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INQUEST

is an independent charity providing expertise on state related deaths and their investigation to bereaved people, lawyers, advice and support agencies, the media, and parliamentarians. This is informed by over 40 years of specialist casework which includes deaths in state custody and detention and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question, such as the Hillsborough disaster and the Grenfell Tower Fire.

Hillsborough Law Now

is a coalition established in 2022 of campaigners, activists and families affected by the Hillsborough Law disaster calling for the implementation of Hillsborough Law.

INTRODUCTION

When someone dies in the custody of the state or there is a large-scale disaster, official investigations, inquests and public inquiries frequently drag on for years and cost vast amounts of public money.

All too often there are cover-ups and almost always the official bodies go into defensive mode, putting their own interests and reputations above justice, accountability and learning to prevent future deaths.

This is why we are calling for Hillsborough Law.



Photograph above of Liverpool marking the 25th anniversary of the Hillsborough disaster by Beverley Goodwin on Flickr.

Front cover photograph by Sarah Booker.

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WHAT IS HILLSBOROUGH LAW?

Hillsborough Law, also known as The **Public Authority (Accountability) Bill**, will require police officers, other public officials and Chief Executives of corporations with responsibility for public safety to **tell the truth** from the outset, and openly, fully and proactively assist inquests and inquiries. This will be achieved through the enactment of a legal **'duty of candour'**, backed-up by smart provisions to ensure compliance and enforceability.

Hillsborough Law will also ensure a level playing field for bereaved people at inquests and inquiries and for those whose lives have been affected by wrongdoing and preventable failures. It will require bereaved people to receive **public funding for legal representation** proportionate to that available to the police and public authorities.

An **enforceable duty of candour** will enable investigations to swiftly identify key issues and prevent public authorities and corporations from hiding the truth and seeing what they can get away with. Critically, it will shorten the processes, thereby achieving swifter justice for those most affected and urgent change to prevent repetition at a more proportionate cost.

HOW DID HILLSBOROUGH LAW COME ABOUT?

Hillsborough Law is the legacy that bereaved families and survivors of the Hillsborough stadium football disaster have campaigned for to ensure that no one else has to experience the lies and cover ups, delays, vilification of their loved ones and lack of accountability of those responsible. Thirty one years after the disaster, in 2016, an inquest jury unanimously concluded that those who died at Hillsborough had been **'unlawfully'** killed because of police failures, stadium design faults and delays in emergency response. The inquest jury also found that fans played no part in the deaths. No public servant or police officer has been convicted of any offence or disciplined.

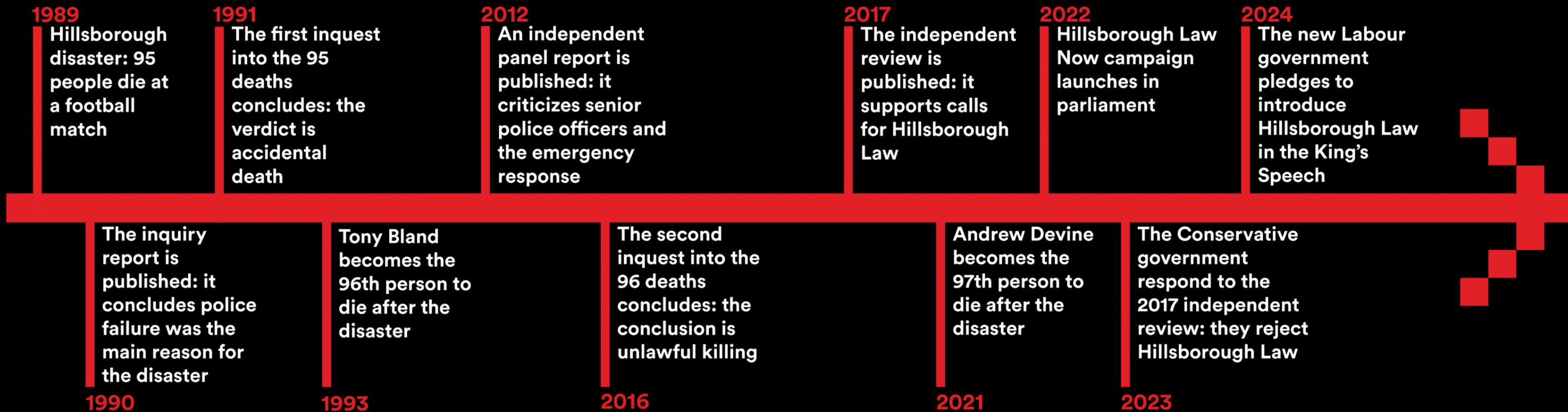
The campaign has grown into a movement of families, campaigners and activists with one shared belief. People shouldn't have to fight against the state for justice. Justice should be there for all people impacted by state failure and wrongdoing.



It would be a fitting legacy if Hillsborough Law brought about improvements to benefit the many families still facing the same hurdles that the Hillsborough families battled against.



HILLSBOROUGH DISASTER TIMELINE



WHY DO WE NEED A DUTY OF CANDOUR?

Anyone could experience the death of a loved one in the care of the state or have their life ruined because of failures which should not have happened.

We see this time and again when there are deaths in state care or custody, or as a result of mass fatalities like Hillsborough, the Grenfell Tower fire, the Manchester Arena bombing and the Covid-19 pandemic. It also occurs following other injustices like the Post Office and Infected Blood scandals, the battle of Orgreave, the murder of Daniel Morgan and the death of Zane Gbangbola.

If you care about injustice, then Hillsborough Law is a way to address some of the barriers people face.



A system where there is no accountability - effectively impunity - is a system which repeats its failures and promotes wrongdoing. And in this context, failure and wrongdoing translate into further preventable deaths.

DOESN'T THE STATE HAVE TO TELL THE TRUTH ANYWAY?

Astonishingly there has never been a **clearly defined legal duty** even on police officers, public servants, and others to assist coroners and inquiries. All too often, their default position is **institutional defensiveness, denial and delay.**

As Bishop James Jones' said in his review of the Hillsborough families' experiences:

“The Hillsborough families know that there are others who have found that when in all innocence and with a good conscience they have asked questions of those in authority on behalf of those they love, the institution has closed ranks, refused to disclose information, used public money to defend its interests and acted in a way that was both intimidating and oppressive.

There is a culture of **avoiding accountability**, which has been a persistent issue over decades. Rather than learning from past mistakes and implementing life-saving changes, the state prioritises reputation management and the defence of policies and procedures, even where there is clear-cut evidence of failings. Those repeated failings add up to cost the state more and drive further pressure on an already creaking justice system.

WHAT WILL HILLSBOROUGH LAW DO?

- Establish a legally enforceable **duty of candour** requiring public authorities, public servants and corporations who have a responsibility for public safety to tell the truth to all investigations, inquests and inquiries.
- Require public authorities, public servants and corporations to **proactively assist** in investigations, inquests and inquiries by disclosing all relevant material.
- Make a **new offence** of wilfully failing to assist inquests and inquiries or intentionally or recklessly misleading the public or media. Additionally, this will protect whistleblowers and encourage more junior staff to refuse to be part of a cover up.
- Ensure survivors and bereaved families seeking truth from the state have **equal representation** and publicly funded lawyers for representation at inquests and inquiries.

 Hillsborough Law is designed to be clear and simple, with a toolkit to be understood by bereaved families, judges, coroners and chairs used to enforce action.

HOW WILL HILLSBOROUGH LAW MAKE POST-DEATH INVESTIGATIONS FAIRER FOR FAMILIES?

Hillsborough Law would ensure **improved transparency and greater equality** between bereaved families and the state at all post-death investigations, inquests and inquiries. It will lead to **speedier justice, reducing the length of the trauma** in protracted distressing legal processes and mean **more efficient investigations and processes**. These processes would therefore have greater capability to identify systemic and/or individual failings in deaths and thus have more power to prevent future deaths.

Currently, at inquests, the State is afforded unlimited funds for legal representation from the taxpayer purse whilst families must apply for public funding (not always available), crowd fund or represent themselves. The Government has rejected increasing legal aid to ensure a level playing field. **Hillsborough Law would resolve this issue by providing funding for legal representation. It will for the first time provide scrutiny of the funding for public bodies.**



CC BY-SA 4.0 Edmund N. Gall

HOW WILL IT LEAD TO ‘SPEEDIER JUSTICE’?

Investigations, inquests and inquiries can take years due to obfuscation, delays, masses of documents and legal arguments over which evidence is relevant. This causes unnecessary trauma to bereaved families. The process is also hugely expensive for the state and taxpayer.

Hillsborough Law would require the state to disclose relevant material and to submit a position statement at the outset of investigations, identifying both good practice and failures, as well as potential wrongdoing. This would cut down investigative time and costs, as well as assist investigations, inquests and inquiries by focusing on key evidence and the most important issues from the start.

IS THERE ANYTHING THAT ALREADY ENFORCES PUBLIC AUTHORITIES TO TAKE ACCOUNTABILITY?

Following recommendations made by the chair of the Mid-Staffordshire NHS Foundation Trust public inquiry (2013), a duty of candour was established for healthcare providers to tell the truth at inquests, inquiries and investigations. However, it is so ill-defined and toothless that it is virtually meaningless and families continue to see the negative impact of this lack of candour as they navigate the legal processes. Hillsborough Law is written in plain English and its compliance and enforcement provisions are designed to be practical and effective.

WHO SUPPORTS HILLSBOROUGH LAW?

Many bereaved family and justice campaign groups have called for Hillsborough Law. It is supported by families and those affected by the Manchester Arena bombing, Grenfell Tower fire, the Covid-19 pandemic, the Post Office and the Infected Blood scandals and deaths in state custody and detention. **Every year another group of people join this call having come up against lies and cover ups in their own cases.**

Senior judges and a number of public inquiry Chairs have also joined the call for an enforceable duty of candour, recognising it will ensure swifter and more efficient justice.

WHAT POLITICAL SUPPORT DOES HILLSBOROUGH LAW HAVE?

Hillsborough Law has cross-party support. The former Bishop of Liverpool also supports this call alongside a string of Judges and inquiry Chairs.

The first reading of the Public Authority (Accountability) Bill occurred on the 29th March 2017 and was presented by Andy Burnham. It was sponsored by MPs from the Labour, Conservative, Lib Dem, SNP, Green, and SDLP parties. However, its progress was stopped by the 2017 General Election. The campaign continued and in 2022 the Labour Party pledged to put it into law.

At the end of 2023, the Conservative Government rejected Hillsborough Law. Instead, it relied on a toothless code of conduct for police and an unenforceable charter.

In the July 2024 general election, the Labour Party and Liberal Democrats committed to implementing a Hillsborough Law in their respective manifestos. The Labour Party's commitment was then reiterated in the King's Speech. This is a testament to the dedication and longstanding campaign of Hillsborough families and survivors. We must ensure that Hillsborough Law is not diluted and fully encompasses the need for transparency and equality.

WE NEED A DUTY OF CANDOUR.

WE NEED FAIR LEGAL AID FUNDING.

WE NEED HILLSBOROUGH LAW.

QUOTES OF SUPPORT

“ The reason I support Hillsborough Law is to ensure that nobody has to endure the turmoil we as Hillsborough families had to. We were alone and very, very vulnerable. Hillsborough Law is not only a decent way, it is the right way.

Steve Kelly

Bereaved family member and Hillsborough Justice Campaign member.

“ If such a law had been in place a decade or so ago, the abuse of the sub-postmasters would never have got this far. Such endemic defensiveness serves only those with something to hide. There must be a better, fairer way and a duty of candour law is it.

Jo Hamilton

One of more than 700 sub-postmasters prosecuted for false accounting between 2000 and 2014, based on incorrect information from the Post Office's faulty Horizon accounting system.

“ The Truth About Zane campaign support Hillsborough Law through deep appreciation of the impact of unaccountable power on victims and their bereaved families. There are many injustices, but one struggle, we urge all parties to support Hillsborough Law Now.

Kye Gbangbola and Nicole Lawler

Parents of 7 year old Zane who died and campaigners fighting for an independent panel inquiry into Zane's death.

“ Unless public authorities are seen to be held accountable, nothing will change and ordinary people will continue to suffer.

Marie Lyon

Chair of the Association for Children Damaged by Hormone Pregnancy Tests.

“ It’s really important to introduce a law to ensure public accountability in public office to level the playing field and protect the public when future scandals occur.

Matt Fowler

Co-founder of Covid-19 Bereaved Families for Justice. Matt lost his father Ian, 56, to Covid-19 in the early days of the pandemic and felt powerless as one man facing his grief alone.

“ The case for a Hillsborough Law Now was already compelling and clear. However, the recommendations of the Infected Blood Inquiry that a duty of candour be extended to cover individuals in NHS Trusts and civil servants show that change has never been more urgent. Until this is effected, people will continue to remain at risk from a defensive culture which has persisted for too long.

Clive Smith

Chair of the Haemophilia Society.

“ A change in the law would give us access to justice on a fair and equal playing field rather than the David and Goliath situation that exists now when fighting the state for justice. For me as a father, a Hillsborough Law would help me do all I can to get answers to help my son.

Steve Purse

Campaigner for Labrats International, a group seeking justice for those who took part in British nuclear tests and subsequently became ill and their 55,000 descendants.

“ Families affected by major incidents and state related deaths such as ours are fed up of hearing ‘I do not recall’ and ‘no comment’ from those we hold responsible. Hillsborough Law, by enforcing a parity of arms and duty of candour, is essential to ease the processes and suffering we have to endure to get justice.

Natasha Elcock

Grenfell Tower fire bereaved family member and survivor and Chair of Grenfell United.

“ As a group of bereaved families, we did our best to get to the truth of what happened to our loved ones... It was an insurmountable wall to climb because, everywhere we went, the doors were closed in our faces.

Jenni Hicks

Bereaved family member, survivor and campaigner of the Hillsborough disaster.

SUPPORTING ORGANISATIONS

Association for Children Damaged by Hormone Pregnancy Tests

Covid-19 Bereaved families for Justice UK

CWU (The Communications Union, North West Region)

Factor 8

Fatherless Generation

Fire Brigades Union

Grenfell United

The Haemophilia Society

Hillsborough Survivors Support Alliance

JUSTICE

Justice4Grenfell

Justice 4 the 21

LABRATS (Legacy of the Atomic Bomb. Recognition for Atomic Test Survivors)

Manchester Arena Support Network

OTJC (Orgreave Truth and Justice Campaign)

Positive Women via Factor 8

Shrewsbury 24 Campaign

Truth About Zane

United Families and Friends Campaign

Windrush Lives

HOW CAN YOU SUPPORT THE FIGHT FOR JUSTICE?

Despite widespread support, we need your support to make this a reality. We need your help in calling for accountability.

- For more info, go to: hillsboroughlawnow.org and <https://www.inquest.org.uk/hillsborough-law-campaign>
- Follow the campaign: @NowHillsborough
- Write to your MP about Hillsborough Law

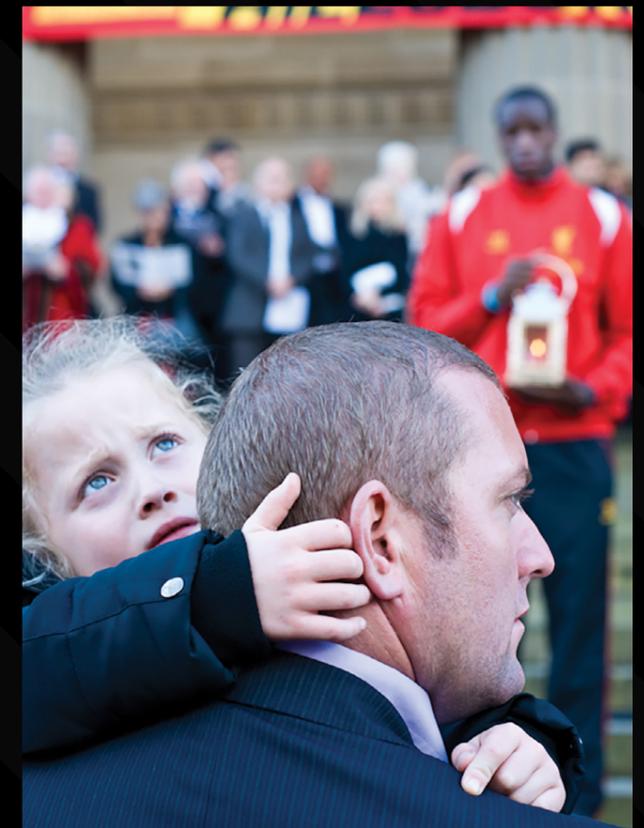
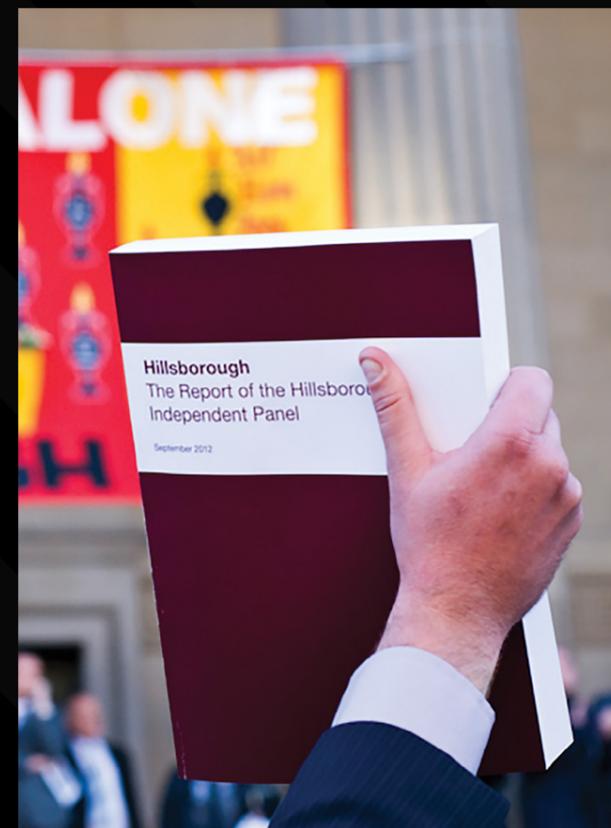


Photo credit for both images: Jan on Flickr

ACKNOWLEDGEMENTS

INQUEST and Hillsborough Law Now would like to thank the survivors, bereaved families and campaigners who have long fought for Hillsborough Law.

We pay tribute to the 97 people who died as a result of the Hillsborough disaster, and their families and friends who have ensured their legacies live on.

We express our gratitude to the countless supporters of Hillsborough Law, many of whose relatives have died after deaths involving the state and have spent years demanding truth and accountability.

Our call for Hillsborough Law is a call for justice and equality.



Printed by Broudie Jackson Canter. Broudie Jackson Canter is one of the country's leading inquests and inquiries solicitors, having represented families at the Hillsborough Inquests, the Birmingham pub bombings inquests, the Covid-19 Inquiry and the Manchester Arena Inquiry, amongst others. The firm is a member of the INQUEST Lawyers Group.

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