



Ministry  
of Justice

# Establishing an Independent Public Advocate

## Summary of consultation responses

### Overview

The Government is pleased to announce it will establish an Independent Public Advocate (IPA).

Families who have lost loved ones following large scale disasters, such as the Hillsborough and Grenfell Tower tragedies, have often spoken of how they felt their voices were not heard; and how they felt disempowered and unable to participate fully in the investigatory processes that followed those terrible events. It is against this background that the suggestion of introducing an IPA was first put forward. An IPA would support bereaved families in the aftermath of a disaster and support them at subsequent investigations and inquiries.

The consultation on proposals for an IPA ran from 10 September to 3 December 2018 and sought views on how such a body might best support bereaved families in the aftermath of a disaster. Views were sought from a range of people including those previously affected by a disaster, organisations that provide support to families in such circumstances, and public authorities that investigate disasters or lead the inquests and inquiries which follow.

(24) responses were received via the online consultation hub, (17) by email, and (1) by post. There were also (6) round table sessions to gather views. This document sets out the responses to the consultation.

The responses were carefully considered as part of the policy development and this document provides a summary of those responses.

# Summary of responses

## Do you agree with us about the need for the Independent Public Advocate? (Questions 1A & 1B)

- Of the (42) written responses; (31) supported the proposal to establish an IPA, (4) were either neutral or supported the IPA subject to other reassurances, such as reducing the risk of overlap with services provided by legal advisers and ensuring the independence of the IPA. (4) did not support the IPA as proposed and (3) did not support the establishment of an IPA in any form. At the 6 stakeholder sessions; (1) session, the attendees supported the proposal (3) sessions, the attendees were neutral to the establishment of an IPA, (1) the attendees were against and at (1) the attendees' responses were inconclusive.
- The majority of respondents supported the need for an IPA. This level of support informed the Government's decision to establish the IPA.

## How should it be decided whether an event is a disaster for which the Independent Public Advocate should be available? (Question 2)

### Should the Independent Public Advocate only be involved where there are fatalities? (Question 4A & 4B)

### Do you think the Independent Public Advocate should have a role in working with the bereaved where concerns are raised about the outcome of a past inquiry? (Question 14A & 14B)

- The main suggestions for how to determine when the IPA should be stood up were based on the scale of deaths/injuries (in agreement with paragraph 38 of the consultation); whenever a "major incident" has been declared; Ministerial decision; or based on the nature and complexity of the incident. A minority of responses (3) that felt the IPA should be stood up in all circumstances even if only to guide families/victims to the support already available.
- The majority of the respondents (25) were against IPA engagement in fatality only incidents and said the IPA should also be stood up for incidents involving mass injuries. (4) felt the IPA should focus on supporting fatality only incidents with (13) providing no view. There was some support for including disasters that do not necessarily have a fatality/injury but have other profound effects on families.
- There were split views on IPA involvement in retrospective events, such as past inquiries. (10) were against having a role, (16) were for having a role and (15) expressed no view.
- Having considered the consultation responses, the IPA will be engaged by the Secretary of State who will give due regard to the event's severity, scale and impact. The IPA will also, in light of the responses, support the injured in addition to the bereaved. The IPA will not be involved in past events.

## Do you envisage any difficulties in the Government adding the Independent Public Advocate to a landscape in which the Civil Contingencies Act makes statutory provision for emergency response? (Questions 3A & 3B)

- When asked about whether difficulties could be encountered establishing an IPA within the current landscape of the Civil Contingencies Act 2004, which provides a statutory provision for emergency responses, (15) felt there would not be any difficulty; (3) noted that the role of the IPA needs to be clearly defined; (8) felt that there would be problems; and (18) did not provide a view on this topic.

- Those who felt there would be issues stated that they foresaw problems in areas such as cohesion in response between the emergency services, Local Authorities, and the IPA, as well as issues with information sharing.
- The IPA has been developed in consultation with multiple stakeholders across the emergency response landscape, including respondents to the Consultation.

### Grouped: Eligibility

Who do you think should be eligible for the support of the Independent Public Advocate? (Question 5)

Should eligibility for support be determined by the government, perhaps through legislation, or be left to the Independent Public Advocate to decide in light of the circumstances following a particular disaster? (Question 6)

Do you think the Independent Public Advocate's particular focus should be on supporting bereaved families, or do you think this is too narrow? (Question 7)

How should we ensure that the Independent Public Advocate is supportive of all the bereaved who want their support, in circumstances where the bereaved may hold differing and perhaps conflicting views? (Question 9)

- The majority of respondents were in favour of supporting affected persons/persons of interest (22) such as the bereaved, injured, and first-hand witnesses. There was limited support (5) for support being offered universally to "everyone" regardless of involvement or personal interest.
- There was also a majority of respondents (24) who felt that only providing support to bereaved families was too narrow a focus, with (3) who felt this level of focus was correct.
- (19) responded that eligibility should be determined by the IPA, rather than the wider government or be set out in legislation with (8) providing no view and other respondents providing other unique views such as ensuring support would not be subject to means testing (1) and (4) expressing that some general principles should be laid out in legislation.
- Some respondents (19) felt the IPA should act impartially and feed all views of bereaved and victims into the inquest and/or inquiry. Respondents emphasised the IPA should treat everyone equally and fairly, and respondents needed assurance that individual needs would be adequately satisfied. (6) Expressed no views and the remainder provided other unique views, for example (1) suggested the need for an appeal system to be put in place.
- Having considered the responses to the consultation, the policy around eligibility for IPA support has been developed to include individuals who suffer mental injuries as a result of a 'qualifying event' and were present at the event. This will include those who were present but the effects of which present themselves at a later date. Additionally, the IPA will be operationally independent of HM Government and will thus act impartially and provide a collective voice for the bereaved and injured.

### Grouped: Support

What types of support should the Independent Public Advocate provide before and during an investigation, bearing in mind the need not to duplicate other support, or hinder those providing it? (Question 8)

Do you agree that the Independent Public Advocate should potentially be involved across the range of investigation types, or do you think their involvement should be limited to inquests and public inquiries? (Question 10A & 10B)

Should the type of support provided by the Independent Public Advocate be different in different types of investigations? (Question 11A & 11B)

- A majority of respondents (22) felt the IPA should be active in all investigation types with (6) against this approach and (12) expressed no view, however (1) felt that when piloted the IPA should be limited to inquests and inquiries.
- When asked what support the IPA should provide before and during an investigation, some respondents (15) felt the IPA should ensure the correct support is available to the interested parties, whether that be legal, counselling or accommodation etc. A minority felt the IPA would duplicate the roles and responsibilities of other agencies (4), and (2) felt the IPA should act in a “watchdog” capacity over inquests, inquiries, emergency services etc. with powers to call witnesses and compel testimony.
- While some respondents emphasised that the IPA should offer the same level of support in all different types of investigations, they recognised there may be a need to adapt support depending on the nature and complexity of the disaster and the individual needs.
- Having considered these responses, the IPA will be established on the basis that it will be involved in a range of investigation types where there has been a ‘qualifying event’ and the IPA engaged by the Secretary of State.
- We have recognised the need to tailor support and the IPA will have some discretion in the way it delivers its support function whilst being careful not to duplicate or hinder existing support services.

Grouped: Reporting

Do you think the Independent Public Advocate should be required to report on their work? (Question 12A & 12B)

What should be the purpose of any report, and should there be a duty for the government to respond? (Question 13)

Do you think the Independent Public Advocate should have a role in advising ministers where there is ongoing concern about the outcome of an inquiry? (Question 15A & 15B)

- There was a clear majority (26) in favour of the IPA producing an annual report presented to Ministers. (4) were against this approach and (12) expressed no view. Some respondents (8) said reporting should happen after any inquest and / or inquiry. Respondents thought the report would cover experiences of incidents themselves (without any information that could identify individuals), lessons learned and any consequent recommendations.
- When asked what the purpose of such reporting should be and whether the Government should respond, views were widely split, but the key themes were that the reports should focus on lessons learned and ensure transparency.
- Additionally, a majority of respondents (22) were in favour of the IPA advising Ministers in circumstances where there is an ongoing concern, with (6) against this idea.
- The majority of responses were in favour of the IPA having a reporting function, and so the IPA will provide a report to Ministers. These reports will be laid before Parliament as appropriate.
- Additionally, the IPA will be able to make non-binding recommendations to Government for their consideration.

Grouped: IPA Panel

What would be the advantages and disadvantages of having a single Independent Public Advocate with deputies? (Question 17)

What would be the advantages and disadvantages of having a cadre of Independent Public Advocates? (Question 18)

In light of all that you have read in the consultation document, what particular skills, experience or qualifications do you think the Independent Public Advocate should have? (Question 19)

- Respondents suggested a panel (13), as opposed to a single advocate (5), would improve capacity, resilience, and the diversity of experience/skills but may create the possibility of inconsistency (4) in the application of terms of reference and wider engagement of IPA.
- Respondents suggested the IPA panel members needed technical and medical expertise (5), legal experience (11) and experience of inquests/inquiries (7). Additionally, they noted empathy and people skills (15) were important to facilitate engagement with wider community.
- Based on feedback, the IPA will have a panel structure and its size will be determined by the scale of a 'qualifying event'.

How should the government ensure that the role of Independent Public Advocate can always be delivered when and where it is needed? (Question 16)

- (9) respondents specifically mentioned that the IPA should be sufficiently resourced and funded to deliver its aims with (4) noting the need for those with appropriate skills being appointed and having access to appropriate legal provision with (16) expressing no view on this topic. Others expressed unique views, such as the need for Ministerial oversight (1) and (1) who felt the IPA should have powers which exceed those of Ministers.
- (3) suggested that IPA should be devolved to Local Authorities.
- Based on the consultation responses, the MoJ will establish a 'pool' of suitably skilled individuals from which to select an appropriate panel based on the event's scale, location and impact.

What do you consider to be the impacts on people with protected characteristics of the proposals set out in this consultation? (Questions 20)

Do you think these impacts are acceptable? (Question 21)

- When asked what impacts the IPA would have on people with protected characteristics and whether these impacts were acceptable, the results were inconclusive with (6) who felt any impact would be acceptable, (4) who believed any impacts would be unacceptable and (30) who did not answer this question.
- Those who did answer the question (3) felt that all parties involved needed to be treated fairly, properly represented and ensure individual needs are met.
- We have carefully considered these responses and impacts on equalities in formulating the policy. We have concluded that there will be no direct or indirect discrimination caused as a result of the IPA being established with the exception of age, as support will be restricted to those who are over the age of 18. We have, however, built mechanisms into the police to mitigate this impact, namely, to support children through their legal guardian with the option to transfer or extend support when they turn 18.

# List of Respondents

<b>List of written respondents: Organisations</b>
Chief Coroner of England and Wales
HM Coroners Service x3 Responses
Coroners Society of England & Wales
Thurrock Council
Essex County Council
Mayor of London
Principal Government Relations Officer, Mayor's Office for Policing and Crime
Welsh Government, Head of Justice Policy
Suffolk Joint Emergency Planning Unit
Emergency Planning Society West Midlands Branch
Independent Office for Police Conduct (IOPC)
Avon & Somerset Constabulary
National Police Chiefs' Council lead for Family Liaison and National Homicide Working Group
Chief Inspector Air Accidents (also on behalf of Rail and Marine Accident Investigation branches - AIBs)
Association of Personal Injury Lawyers (APIL)
Hodge, Jones, and Allen Solicitors
Bindmans LLP
Broudie Jackson Canter (BJC)
Bar Council; Regulatory Issues and Law Reform
RoadPeace
Relative Justice Humanity for Grenfell
Whatever Next Productions, Cabinet Office Emergency Planning College & Joint Centre for Disaster Research
INQUEST
JUSTICE
Liberty
Organisation for Anticonvulsant Syndromes (OACS Charity)

<b>List of Stakeholder Meetings</b>	
Stakeholder Meeting 1	<ol style="list-style-type: none"> <li>1. Grenfell United x3 representatives</li> <li>2. INQUEST x2 representatives</li> <li>3. Cruse Bereavement Care</li> <li>4. Disaster Action and Cabinet Office EPC Senior Fellow in Recovery</li> <li>5. Manchester Attack Support Group</li> <li>6. Army Bereavement and Aftercare Support Team</li> <li>7. Woodlands Family Centre</li> <li>8. Birmingham and Solihull coroner area</li> <li>9. Manchester West coroner area</li> <li>10. Inner West London coroner area</li> </ol>

	<ul style="list-style-type: none"> <li>11. Norfolk Coroner's Office,</li> <li>12. Cambridgeshire and Peterborough Coroner's Office</li> <li>13. Thurrock Council</li> <li>14. Mayor's Office of Policing and Crime</li> <li>15. Greater Manchester Authorities</li> <li>16. Liberty</li> <li>17. Independent Office for Police Conduct</li> <li>18. Marine Accident Investigation Branch</li> <li>19. Air Accidents Investigation Branch</li> <li>20. Defence Safety Authority</li> <li>21. Independent Office for Police Conduct</li> <li>22. Suffolk Constabulary</li> <li>23. Cabinet Office</li> </ul>
Stakeholder Meeting 2	<ul style="list-style-type: none"> <li>1. Grenfell Project</li> <li>2. Humanity for Grenfell</li> <li>3. Al-Manaar</li> <li>4. Justice4Grenfell</li> <li>5. National Human Aspects Group (Working Group of the Emergency Planning Society)</li> <li>6. Broudie Jackson Canter solicitors</li> <li>7. Hodge, Jones, and Allen</li> </ul>
Stakeholder Meeting 3	Hillsborough Independent Panel, Chair and Secretariat
Stakeholder Meeting 4	HM Coroners Service
Stakeholder Meeting 5	House of Lords
Stakeholder Meeting 6	Coroner's Court Support Service