

Public inquiry or inquest?

The Grenfell Tower fire is a tragedy which has shocked the country and will have repercussions for many months, possibly years, ahead. It has left people bereaved, homeless, frightened, anxious and bewildered as to where they go from here.

People who have been affected need to be confident that there is a process that will explain to them how and why their lives were shattered and provide accountability for those that are responsible. The Prime Minister announced on 15 June that there would be a judge-led public inquiry. What is this process, how does it compare to an inquest and why might it be the best available process for those affected by Grenfell Tower?

Public inquiry

What is a public inquiry?

A public inquiry can only be called for by a government minister. A minister will do this where it appears that particular events have caused or are capable of causing public concern.

An inquiry is undertaken either by a chairperson or by a chairperson assisted by a panel.

The Minister sets out the terms of reference of the inquiry and decides upon the members of the inquiry panel. When appointing members to the panel the minister must have regard for the need to ensure that the inquiry panel has the necessary expertise and the panel must be balanced. Panel members must be impartial.

Examples of public inquiries include Hillsborough, the Leveson inquiry into the press, the Al-Sweady inquiry into the actions of British service personnel in Iraq and the inquiry into the circumstances surrounding the death of Victoria Climbié.

What access do the public have to inquiry proceedings and information?

The chairperson must take steps to enable members of the public including the media:

- to attend the inquiry or to see and hear the transmission of the inquiry
- to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel

The panel must not, however, allow information to be revealed unless satisfied that the public interest in the information being revealed outweighs the public interest in avoiding a risk of damage to the economy.

What happens at the end of an inquiry?

At the end of an inquiry a report is produced. This report should be published and go before Parliament.

An inquiry can be suspended to allow for other investigations to take place and the determination of any civil or criminal proceedings (including proceedings before a disciplinary tribunal arising out of any of those matters).

This power can be exercised whether or not the investigations or proceedings have begun.

Inquest

What is an inquest?

An inquest is a fact-finding exercise conducted by a coroner. In some cases an inquest is in front of a jury.

The purpose of the inquest is to determine who died as well as when, and where the death came about. An inquest does not seek to attribute blame or legal responsibility for the death.

The coroner will be a qualified doctor or lawyer (or both) and will have been appointed by the local authority to investigate deaths occurring in his or her district.

Any interested person can call for an inquest. They can include:

- the deceased's spouse, civil partner, parents, children, siblings, grandparents, nieces and nephews, stepparents or half-siblings
- the deceased's personal representative (sch as the executor of their will)
- any other person the coroner thinks has sufficient interest

What access do the public have to inquest proceedings and information?

An inquest is held in public and so members of the public and the media are entitled to attend.

What happens at the end of the inquest?

The coroner will complete a document called the 'Record of an inquest', which includes the name of the deceased, the medical cause of death, how, when and where (and possibly in what circumstances) the person died and the coroner's conclusion or 'determination' as to the death.

Why is a public inquiry more beneficial than an inquest to those affected by the Grenfell Tower incident?

The interests of the bereaved families, survivors and the public at large are likely to be better served by a wide ranging judicial public inquiry into the Grenfell Tower fire rather than an inquest:

- a public inquiry can go much further than an inquest. It has a broader discretion, greater powers and greater resources to address all relevant issues that arise, including the prevention of future deaths in similar circumstances
- unlike an inquest, the terms of reference of a public inquiry can be designed to reflect the real issues arising out of the tragedy, including the most immediate one, to identify the steps that need to be taken urgently in relation to fire safety standards for other buildings of this nature
- an inquiry can take place in phases over time: it can be required to provide a preliminary report on immediate matters of concern in a relatively short space of time, followed by phased sessions that are designed to meet the needs of families and survivors as well as the public
- at a public inquiry, families and survivors as well as other representatives of civil society (for example the Grenfell Action Group) should be entitled to recognition as core participants. Core participants have the benefit of public funding for legal representation and resources that are generally more generous than those available for families at an inquest. At an inquest, only the families of the deceased may be entitled to recognition as properly interested persons, and even then they are not guaranteed funding
- bereaved families have similar rights of participation in an inquiry as they do at an inquest. However, at a public inquiry the survivors would also be able to ask questions of witnesses, as well as potentially other recognised participants. Such questioning cannot happen at an inquest

If for any reason the public inquiry does not deal with all issues of relevance to the purposes of an inquest then there can be both a public inquiry and an inquest. This has happened in the past, for example Hillsborough, the Zeebrugge ferry disaster and the Ladbroke Grove Rail Crash.

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