

The aims and outcomes of public inquiries into the care and protection of children. Should they be undertaken differently?

Abstract: Public inquiries have become a standard governmental response to managing matters of public interest and concern, including child abuse, in a number of countries, but questions have been raised over whether they are worth the time, money and resources. This paper examines experts' perceptions of the aims and outcomes of public inquiries, before moving on to consider whether there are more effective and efficient ways of investigating national scandals. Based on findings from thematic analysis of the proceedings of a four-day expert summit, and semi-structured interviews with 16 participants who have been involved in child abuse inquiries in the UK and elsewhere, it concludes that public inquiries are not fulfilling all of their competing objectives. While a limited number of inquiries into the care and protection of children have had a positive impact on policy or practice or successfully raised public awareness overall there is little evidence of effectiveness. There is a need to rethink the purpose, scope, methodology and impact of such inquiries to ensure they are more effective and cost efficient; place children, victims and survivors at the centre; and use a wider range of professional expertise and skills.

Messages for practitioners

- **Victims should be at the centre of any process to investigate serious cases of child abuse.**
- **Serious cases should be investigated by multi-disciplinary teams comprised of individuals with a range of different skillsets and capabilities.**
- **Cases where things have gone wrong should be considered alongside evidence from cases where children are well protected.**

Background

First enshrined in UK legislation under the 1888 Public Inquiry and Special Commission Act (Lord Thomas of Cwmgiedd, 2015), the 1921 Tribunals of Inquiry (Evidence) Act introduced a framework for compelling the production of evidence and documentation and taking evidence under oath (Eastwood, 2009). Designed to establish facts, learn lessons, provide catharsis, rebuild public confidence, provide accountability and make recommendations to prevent recurrence (Lord Thomas

of Cwmgiedd, 2015), public inquiries are inquisitorial with no power to determine civil or criminal liability. Their findings are delivered in a written report and their recommendations are not legally binding and can be rejected by government or 'the court of public opinion' (Beatson, 2005, p11).

Traditionally reserved for the investigation of serious matters of state, public inquiries have become the 'gold standard' for responding to scandals and negative events such as child abuse in the UK, Ireland, Australia, Canada, the Netherlands and the Nordic countries (Burgess, 2011; Wright, 2016) while the United States has not conducted any child abuse inquiries (Wright, 2017). WHO Europe have undertaken public inquiries in Europe (see

[https://www.evidence.nhs.uk/search?om={\"srn\": \"WHO%20Regional%20Office%20for%20Europe%20-%20WHO%20Europe\"}\]&q=Public+inquiries](https://www.evidence.nhs.uk/search?om={\)) but none have focused on child abuse. More than

30 countries across all continents have used truth commissions, non-judicial independent panels of inquiry, to investigate human rights abuses including child abuse (see

<https://www.ictj.org/publication/truth-commissions>;

https://www.academia.edu/1657583/Truth_Commissions_in_Central_and_Eastern_Europe). These

specifically seek recognition for victims and promote possibilities for peace, reconciliation and democracy. Skold (2013, p16), purports that it is tempting to view child abuse inquiries as part of a

'... contemporary memorial discourse, and as an expression of the political trend of transitional justice in which regret, apologies and redress play a major role'. However, she argues they differ

from traditional truth commissions because victims rarely come forward until inquiries are launched and do not pave the way for inquiries in the same way as survivors of other tragedies.

Skold (2013), suggests an increase in the number of child abuse public inquiries internationally since the 1980s may be linked to children being identified as a group with human rights in the UNCRC. The media have also been influential. Burgess (2011), believes the media's focus on child predators in the 1980s, resulted in the murder of two young girls in Soham England being examined through a public inquiry (Bichard 2004). Similarly Wright (2017), suggests a series of documentaries identifying

institutional and clerical abuse influenced the decision to establish the Ryan Inquiry in Ireland (Office of the Minister for Children and Youth Affairs, 2009).

Wright (2017), believes a discourse of children's rights has permeated recent child abuse inquiry reports but Burgess (2011, p19), argues 'contemporary inquiry reports are often concluded in sweeping and emotive terms, as if this is now the necessary vernacular of publicly oriented instruments'. Some inquiries have focused on particular types of abuse excluding people who have experienced other types. For example, the Australian Royal Commission into Institutional Responses to Child Sexual Abuse (see <https://www.childabuseroyalcommission.gov.au/>) was criticised for establishing hierarchies of abuse that positioned sexual abuse as the most damaging (Wright, 2017). The Independent Inquiry into Child Sexual Abuse in the UK (IICSA) or Westminster Inquiry (see <https://www.iicsa.org.uk/>) is similarly restricted to sexual abuse whereas the Scottish Child Abuse Inquiry covers all forms of institutional abuse (see <https://www.childabuseinquiry.scot/>).

The 1921 UK Act permitted inquiries to be undertaken outside of the provisions of the Act. Only twenty-four statutory inquiries were undertaken under the Act before its repeal in 2005 (Lord Thomas of Cwmgiedd, 2015). Just two – the North Wales tribunal of inquiry into the physical and sexual abuse of children in care homes (Waterhouse 2000) and the Dunblane public inquiry into shootings at Dunblane Primary School (Cullen Lord 1996) - focused on child abuse. Some non-statutory public inquiries were undertaken that were governed by the 1921 Act but had no formal powers to compel witnesses and there were a number of ad-hoc independent inquiries. Statutory public inquiries have also been held under legislation other than the 1921 Act in the UK, for example, the legislative basis for the inquiry into the death of Victoria Climbié in England (Laming, 2003) was located in several parliamentary acts (Burgess, 2011).

The UK Inquiries Act 2005 replaced and consolidated statutory provisions relating to public inquiries, with a single piece of legislation, but non-statutory inquiries are still held outside the Act. The procedure and conduct of a public inquiry are not mandated by the Act, it remains the discretion of

individual chairs to set and determine the parameters (Ireton, 2018). There is a presumption that inquiries held under the Act will be conducted in public, but there does not have to be a hearing. An inquiry can be conducted through interviews or on paper or both; information or evidence can be given in confidence; and material can be withheld from publication if this is considered to be in the public interest (Ireton, 2018). Section 17(3) of the 2005 Act placed a duty on the chair to avoid unnecessary cost, but there is limited financial accountability. No research has been undertaken to investigate whether or not public inquiries provide value for money in the UK or elsewhere. The Westminster Inquiry has an annual budget of 20 million, and it is estimated it will take up to 10 years to complete, the Ryan Inquiry cost over 100 million Euros, and the Australian Royal Commission \$500 million (AUD) (Wright, 2016).

Most statutory and non-statutory inquiries in the UK, and other commonwealth countries, are chaired by a judge, retired judge or senior member of the legal profession (Ireton, 2018). The state of Victoria in Australia remains an anomaly in that it does not view this as a judicial function (Beatson, 2005). The involvement of the judiciary provides a semblance of independence and impartiality, but there has been criticism in the UK that a government minister normally selects the chair, and determines the terms of reference (Burgess, 2011; Beatson, 2005; The Law Society Gazette 2015). Inquiries have powers to take evidence on oath and compel witnesses to give evidence and this raises human rights concerns. Witnesses may find the prospect of appearing before a public inquiry intimidating, particularly in the context of increased broadcasting (Ireton, 2018).

The 2005 UK Act made no provision for the implementation of inquiry recommendations but the House of Lords Select Committee (2014) concluded there was nothing to prevent a chair from recommending parliament be updated on progress. Lord Bichard reviewed the recommendations of the Soham Inquiry six months after completion, but stated he had no specific power to do so (House of Lords Select Committee, 2014). The House of Lords Select Committee (2014) suggested the

Children's Commissioner might play a role since Section 3(7) of the UK Children Act 2004 enables the Children's Commissioner to require a responsible person to share in writing what action they have taken or propose to take in response to recommendations. Some studies have investigated the implementation of inquiry recommendations. For example, Stutz (2008) found inquiries rarely led to systemic recommendations in Canada. The Parenting Research Centre (2015) found earlier Australian inquiries had higher rates of implementation than those conducted more recently. Inquiries have resulted in policy and practice changes, for example, changes in child care followed the Inquiry into child abuse in Cleveland, England (Butler-Sloss 1987) and firearms' legislation was strengthened following the Dunblane Inquiry (Beatson, 2005). However, Lord Laming (2009) concluded public bodies had not done enough to implement the recommendations of the Victoria Climbié Inquiry in frontline practice and Munro (2004) claimed this inquiry led to largely structural changes rather than improvements in quality.

The Westminster Inquiry has renewed concerns about high costs, lengthy process and whether inquiries are an effective mechanism for learning lessons (Daily Mail 2016; The Guardian 2016). How far public inquiries provide value for money and are effective in serving their many purposes: learning lessons, providing catharsis or deciding culpability has been debated (Timmins 2013) and calls for a rethink of the inquiries model in the UK have been made (Centre for Effective Dispute Resolution, 2012). This study provides a valuable contribution to the debate by examining experts' perspectives on the aims and outcomes of public inquiries and considering whether they should be undertaken differently.

Method

This study sought to answer the following research questions: what are experts' perspectives of the aims and outcomes of public inquiries into the care and protection of children and should they be undertaken in a different way? In 2017 the Scottish Universities Insight Institute (SUII) funded an

initiative led by Alyson Leslie, panel member of the Independent Jersey Care Inquiry into the abuse of children in the care system (see <http://www.jerseycareinquiry.org/>) and expert in child care inquiries and reviews, to identify how far public inquiries into child abuse are effective in achieving their aims, and to start to gather evidence to help establish a new approach (see <https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scottishinsight.ac.uk%2FProgrammes%2FOpenCall201617%2FWhatarePublicInquiriesmeanttoachieveandhowcanwedoitfaster%2Cbetter%2Ccheaper.aspx&data=02%7C01%7Csharon.vincent%40northumbria.ac.uk%7Ca0e4a50b201943c28adf08d74717633c%7Ce757cfdd1f354457af8f7c9c6b1437e3%7C0%7C0%7C637056039103653626&sdata=XahmpnhV%2B4rd%2FG%2BZpuqJDhMAAvrbyrclDYN3YLHNNBU%3D&reserved=0>). It brought together experts from past and current inquiry teams alongside academics, members of the bar and judiciary, information specialists, police, social work and health professionals, public finance experts and civil servants from the UK and further afield. Participants attended a four-day summit which provided a unique opportunity to critically reflect on the aims and outcomes of inquiries and consider alternatives. Two of the authors of this paper attended the summit as observers. The meetings were held under Chatham House rules (according to which information disclosed during a meeting may be reported by those present, but the source of that information may not be identified) to ensure the identity and affiliation of speakers would not be revealed. Discussions focused on whether public inquiries into the care and protection of children make a difference, what they might look like if they were re-designed, and how their functions could be undertaken more efficiently and effectively, while reducing costs. Notetakers undertook detailed notes of the proceedings. After the events the researchers undertook a thematic analysis of these notes and the speakers' presentation slides using Braun and Clarke's (2006) framework. However, because the proceedings had not been recorded there were gaps in the data and a second stage of data collection was proposed. Three of the researchers undertook sixteen face-to-face or Skype interviews in 2018 with key informants using a semi-structured interview schedule based on the themes that had emerged at the summit. The sample was purposive comprising expert interviews

with individuals who were deemed to have very specific knowledge of the topic. Expert interviews are common in qualitative social research and policy analysis but there has been debate about their use, particularly around what constitutes an 'expert' (Bogner et al 2009). In this study 'experts' had had significant involvement in current or previous child abuse inquiries or practice reviews in the UK and elsewhere. Some had chaired inquiries or reviews or sat on inquiry or review panels, others had represented victims. Thirteen participants had attended the summit, three had been unable to attend. The interviews were recorded and transcribed and a thematic analysis undertaken using Braun and Clarke's framework (2006). Ethical approval was obtained from Northumbria University. Potentially identifiable information such as professional affiliation has not been included and quotes have not been attributed to individuals to protect anonymity. The findings presented below are based on combined themes from both stages of the research. Because the summit proceedings were not recorded all quotes derive from participants who were interviewed in stage 2 of the study.

Results

Functions

The three main functions of child care and protection inquiries identified were learning lessons and prevention; finding out what happened/establishing the truth; and justice. However, summit and interview participants felt these functions were incompatible and not always achieved. There was a lot of discussion about '*inquiry fatigue*' and predictability of findings. One summit participant pointed out that the findings of the Walter Monkton Inquiry (Home Office 1945) into the murder of Dennis O'Neill in England in 1945 around children not being seen alone; flawed communication between agencies; insufficiently robust assessment of carers; and assumptions being made but facts not being checked, have been repeated in nearly every UK inquiry since then. Participants also discussed hindsight bias:

'Public inquiries are awfully quick to judge but we did have a lack of knowledge then. How do you get a time appropriate public inquiry? You're looking at it in the present but you've got to look at the state of knowledge, the state of training resources in the past' (Participant 3).

Summit and interview participants questioned the efficacy of investigating historical abuse when the factors that create the conditions for harm and why things go wrong are known. Because public inquiries are limited in terms of what they can investigate, uncovering the truth or providing a satisfactory account of what happened was also deemed to be problematic:

'The frustration for me was because you weren't allowed to look at certain things you kind of felt that people would be a bit disappointed. There was all this tremendous anxiety about what had happened and all you could really comment on was processes and whether there were things that should have been done that weren't' (Participant 5).

Victims often expect an inquiry to deliver justice but establishing blame is not part of their remit 'I was asked regularly 'are any of the perpetrators going to be prosecuted?' (Participant 1) and I had to say no'. However, some interview and summit participants suggested public inquiries were able to deliver a broader sense of social justice by publicly acknowledging the existence and gravity of an injustice, effectively memorialising child abuse.

Stakeholders

Victims and survivors, the public, politicians, the legal profession and the media were identified as key stakeholders with conflicting hopes about what a public inquiry could deliver. There was disagreement about whether public inquiries were an appropriate forum for hearing victims' voices. Some summit and interview participants felt it was important to have a formal inquiry chaired by a judge

'There was no doubt for me that actually it did make a difference to people that they felt they were being heard at the highest level. People clearly did find it therapeutic and in some sense felt

their experience had been honoured in a way because of the formal and public nature of it' (Participant 8).

Others disagreed, for example, one interview participant said none of the victims he had represented had ever described it as a cathartic experience. He thought victims lacked power and felt disconnected from inquiries *'Many that I speak to don't see how it relates to their own experiences'*. He reported that victims were keen to participate because they wanted to prevent others being abused, but they were confused about their role and what was expected of them *'It's almost like a walk on part you know they walk on stage, read their lines and off they go' (Participant 7).*

Concerns were expressed about the ways in which victims were contacted. Summit and interview participants reported that the police sometimes knocked on victims' doors to inform them the school or home they attended was under investigation. This might resurrect traumatic memories, force victims to disclose to family members or make them think they have to cooperate with the police. Participants, therefore, felt it would be better to trace victims through public advertisement. Participants were also concerned that victims were not receiving appropriate support or counselling during and after an inquiry, especially if they chose not to give evidence. One interview participant said victims had been given the option of being interviewed by a survivors' group in an inquiry she was involved in, and suggested this could be helpful; another interview participant suggested victims should attend a pre-meeting to decide if they wanted to continue to give evidence, rather than experiencing shock or surprise on the day of the hearing. One interview participant recommended statutory provision to ensure victims are consulted, heard and given representation.

Both summit and interview participants felt the general public believe that holding a public inquiry is the right thing to do but they reported that the public rarely attend public hearings. They felt there was a need to educate the public about public inquiries, for example, through television or radio.

Politicians were perceived to be often pressured into calling a public inquiry because they want to be seen to be doing something. One participant suggested the Westminster Inquiry was set up for reasons of political expediency *'You could say the government had a hot potato in its hands because of all the allegations and in order to diffuse the situation it said 'let's have an inquiry it gets the problem off our desk'' (Participant 7).*

The legal profession were deemed to have been complicit in propagating a belief that public inquiries must be led by a judge. Summit and interview participants acknowledged there was a need for legal advice but they felt judges did not necessarily have the level of emotional intelligence required to chair child abuse inquiries. They felt someone with medical or social work experience might be more appropriate. Professionals with non-legal skills could do many of the tasks traditionally undertaken by lawyers, such as interviewing witnesses or redacting documents. They argued that inquiries should be undertaken by a panel which included child protection experts rather than by a single person:

'I would not rely as heavily as governments have on inquiries being judge led ... you can't make up your mind about everything entirely on your own you benefit from advice and frankly I don't know where I'd be without the other three panel members that I work with' (Participant 10).

The media's preoccupation with scandal and attributing blame was viewed as a key driver in the decision to hold a public inquiry and summit and interview participants stressed that inquiries needed to avoid being driven by sensationalism: *'There's more public exposure now fed by the media. Twenty years ago people would have been happy to come in and tell their story now they want it more publicly recognised' (Participant 12).*

Cost

The excessive costs of public inquiries were highlighted. Some summit and interview participants questioned whether money might be better spent dealing with the consequences of abuse *'rather*

than having yet another exposé of people's memories of the time' (Participant 5). Legal costs were deemed to comprise an inordinate proportion of overall costs and the legal profession were criticised for coming from a culture where it is not customary to account for costs 'Every document now has to be studied by a solicitor, redacted by a solicitor, double checked, second line redaction by a solicitor and all this is billable hours' (Participant 2). Some participants felt spending should be subject to greater scrutiny, for example, by an independent team of auditors:

'It's a public purse. I'm not sure why they can't control costs in a better way. If a bridge isn't delivered by the contractor within the time frame then they start getting fined or penalised so why in a public inquiry can lawyers drag it out for another six months and keep charging the rates they're charging? Instead of being penalised for being late on the delivery they are rewarded by getting twice as much ... You wouldn't expect the government to go with a contractor for a building, they would get three quotes and consider which is best value for money. Maybe that sort of structure would be possible' (Participant 9).

Summit and interview participants identified various ways in which costs could be contained. They felt not all inquiries required the same level of counsel and solicitors and not everyone needed to give a public statement. They also suggested inquiry teams could phone people to avoid the need for formal letters.

'We were paying £150 an hour for a very junior solicitor to read and scan documents and redact them and it struck me that a postgraduate student could be doing this for £20 an hour ... It's an academic exercise it's about analysis and accuracy. It would be a great way to reduce costs as well as bringing different minds to bear on it' (Participant 1).

One participant felt it would be difficult to cut costs within the confines of the UK 2005 Act.

'It's a fairness requirement that if you're investigating something within that legal framework everybody has to be enabled to participate to meet the requirement of fairness ... they must be

entitled to be legally represented especially if there's any possibility they're being criticised or indeed if they're a victim or a complainant' (Participant 10).

However, she acknowledged the Act could be changed or there could be a more selective approach about which circumstances warrant a public inquiry.

Public inquiries invariably exceed their projected budgets because they take longer to complete than initially expected '*... once you've set it up you can't stop it you can't undermine the independence of it' (Participant 6)*. Some participants felt public inquiries should be completed more quickly but one warned that '*if you do something quick it may be perceived as inadequate' (Participant 15)*. Participants cited other investigative processes such as Scottish Fatal Accident Inquiries (FAIs) which hear evidence over a much shorter time period. They mentioned inquiries which had been conducted quickly, including the Walter Monkton inquiry which took four days, and the Independent Inquiry into the abuse of children at Kerelaw Residential School and Secure Unit in Ayrshire, Scotland which was completed in three weeks.

Effectiveness

Some interview participants felt public inquiries had raised awareness of child abuse, for example, they cited the Rochdale (undertaken by IICSA) and Rotherham Inquiries (Jay, 2014) as having raised awareness of child sexual exploitation. The Historical Institutional Abuse Inquiry in Northern Ireland was perceived to have raised awareness of abuse within the Catholic Church and the Australian Royal Commission raised awareness and educated the public about past practices and history of abuse in institutional settings. It was suggested that the Australian Royal Commission, which one participant described as '*the Rolls Royce of inquiries' (Participant 7)*, was more effective than many other inquiries. The reasons given were: it spent time garnering the support of stakeholders, ensured victims were integral to the process, had a stable team of commissioners and a clear process for providing the media with information. Overall, however, summit and interview participants felt there was a lack of evidence of the effectiveness of inquiries: '*We need to involve*

survivors to ask them what they got from an inquiry what impact it had on their lives – how has their life changed, and if it turns out it does help them then great let's do more' (Participant 11).

Inquiry reports are often very long and participants felt there was a danger they would not be read. One interview participant who had chaired a number of inquiries stressed it was important to get the structure and tone of the report right to ensure maximum impact in the media. Long lists of recommendations were deemed unhelpful and one interview participant suggested the narrative was more important than the recommendations. She had commissioned an analysis of recommendations from previous inquiries and attempted to build on the findings of this, rather than coming up with a raft of new recommendations. Some interview participants suggested identifying themes across a number of inquiries and holding themed learning events as an effective way of ensuring findings are disseminated to practitioners.

Follow up was perceived to be problematic because an inquiry's responsibility ends once its report is published *'It's a funny thing you kind of drop out after you've done it' (Participant 5)*. However, one interview participant commented that the Australian Government had committed to report on progress relating to implementation of the recommendations of the Royal Commission every 12 months for five years. Similarly the Jersey Care Inquiry recommended the panel return two years later.

Alternative models

There was general agreement amongst summit and interview participants that public inquiries should be reserved for the most serious cases and viewed as *'a gold standard where few cases get to that level because they are dealt with in another process' (Participant 4)*. Participants recommended a range of approaches within which single incidents could be investigated through a Fatal Accident Inquiry (FAI), Serious Case Review (SCR) or other less formal process. They stressed that people from different disciplines with different problem solving skills should be brought together to talk about what had happened: *'If you get people in an informal situation with a common aim you develop trust*

and allow people to be more open. When you move into a judicial situation it's more difficult to do that' (Participant 12).

Some participants felt there should be no more historical abuse inquiries. Instead they suggested putting more resources into prevention services, services for survivors and perpetrators and training for practitioners. However, others felt systemic failings that went back many years and involved multiple victims and perpetrators should be investigated through a public inquiry. They felt that public inquiries can compel witnesses and evidence to surface, and this really mattered to survivors.

'I don't know if it's possible to do a fast, cheap inquiry for those. I don't know if what has been achieved with the Australian Royal Commission could have been achieved through an inquiry of a smaller scale' (Participant 13).

Potential alternatives to public inquiries included a small team of people who understood child abuse, perhaps situated within the Ombudsman's Office. The Hillsborough Inquiry into the deaths of 96 people at a football match in England in 1989 (House of Commons 2012) which was led by a bishop and had academics on the panel was cited as another effective model. The model used in the Nordic countries which takes the form of research-focused investigations was also highlighted. It draws on interview narratives as the primary method of investigation with testimony supplemented by documentary evidence and archival research. Taking just six to eight weeks to complete, these inquiries focus on what the environment can tell us about what has happened:

'They send a small team maybe a historian if something's happened a long time ago or a sociologist or a forensic scientist and they do it as an academic exercise. It is almost like a SCR they interview people and write a report for the board then they finalise it ... There seems to be a blinkered view that it's got to go into the legal world instead of the academic world. Any good researcher is sensitive about talking to people they understand the ethics around it and I think there could be greater use of scientists and academics doing this work and it would be turned around much more quickly' (Participant 1).

There was broad agreement that inquiries should be less top down, should place the child at the centre and focus on improving practice rather than on process and procedure. Participants felt victims' pain and suffering needed to be acknowledged, and done through:

'Some kind of memorial or something that says this was a part of our history and it was awful and we treated children abominably and it should never have happened and use that acknowledgement to inspire us to do better. How do you create a public acknowledgement of something that has gone terribly wrong that is there as an acknowledgement and a focal point for people to go and have a kind of cathartic experience' (Participant 1)?

Redress was considered to be important to ensure there is not just symbolic recognition of abuse. However, participants felt redress schemes would be better administered outside of the public inquiry process as previous inquiries had not done this successfully.

Participants felt victims would prefer to tell their stories in a private environment. One participant suggested a national confidential forum. Another thought victims might prefer to speak to victim organisations, who could then send a single representative so that an inquiry did not have to hear thousands of individual stories. Another mentioned an inquiry she had been involved in which she felt had been conducted in a sensitive manner:

'What we focused on with them was not reliving their experiences but what should we change in the system and what do you want us to recommend for the future. They said that was really useful because they felt they weren't just looking back saying that was a terrible time. It gave people an opportunity to talk about as little or as much as they wanted to about what they'd suffered but it also gave them the opportunity to say we don't want this to happen again so here's some thoughts' (Participant 5).

Another participant reported that the Grenfell Inquiry which examined the circumstances leading up to and surrounding a fire in London, England in 2017 (<https://www.grenfelltowerinquiry.org.uk/>) had:

'Put the survivors or the bereaved as the central block the central core of what the inquiry is trying to do in terms of its finding or fact finding and by that I mean it made the decision early on to do the commemorations for all of the victims. All 72 families had an opportunity to say something if they wished to about the people who had lost their lives' (Participant 14).

Discussion

Participants in both phases of this study felt victims should be at the centre of any process to investigate child abuse and should be able to talk about the effects abuse had had on their lives not just about what happened to them at the time. However, the UK public inquiry process is currently overly focused on establishing facts (House of Lords Select Committee Report, 2014) thus the essence of what victims have been through is not usually well captured. The findings of this study are limited because they are not informed by victims' views. Further research should be undertaken to seek the views of survivors who have been involved in inquiries to determine what worked well and what could have been done better.

Judges are viewed as suitable inquiry chairs because they are skilled in applying procedures which seek to secure fairness to all parties, but these are not necessarily the skills that are required for investigating complex subjects such as child abuse. Judges are not well practiced in managing inquisitorial processes because common law relies on adversarial procedure; neither are they trained to deliver emotional reassurance (Mackie, 2012). Kenny (2015), criticised the objectivist epistemology underpinning the public inquiry process and instead proposed the use of constructivist methodologies which acknowledge the role of uncertainty and human judgement. Mackie (2012), similarly pointed out the limitations of forensic and logical analysis in providing solutions to catastrophe or social systems' failings.

Public inquiries are problematic because they set out to investigate what happened in the past while aiming to use knowledge from the past to improve practice in the future (Wright, 2016). Legal professionals are skilled in analysis but not necessarily in solution finding thus Mackie (2012), recommended separating inquiries into two distinct stages involving different people. There is certainly a need for further examination of whether other skillsets, capabilities and professional teams could better fulfil the different purposes of public inquiries. They could be chaired by experts in the subject area as suggested by Lord Thomas of Cwmgiedd (2015) or small inter-disciplinary teams made up of experts in data analysis, capturing stories and knowledge transfer could be appointed. Specialists in data management could be used to manage the vast amount of data and records generated by inquiries and trained advocates could support victims through the process.

The UK 2005 Act was controversial in relation to how far it achieved its stated aims of making public inquiries more effective and containing costs. Guidance which set clear parameters was never published despite the government's stated intention to do so (Beer, 2011) and they refused to prescribe rules in relation to budgets or time as they felt this might pose a risk to independence. The political drivers for child abuse inquiries are arguably linked to public demand and clamour for something to be done in the media. Participants in both phases of this study felt the public had confidence in inquiries and believed they were good for victims. But they questioned whether the public would think they provided good value if they were fully informed about their cost and lack of effectiveness. The findings of this study are limited because public views were not elicited. However, the findings of a Centre for Effective Dispute Resolution study (Mackie 2012), suggest the public have little understanding of or confidence in the inquiry process and think inquiries are costly. Further research is needed to better understand the costs of public inquiries and what might help deliver value for money. There is undoubtedly an urgent need to reduce costs, particularly legal and administrative costs. For example, by moving away from hourly rates for counsel or using round table discussions with witnesses, rather than taking statements in every case. There is also a pressing need to assess the quality of inquiry recommendations and to understand their impact on practice.

Burgess (2011), argued that inquiries have fostered a growing sense of children being at risk when evidence points to a continued decline in violent child deaths in most western countries since the 1980s (Pritchard and Williams 2010). She stressed that child deaths are very rare events and not necessarily symptomatic of systemic failure. Wright (2016) believes, however, that public inquiries have successfully enabled the investigation of sexual abuse as a widespread, systemic problem involving organisational failures. There is undoubtedly learning to be gained from the detailed scrutiny of major, complex and tragic cases, indeed it would be negligent not to learn from such cases, but there is a wider debate to be had around whether inquiries have had an inordinate and inappropriate level of influence on policy to protect children (Author 2010; Parton 2004; Masson 2006). Inquiries are only one source of evidence about what is happening in child protection practice and cases where things have gone wrong should be considered alongside evidence from the large number of cases where children are well protected. Learning from what works well would, however, require a major cultural shift in countries with a forensically-driven, risk-averse child protection system which have traditionally focused on investigating what has gone wrong (Parton 1996; Rose and Barnes 2008).

Conclusion

The findings of this study suggest public inquiries which are established to investigate matters of child care and protection are not fulfilling all of their competing objectives. There is a need to ensure public inquiries are conducted efficiently and effectively in order to reduce costs, and importantly, ensure any learning has an impact on practice. Most importantly there is a need to ensure the needs of victims and survivors remain pivotal in the process.

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