trust.

Practical note:

10. This proposal would likely need to be reflected in a modest, tightly drawn statutory amendment. It does not expand the IPA's functions or powers but situates the office clearly within the candour ecosystem.

2. Coherence of Moral Language Across the Framework

Focus:

11. Ensuring the Bill, the Victims & Prisoners Act 2024, and the Hillsborough Charter speak in a coherent moral and legal register.

Context:

12. The Public Office (Accountability) Bill, the Victims and Prisoners Act 2024 and the Hillsborough Charter all seek to enshrine the same moral principles - truth, transparency, accountability and humanity, yet these three texts inspired by the same tragedy now speak in different moral registers. This risk creating mixed signals about the standards and culture Parliament intends to embed.

Why this matters:

13. **Statutory coherence:** Differences in tone and framing can invite argument that Parliament intended different thresholds or duties across the two Acts.
14. **Institutional behaviour:** Under pressure, public bodies often default to the least demanding text, undermining cultural change.
15. **Legal defensiveness:** Counsel may argue the Victims and Prisoners Act 2024 is "principled" while the Bill is "operational", or that the Charter is merely aspirational, creating unnecessary interpretative ambiguity.
16. **Cultural fragmentation:** Three instruments speaking differently make consistent delivery harder.

What should change:

17. Light-touch alignment between the instruments, for example through the preamble or explanatory notes, to signal that the Victims and Prisoners Act, this Bill and the

Charter sit within one coherent legislative and moral framework. This reinforces that the Bill is not a technical amendment but part of a long moral arc flowing from Hillsborough and other tragedies.

Impact:

18. Strengthens purposive interpretation, reduces ambiguity, and supports the candour culture this legislation is intended to create.

Practical note:

19. This does not necessarily require amendment. Alignment could be achieved through the Bill's preamble, explanatory notes or ministerial statements during passage.

3. Monitoring the Duty of Candour During Deployed Incidents

Focus:

20. Independent oversight of candour in real time, when it matters most.

Context:

21. The new Duty of Candour is a landmark reform, responding to decades of institutional defensiveness exposed by tragedies such as Hillsborough, Grenfell, Manchester Arena and others. Yet under the current proposals, no independent body is responsible for monitoring candour during a major incident. The Ethics & Integrity Commission will set the national framework and monitor compliance, but it is not designed, resourced or positioned to observe behaviour on the ground during a major incident.
22. This leaves a significant gap: a legal duty with no mechanism for independent oversight at the moment when candour is most fragile. The Hillsborough Charter provides an essential moral foundation for candour, but it remains voluntary, with no statutory mechanism for enforcement or monitoring. Giving the IPA a statutory power to monitor candour during deployment closes the gap between voluntary commitments and legal obligations.

23. Why this matters:

- Families must be able to trust that candour is being lived, not simply legislated.
- Without independent scrutiny, the state effectively marks its own homework.
- Real-time oversight strengthens the duty by highlighting good practice as well as emerging concerns.
- Oversight supports cultural change, shifting candour from obligation to expectation.
- It ensures lessons can be learned during incidents, not long afterwards.

24. How this could work:

- The IPA could publish a Candour Compliance Report after each deployment, drawing on evidence from families, statutory agencies and partners.
- Where appropriate, the IPA could issue interim observations during a live incident to highlight good practice or early concerns.
- Victims' and families' perspectives would be embedded throughout the monitoring process, ensuring findings reflect lived experience as well as institutional behaviour.
- Reports should be laid before Parliament to support transparency and scrutiny.

Practical note:

25. This would need to be reflected in primary legislation to give the IPA an explicit power to monitor and report on candour during deployed incidents.

4. Victim and Survivor Voice in Implementation and Oversight

Focus:

26. Embedding lived experience at the heart of the system so that reform is never something done *to* victims but always shaped *with* them.

Context:

27. It has taken 36 years since Hillsborough for Parliament even to stand on the verge of legislating for honesty, accountability and equality of arms. These reforms exist because families, survivors and campaigners refused to give up. Yet as currently drafted, victims and bereaved families have no formal role in shaping guidance, oversight or implementation of the Duty of Candour or the broader accountability framework. They must be hard-wired into the Act itself, so that reform is never something done to them but always with them.

28. Why this matters:

- Legitimacy flows from partnership: the people whose struggle created this Bill must not be written out of its implementation.
- Practical scrutiny prevents drift into defensiveness or box-ticking.
- Lived experience exposes real-world impact in a way that internal process cannot.
- Involving victims and survivors ensures the system stays grounded in humanity, not bureaucracy.

What should change:

29. Establish a Victims and Survivors Partnership Forum, linked to the Ethics & Integrity Commission to:
- Shape and review guidance, training and reporting frameworks issued under the Duty of Candour.
 - Advise on how parity of funding is assessed and improved.
 - Support organisations to embed trauma-informed, victim-centred practice.

- Provide Parliament with insight into whether candour and equality of arms are being modelled consistently.

30. How this could work:

- The Ethics & Integrity Commission should show in its annual report how victims' input has informed candour and parity work.
- Public bodies could publish short statements demonstrating how engagement has shaped their approach to openness and fairness.
- Participation would be supported through trauma-informed facilitation, accessible formats and fair resourcing.

Impact:

31. Creates a living partnership between victims and the state, ensuring candour and equality of arms are co-created from lived experience. Strengthens public trust and helps ensure the reforms honour the people who fought for them.

Practical note:

32. This could be delivered administratively through the Ethics & Integrity Commission or ministerial direction, but a statutory duty to consult victims and survivors would give it permanence and authority across administrations.

5. Transparency on Legal Representation Spend ("Equality of Arms")

Focus:

33. Fairness, parity and transparency in legal representation after major incident.

Context:

34. Parity of legal funding is fundamental to restoring confidence after public tragedy. But parity cannot be assessed without consistent, comparable data on what public bodies spend on legal representation versus what is made available to families. At present, no such data is collected or published, creating a significant evidence gap that prevents effective scrutiny and oversight.

35. Why this matters:

- Parity is about capability, not cost; families need access to expertise to participate on equal terms. Parity does not mean identical expenditure; it means ensuring families can participate effectively, with access to the legal capability required to match the state's institutional advantage.
- Transparency drives accountability: without data, neither Parliament nor the public can understand whether reforms are narrowing or widening the gap.
- Evidence supports proportionate intervention where imbalance persists.
- Regular publication reinforces public trust in the fairness of the process.

What should change:

36. Require relevant public authorities involved in inquests, inquiries or investigations after major incidents to publish aggregate, anonymised data on legal representation costs, alongside equivalent information for bereaved families.

37. How this could work:

- Data should cover direct fees and associated support, presented in comparable terms.
- Parliament, ideally through the Justice Committee, could analyse trends and make recommendations.
- Annual publication would enable transparency without imposing undue burden.

Impact:

38. Creates an evidence base to test whether equality of arms is being delivered in practice rather than asserted in principle. Reinforces accountability and fiscal responsibility across the system.

Practical note:

39. This could be delivered through secondary legislation or ministerial commitment or reflected in the Bill if Parliament considers it appropriate.

6. Statutory Review Clause**Focus:**

40. Ensuring Parliament can test whether candour, accountability and equality of arms are being realised in practice.

Context:

41. The Public Office (Accountability) Bill seeks to deliver cultural and behavioural change across public bodies. Given the scale of this ambition, it is important that Parliament has a structured mechanism to assess whether the reforms are working as intended, and to identify gaps or unintended consequences. Without a review duty, the system risks drifting back into defensive patterns despite legislative change.

42. Why this matters:

- Embeds reflection and accountability at the heart of the framework.
- Allows Parliament to test whether candour and equality of arms are being realised in practice, not simply stated in law.
- Ensures that victims, survivors and bereaved families have a direct voice in evaluating how reforms are operating.
- Enables timely, proportionate adjustments if the system falls short.

What should change:

43. Introduce a statutory requirement for Parliament to conduct a review of the operation and effectiveness of the Act within three to five years of commencement, taking evidence from victims, survivors, bereaved families and relevant public authorities.

44. How this could work:

- The review could be led by the Justice Select Committee.
- Evidence would combine data, lived experience, written submissions and hearings across the UK.
- Findings and recommendations would be published and debated publicly. This approach supports transparency and models the candour the legislation seeks to embed.

Impact

45. Creates a credible, transparent mechanism for evaluating progress and sustaining trust. Ensures the system remains responsive and aligned with Parliament's intent.

Practical note:

46. This could be provided through a proportionate amendment establishing a time-limited review duty.

7. Duty to Consult Before Declaring a Major Incident

Focus:

47. Transparency and independence in deployment decisions.

Context:

48. Under the Victims and Prisoners Act 2024, the Secretary of State holds the sole authority to declare a "major incident", triggering IPA deployment. There is currently no statutory mechanism for the Secretary of State to consult the IPA before making this decision, nor a requirement to publish reasons for choosing not to deploy. This can lead to perceptions of opacity or inconsistency, especially when similar incidents are treated differently.

Illustration:

49. In the early days of the office, I was deployed to the Heaton Park Synagogue attack in Manchester. Shortly afterwards, a serious stabbing on a train in Huntingdon prompted extensive community and stakeholder questions about why the IPA had been deployed in one incident but not the other. These enquiries were not criticisms of the decision, but they highlighted how unclear the threshold can appear without a transparent and consultative mechanism.

50. Why this matters:

- Without consultation, decisions can appear opaque or inconsistent, undermining confidence in both Government and the IPA.
- Transparent, consultative decision-making strengthens public trust and ensures choices are guided by evidence, independence and need.
- It protects the integrity of the threshold, demonstrating that decisions are based on objective criteria, not perception or political considerations.
- The early contrast between the Heaton Park Synagogue attack and the serious stabbing on a passenger train in Huntingdon shows how quickly uncertainty can arise without a clear statutory process for seeking and considering the IPA's view.

What should change:

51. A statutory duty requiring the Secretary of State to:

- Consult the IPA before determining whether to declare a major incident.
- Consider formal representations from the IPA; and
- Publish a short, proportionate rationale where the decision is not to deploy.

How this could work:

52. Consultation could occur within 24–48 hours without delaying operational response. Publication of reasons would be concise and would not compromise sensitive or ongoing investigations.

Impact:

53. Strengthens transparency, protects ministerial authority, and provides clarity for the public, Parliament and victims.

Practical note:

54. This proposal could be taken forward through a statutory amendment to:

- Reflect a duty to consult the IPA.
- Reflect a statutory ability for the IPA to make representations that must be considered.

8. Exceptional Circumstances Provision

Focus:

55. Flexibility and fairness – ensuring no family is left behind.

Context:

56. Under the Victims and Prisoners Act 2024, a “major incident” involves significant loss of life or numbers of people suffering serious harm. This threshold is appropriate for large-scale emergencies but leaves a narrow space beneath it: cases where there may be few victims, yet the trauma, complexity and public interest are immense. Trauma doesn't follow numbers. Certain cases, such as the deaths of Harry Dunn or Stephen Lawrence, demonstrate how smaller-scale incidents can still generate

profound trauma, public concern and complex legal or diplomatic issues. Were these cases to occur now, they would fall outside the IPA's remit despite the depth of family trauma and the wider national significance.

57. Why this matters:

- Some of the most complex cases involve few victims but carry deep trauma and national resonance.
- Prevents families in exceptional circumstances from being left without support or a trusted route into the system – including investigative, legal and inquiry processes.
- Anchors discretion in need and public interest rather than scale alone.
- Reinforces the founding principle that the burden of seeking truth and justice must rest with the system, not with families.

What should change:

58. A tightly drawn Exceptional Circumstances Provision allowing action in rare cases of significant trauma, complexity or public interest, even where statutory thresholds are not met. This should operate in both directions:

- Where the IPA identifies exceptional circumstances, the IPA may make representations to the Secretary of State.
- Where the Secretary of State believes exceptional circumstances may exist, they must consult the IPA before deciding whether to declare an incident and deploy the IPA.

59. How this could work:

- Clear criteria would ensure the provision remains tightly governed and avoids mission creep.
- Use of the power would be reported annually to Parliament for transparency.
- The decision to deploy the IPA would remain with the Secretary of State, protecting ministerial accountability while ensuring the IPA can formally flag when exceptional circumstances may justify deployment.

Impact:

60. Provides a proportionate, humane mechanism for addressing rare but significant cases. Ensures the system can respond to the significance of impact, not just scale, and prevents families from falling between statutory gaps.

Practical note:

61. This proposal would likely need to be reflected in a targeted amendment extending the IPA's remit to a small number of tightly defined, exceptional cases.

Conclusion

62. For over three decades, families bereaved by public tragedy have carried a weight the state should never have placed upon them. Hillsborough showed, with devastating clarity, what happens when candour is absent, and accountability is resisted.

63. The IPA's guiding principle is therefore clear: the burden of seeking truth and justice must rest with the system, never on the shoulders of victims and families who have already endured unimaginable pain.
64. The proposals set out in this paper give practical expression to that principle. They are limited, proportionate refinements that reinforce Parliament's objectives, strengthen coherence across the legislative framework, and help ensure that the duties established by this Bill are realised in practice.
65. Each proposal is designed to reduce avoidable harm, close gaps in transparency, and ensure the system takes responsibility for the honesty, openness and fairness victims should be able to expect as of right. In doing so, they help ensure that the lessons of Hillsborough, and of tragedies since, are carried forward not just in words, but in action.

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