

Public Office (Accountability) Bill 2025

Briefing for Second Reading, House of Commons, Monday 3 November 2025

1. The Government's Public Office (Accountability) Bill 2025 introduces landmark provisions requiring public bodies and officials to act with honesty at all times – from discharging their everyday duties to their engagement with investigations when things go wrong. If implemented properly, the Bill will introduce major improvements for bereaved families and victims involved in public inquiries, investigations and inquests through quicker, more transparent and more humane proceedings. The provisions will also improve the timeliness of investigations, resulting in substantial savings of public money.

2. The Bill:¹
 - Introduces a general duty of candour on public authorities and public officials applicable to all their official duties, with duties to assist a wide range of official investigations.² These measures will address the pervasive culture of cover-up, obfuscation, denial and defensiveness that occurs when things go wrong.
 - Creates new criminal offences relating to the duty of candour, misleading the public, and failing to discharge the duty to assist, providing an effective deterrent and allowing for public officials to be more effectively held to account for wrongdoing.³
 - Expands the provision of legal aid for bereaved families going through an inquest where a public body is involved. This will end the inequality of arms faced by families having to self-fund their legal representation or go unrepresented at inquests, while state bodies benefit from unlimited taxpayer funded legal support.

3. To ensure the Bill is able to achieve greater transparency and justice for bereaved families and victims, we urge parliamentarians to:

¹ This briefing focuses on parts 1, 2 and 4 of the Bill, although we are broadly supportive of part 3.

² This includes inquiries and inquests, but also extends to ombudspeople investigations and investigations conducted by the Health and Safety Executive, the Independent Office of Police Conduct and healthcare investigations such as those carried out by the Care Quality Commission and others.

³ It also includes codified 'misconduct in public office' offences recommended by the Law Commission in 2020.

- a. Support the proposed measures in their entirety, including the mechanisms the Bill introduces for compliance and enforcement to ensure the deterrent effect is both practical and fully effective.
- b. Call for the Government to guarantee the provisions apply to intelligence services and officers, and that chief executives of organisations are fully responsible for the duties, to ensure the new law achieves what is intended.
- c. Ensure that the offence of misleading the public is effective in deterring cover-ups by removing the requirement of proof of actual harm.
- d. Safeguard equality of arms between victims and families and state bodies during investigations by supporting the provisions in part 4.

The duty of candour and assistance: parts 1 and 2

4. The Bill provides new duties to end the culture of denial and institutional defensiveness endured over decades by the bereaved and survivors of Hillsborough, Grenfell, the Horizon Post Office scandal, the infected blood scandal, the Manchester Arena attack, the Covid-19 pandemic, nuclear test veterans, Zane Gbangbola's family, those attending inquests into state related deaths and many others. Healthy organisations welcome scrutiny and candour as they promote positive change to make them the best they can be and improve public confidence in their services. Those who may want to limit the Bill seek to maintain the status quo which denies justice to those whose lives have been devastated by official wrongdoing, evasiveness, or corruption, and in so doing leave our public services inefficient and untrusted.
5. In INQUEST's report *All or Nothing, A report on the Hillsborough Law Family Listening Day*,⁴ families highlighted examples where lies, obfuscation and the failure to disclose information reflected state institutions' willingness to place reputational management above the truth. A family bereaved by the Hillsborough tragedy said,

It's only when we had the Hillsborough Independent Panel did the families get full disclosure. An awful load had been redacted and the police were told not to put anything in their notebooks. It took us 20 odd years to get disclosure, it doesn't matter what's in it, warts, and all, give us the disclosure, otherwise you don't know what you're up against.

⁴ INQUEST, *All or Nothing: A report on the Hillsborough Law Family Listening Day*, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=8a39ca72-39c0-43ba-8505-01be5bc4bfd3>

6. Clause 2 of the Bill establishes an enforceable legal duty on public officials and authorities to assist official investigations. This requires public authorities and officials to be frank and transparent in their dealings with inquiries, inquests and investigations, to proactively provide information and assistance, and to act expeditiously without favour to their own position.
7. Clause 2 also imposes a duty on the public official in charge of the authority to take all reasonable steps to secure compliance with the duty of candour and assistance.
8. These new obligations will improve the efficiency of investigations by ensuring that these processes are not delayed due to institutional defensiveness. Swifter justice will reduce the distress faced by bereaved families and survivors, who have all too often found themselves battling for years for answers.
9. We welcome provisions relating to standards of ethical conduct,⁵ which impose requirements on public authorities to put in place Codes which ensure compliance. We believe these measures, together with backstop criminal offences, will advance the necessary culture change within public bodies.
10. The Bill extends the duty to assist official investigations to private bodies holding public responsibilities: either contracted to undertake public work, or where they have a health and safety duty to the public. This is both necessary and welcome. Tragedies like Grenfell, the Manchester Arena bombing and the Post Office scandal, which involved significant failings by private corporations, demonstrate the vital need for transparency and accountability on the part of all those with public responsibility.
11. **At Second Reading we urge parliamentarians to support all elements of the duty of candour and the ancillary duty to assist, and resist any attempts to water it down.**

New offences

12. There is no 'silver bullet' to prevent cover-ups and obfuscation. The aim of the Bill is to narrow the opportunity for them to occur and to promote a different culture in public life. Those who choose to continue covering up their actions or ignore the above provisions will be taking a considerable risk because of the criminal offences

⁵ See part (1) clause (9), <https://publications.parliament.uk/pa/bills/cbill/59-01/0306/240306.pdf>

detailed in clauses 5 and 11. Backstop criminal offences are critical to give teeth to the duty of candour and duty to assist, to effect the cultural changes needed.

13. Clause 5 sets out the offence of failing to comply with the duty of candour and to assist which will be punishable with up to two years in prison. The offence would be committed where the failure was intended to impede, or the person was reckless as to whether it would impede the inquiry or investigation, i.e., knowing it might but taking the risk anyway. The offence is set at an appropriately high level to encourage compliance and deter cover-ups and obfuscation rather than seek prosecutions other than in the most egregious cases.
14. Clause 11 creates a new statutory offence of misleading the public. The offence is committed if a public authority or official in their capacity as such intentionally misleads the public or is reckless as to whether their act may do so, and they knew or ought to know their act was seriously improper. An act is seriously improper if it involves significant or repeated dishonesty which causes or contributes to harm and significantly departs from what is expected of a public official. The threshold for this offence is set appropriately high. Accidental or inadvertent misleading is not enough.
15. The aim of the clause 11 offence is to deter misleading the public and change the culture of public bodies, rather than to criminalise acts directed at individuals. However, the current drafting undermines its effectiveness because it confuses this aim by including the requirement of 'harm'.
16. Many criminal offences are directed at a 'victim', others interfere with public order, justice or administration (characterised as crimes to protect the individual or the system respectively). The former would include assault and theft, the latter would include perverting the course of justice, official secrets, or disorderly behaviour. The clause 11 offence is plainly within the second group. The current iteration of clause 11 inappropriately and unnecessarily adds the ingredient of 'harm' to a victim. This is not only contrary to principle but would significantly reduce the effectiveness of the provision, which aims to deter cover-ups or obfuscation, rather than actual harm to identifiable individuals (although harm and victims may in fact be caused). In some cases, this would not be problematic, but it would negate the provision in others where it absolutely should apply: for example, the falsification of crime statistics, or the false denial of something previously admitted by state agents to the media concerning a matter of substantial public interest.

17. **At Second Reading, we urge parliamentarians to raise the need to rectify clause 11 by calling for the removal of the ‘harm’ test to ensure these provisions effectively deter cover-up and obfuscation.**

Command Responsibility

18. The Bill creates both corporate/institutional duties and individual duties on public officials. At s2(5) the Bill requires the person in charge of a public body to take all reasonable steps to secure that the authority complies with its obligations. However, that drafting does not make the chief officer/executive responsible for the purposes of the s5 offence.

19. Unless it does so, the real deterrence of command responsibility is much reduced. In short, the provision looks good, but fails to deliver its true purpose. From the outset we have urged that all elements of this Bill must be practical and effective, and not aspirational.⁶

20. **We call on parliamentarians to call on government to strengthen the provisions on command responsibility.**

Application to security services

21. In advancing this Bill, the Government is recognising the necessity for a practical and effective statutory duty of candour to change the culture of public bodies, who have persistently engaged in cover-ups and obfuscation in many circumstances over a long period of time. In this regard, as public bodies, the intelligence services are no different, and there are many examples of their failures in this respect.⁷

22. Candour is not incompatible with national security. A statutory duty of candour does not require publication or disclosure of material which must remain closed. It should, however, require the security services to tell the truth about that which *is* to be placed in the public domain. This is exemplified by the Manchester Arena inquiry where MI5

⁶ We have provided Government with a simple amendment to rectify this issue, which involves the addition of a s5(2) (and a similar amendment to s11). The amendment we provided is as follows: “Where the duty falls on a public authority or other body, responsibility for the discharge of that duty falls on the Chief Officer or Chief Executive for the purposes of this section.”

⁷ INQUEST, All or Nothing: A report on the Hillsborough Law Family Listening Day, see pages 13 and 18, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=8a39ca72-39c0-43ba-8505-01be5bc4bfd3>

promulgated a false narrative for six years.⁸ The inquiry chair found as a fact that MI5's assertions on the central facts were not correct. Ensuring the duty of candour also applies to the security services, would prevent this happening in the future.

23. The original Bill - the Public Authority Accountability Bill 2017 - introduced to Parliament by Andy Burnham and drafted by directors of Hillsborough Law Now, applied the provisions to public authorities across the board, including the intelligence services, but expressly indicated that they had to be applied subject to existing laws including national security. The current Bill similarly applies the duties to the intelligence services but with certain caveats.
24. We are concerned that the drafting of the caveats in the current Bill is defective. Paragraph 2 of Schedule 1 amends the Inquiries Act 2005 and creates a new s23A regarding the "duty of candour and assistance". Instead of dealing with particular legitimate safeguards, the current drafting restricts the provisions to intelligence agencies as corporate bodies and not to individual officers as is the case for all other public authorities. This would be an unacceptable carve out if not dealt with and would greatly reduce the practical effectiveness of the provisions. We have provided the Government with a simple amendment which will rectify this problem.
25. **We call on parliamentarians to support us in ensuring the duty to assist applies to the security services as to other public bodies, with caveats relating only to national security protection. Applying carve outs for intelligence officers or to the services themselves should not be acceptable in a Bill providing candour.**

Part 4: participation of persons at inquiries and inquests

26. The measures in part 4 of the Bill will transform the experiences of bereaved people and survivors going through investigations by addressing the fundamental inequality of arms at the heart of inquests, inquiries, and other investigations.
27. It does this by a raft of measures designed to require public bodies to act responsibly in regard to official investigations where their failings may be in issue, and by

⁸ See the report of the Manchester Arena Inquiry, paragraph 24.53, https://assets.publishing.service.gov.uk/media/63ff865ae90e0740dc92d1d8/MAI_Final_PDF_Volume_3.pdf

providing for legal aid to be made available without a means test to bereaved family members at inquests where a public authority is an Interested Person.⁹

28. Currently, while state bodies have unlimited access to public funding for the best legal teams and experts, many bereaved families are left unrepresented, or forced to pay large sums towards legal costs, or represent themselves. Others have had to resort to crowdfunding. Bereaved families have repeatedly testified to attending inquests into the death of their loved one where they have been faced with large teams of lawyers for state bodies, an unacceptable inequality of arms.¹⁰

29. Inquests where families are represented have uncovered important evidence which can contribute to positive changes to policy and practice in the treatment and care of vulnerable people.¹¹ Funding for families therefore has a wider public benefit, far beyond individual rights and interests.

30. The provisions in part 4 also apply more broadly to ensure parity and greater participation of bereaved families and victims at inquiries and other investigations.

Part 4:

- Requires authorities to have regard to guidance setting out principles to promote candour during investigations, support the inquisitorial nature of the inquiry, support the inquiry to meet its objectives and help the participation of affected persons.
- States that public authorities only engage legal representatives so far as it is necessary and proportionate, having regard to the “comparative position” of affected persons’ legal representation, obligations to assist in disclosure and the need to be cost-effective.
- Establishes a requirement for those leading investigations to have regard to the overriding objective for those affected to participate fully.

31. Overall, the Bill will lead to substantial public funding savings because the duty of candour and the duty to assist will lead to swifter justice and shorter, more efficient official investigations, including inquiries and inquests. The provisions in part 4 also

⁹ Clause 18(e) and Schedule 6, Part 4 does this through amendments to the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) and the Civil Legal Aid Regulations 2013.

¹⁰ See INQUEST and INQUEST Lawyers Steering Group briefing for Committee Stage of the Judicial Review and Courts Bill, <https://www.inquest.org.uk/Handlers/Download.ashx?IDMF=fb58abc4-3f60-4782-8e14-a88095a9f2f6>

¹¹ Ibid

have a cost-saving function as 18(b)(iii) requires public authorities to have regard to proportionality and cost-effectiveness when engaging legal representatives, and the Government intends to bring in a parallel scheme to ensure increased costs for representation for the bereaved are met by the public authorities involved in those processes.¹²

- 32. At Second Reading, we urge parliamentarians to support the provisions to provide non means tested legal aid for bereaved families at inquests.**

Devolved matters

33. As this is a UK Bill it can only include devolved matters with the agreement of the Devolved Administrations. The cross-party support for the original 2017 Bill, and the many groups who support the Bill, included MPs and affected families from Northern Ireland, Scotland and Wales.
- 34. We urge parliamentarians to ensure the Government work with the three Devolved Administrations to extend relevant provisions, by amendment.**

¹² Impact Assessment, Public Office (Accountability) Bill – Parity measures, <https://publications.parliament.uk/pa/bills/cbill/59-01/0306/IAParityofArms2.pdf>

The **Hillsborough Law Now** campaign is a broad coalition of families, activists, leaders, and everyday people who want justice. Hillsborough Law is the legacy project of the Hillsborough families, supported by the many campaigns of bereaved families from other contexts, and those affected by state-related scandals. It has been cross-party from its inception, and the original 2017 Bill was sponsored by all of the main political parties and those from the devolved jurisdictions. Many chairs of inquiries and senior judges have supported a statutory duty of candour and a level field for representation by state parties and those who may have been bereaved or affected by state failures. Families and Hillsborough Law Now has led the campaign and assisted the Government in crafting the Bill, supported by INQUEST and JUSTICE.

INQUEST is the only charity providing expertise on state related deaths and their investigation. For four decades, INQUEST has provided expertise to bereaved people, lawyers, advice and support agencies, the media, and parliamentarians. Our specialist casework includes deaths in prison and police custody, immigration detention, mental health settings and deaths involving multi-agency failings or where wider issues of state and corporate accountability are in question such as the Hillsborough disaster or Grenfell Tower fire. INQUEST coordinated a Family Listening Day with bereaved families and victims to hear from those most affected on what a 'good' Hillsborough Law would look like, resulting in our report [*All or Nothing, A Report on the Hillsborough Law Family Listening Day*](#).

JUSTICE is a cross-party law reform and human rights organisation working to strengthen the UK justice system. It is the UK section of the International Commission of Jurists. Our vision is of fair, accessible and efficient legal processes in which the individual's rights are protected, and which reflect the country's international reputation for upholding and promoting the rule of law. In 2020, JUSTICE's [*When Things Go Wrong*](#) working party, chaired by Sir Robert Owen, supported the introduction of a Hillsborough Law.

For further information on the Public Office (Accountability) Bill, please contact Rosanna Ellul rosannaellul@inquest.org.uk or Emma Snell esnell@justice.org.uk