



## Public Advocate Bill [HL]

### HL Bill 25 of 2022–23

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The [Public Advocate Bill \[HL\]](#) is a private member's bill introduced by Lord Wills (Labour). The bill was introduced on 9 June 2022 and is due to have its second reading in the House of Lords on 16 June 2023.

The bill would establish a public advocate who would act either at the request of the Lord Chancellor, or after an event that had caused a large-scale loss of life if requested to do so by a majority of representatives of the deceased and injured survivors. The proposals for the role of the public advocate are based on the work of the Hillsborough Independent Panel, which was set up in 2009 to re-examine the events of the 1989 Hillsborough disaster.

The advocate would be required to report to representatives of the deceased on the progress of investigations into the major incident. At the request of a majority of the representatives of the deceased, the advocate would be required to set up a panel to review and report on all documentation relating to the event. Relevant public authorities and other bodies would be required to provide documents to the panel, unless covered by a specific exemption such as national security grounds or prejudicing a police investigation. A decision by a public authority to withhold information under one of the exemptions would be subject to review by the information commissioner. The information commissioner's decision could be appealed to a tribunal.

The advocate would be required to report annually on their work, and to report at the conclusion of their work relating to a particular event. The provisions would apply to England and Wales and would apply only to events that took place once the bill had come into force.

The Conservative manifesto of 2017 and the subsequent Queen's Speech contained a commitment to introduce an independent public advocate (IPA) to act for bereaved families after a public disaster and support them at public inquests. Theresa May's government also ran a consultation on the subject in 2018. On 1 March 2023, the current government announced plans to introduce an IPA. It said that this would put victims and the bereaved at the heart of the response to large-scale disasters. The proposals were included in the [Victims and Prisoners Bill](#) which was debated at second reading in the House of Commons on 15 May 2023. While the public advocate provisions in the bill have been broadly welcomed, there have also been some criticisms concerning how independent the post would be from the government.

Prior to the government's announcement there had also been several attempts through other private member's bills and amendments to establish a public advocate. However, none were successful.

## I. Purpose of the bill

Lord Wills has explained that the bill has its origins in the Hillsborough football disaster and the obstacles encountered by the bereaved families when they tried to find out the truth of what happened to their loved ones.<sup>1</sup> The disaster took place at an FA cup semi-final match between Liverpool and Nottingham Forest in April 1989, held at the Hillsborough stadium in Sheffield. A total of 97 people died as a result of a crush at the stadium, and several hundred more were injured.<sup>2</sup>

When he was a minister of state at the Ministry of Justice, Lord Wills was involved in setting up the Hillsborough Independent Panel following the 20th anniversary of the Hillsborough disaster.<sup>3</sup> This was a non-statutory body whose remit was to oversee the public disclosure of information from central government and other public bodies relating to the Hillsborough tragedy. Lord Wills said that the panel was “very successful” and “went a long way to eventually finding out the truth and giving these heroic families what they wanted”. He has argued that work like that done by the Hillsborough Independent Panel would be important when other big public disasters occur, such as the Grenfell fire.

Lord Wills has described the purpose of the bill as “an attempt to provide mechanisms primarily for the families of the victims, to give them agency in the process, not to replace inquests, not to replace lawyers, but to give the families a new sense of agency and particularly in finding out the truth”.<sup>4</sup> He said the bill would give them the ability to require a public advocate with relevant expertise to set up a panel like the Hillsborough Independent Panel in the wake of a large public disaster to “get at the truth of what happened” and to prevent “those in power clos[ing] ranks and stop[ping] the truth coming out”.

## 2. What was the Hillsborough Independent Panel?

The Hillsborough Independent Panel was established by the then home secretary, Alan Johnson, in December 2009.<sup>5</sup> The Hillsborough Family Support Group and Merseyside MPs had presented a case to him calling for the disclosure of all documents relating to the Hillsborough disaster, based on “increasing public awareness of the circumstances of the disaster and the appropriateness of the investigations and inquiries that followed”.<sup>6</sup>

In the decade after the tragedy, various reviews and inquiries had attempted to establish what happened on the day. The House of Commons Library has summarised these as follows:

A judge-led public inquiry into the Hillsborough stadium disaster, led by Lord Justice Taylor, was carried out between 1989 and 1990. The Taylor report, which came in the form of an interim

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<sup>1</sup> UK Parliament, [‘House of Lords podcast: Private member’s bills’](#), 7 July 2022.

<sup>2</sup> Hillsborough Independent Panel, [‘Hillsborough: The report of the Hillsborough Independent Panel’](#), 12 September 2012, p 3; and Liverpool Echo, [‘Survivor Andrew Devine dies to become Hillsborough’s 97th victim’](#), 28 July 2021.

<sup>3</sup> UK Parliament, [‘House of Lords podcast: Private member’s bills’](#), 7 July 2022.

<sup>4</sup> As above.

<sup>5</sup> [HC Hansard, 15 December 2009, col 111WS](#).

<sup>6</sup> Hillsborough Independent Panel, [‘Hillsborough: The report of the Hillsborough Independent Panel’](#), 12 September 2012, p 4.

report in 1989 and then a final report in early 1990, attributed primary responsibility for the deaths to a failure of police operations. Lord Justice Taylor was especially critical of senior officers in South Yorkshire Police, who had been “defensive and evasive witnesses” in front of the inquiry and shown no willingness to accept culpability for the events that unfolded. He also concluded that the allegations that supporters had contributed to the disaster through drunken disorderliness and attempting to gain entry without tickets were unsubstantiated.

[...] Separately to the Taylor inquiry, a coroner’s inquest was conducted into the events of 15 April 1989. The jury at that coroner’s inquest controversially returned the finding that the deaths had been “accidental”. This effectively prevented, at that time, criminal charges from being brought in respect of the (then) 95 fans who had died.

There were suggestions, even in the late 1990s, that important evidence had been withheld from the Taylor inquiry and the coroner’s inquest, preventing a full and considered view from being reached on the role and culpability of the police. A review was conducted by Lord Justice Stuart-Smith shortly after the 1997 general election. He controversially found that new information regarding concealment of evidence by the police would not have significantly impacted Lord Taylor’s original conclusions.<sup>7</sup>

However, many affected by the Hillsborough disaster were still not satisfied that the full story had been told. As the Hillsborough Independent Panel report later put it:

Despite this range of inquiry and investigation, many bereaved families and survivors considered that the true context, circumstances and aftermath of Hillsborough had not been adequately made public. They were also profoundly concerned that following unsubstantiated allegations made by senior police officers and politicians and reported widely in the press, it had become widely assumed that Liverpool fans’ behaviour had contributed to, if not caused, the disaster.<sup>8</sup>

In 2009, at the 20th anniversary of the disaster, Andy Burnham, then secretary of state for culture, media and sport, announced the government’s intention to effectively waive the 30-year rule on withholding public records to enable disclosure of all documents relating to the disaster.<sup>9</sup> Following meetings with the Hillsborough Family Support Group, the government appointed the Right Reverend James Jones, who was then bishop of Liverpool, to chair the Hillsborough Independent Panel. The panel’s terms of reference were to:<sup>10</sup>

- oversee full public disclosure of relevant government and local information within the limited constraints set out in the panel’s disclosure protocol
- consult with the Hillsborough families to ensure that the views of those most affected by the tragedy were taken into account

<sup>7</sup> House of Commons Library, ‘[Public inquiries: Non-statutory public inquiries](#)’, 28 November 2022, pp 17–18.

<sup>8</sup> Hillsborough Independent Panel, ‘[Hillsborough: The report of the Hillsborough Independent Panel](#)’, 12 September 2012, p 4.

<sup>9</sup> As above, p 4.

<sup>10</sup> As above.

- manage the process of public disclosure, ensuring that it took place initially to the Hillsborough families and other involved parties, in an agreed manner and within a reasonable timescale, before information was made more widely available
- in line with established practice, work with the keeper of the public records in preparing options for establishing an archive of Hillsborough documentation, including a catalogue of all central government and local public agency information and a commentary on any information withheld for the benefit of families or on legal or other grounds
- produce a report explaining the work of the panel

The Hillsborough Independent Panel published its report in September 2012. It set out an overview of what was previously known and explained how the disclosed information it had received changed public understanding of what had happened at the Hillsborough stadium and afterwards. The House of Commons Library has summarised the panel's findings as follows:

Like the Taylor report, the independent panel concluded that the police operation was primarily responsible for the circumstances giving rise to the crush, and identified failed opportunities to learn from previous safety incidents both at that football ground and others. It deprecated attempts by the police and others at the time and subsequently to suggest that drunken or disorderly behaviour by fans was a contributing factor to the incident: something for which there was “no evidence”. The emergency services response also attracted some criticism as to its efficacy, but no quantifiable link could be made between that and the number of lives lost.

Beyond the incident itself, the panel concluded that there was evidence of a cover-up by the police. It highlighted evidence of tampered witness statements and a concerted public relations campaign to deflect blame away from the police and towards the fans involved in the crush. It also found serious deficiencies in the original coroner's inquest and the coroner's subsequent statements to the Stuart-Smith review.<sup>11</sup>

The panel said that during its work it had discovered that “the information disclosed will add significantly to public understanding”.

Following the panel's report, the attorney general applied to the high court for the original inquest verdict of “accidental death” to be quashed.<sup>12</sup> New inquests were subsequently held, and in 2016 a jury found by a majority of 7-2 that the Hillsborough victims were unlawfully killed.<sup>13</sup> The jury found match commander Chief Superintendent David Duckenfield was “responsible for manslaughter by gross negligence” due to a breach of his duty of care. At a later criminal trial, Chief Superintendent Duckenfield was found not guilty of gross negligence manslaughter, although this did not affect the unlawful killing verdict returned at the inquests.<sup>14</sup> In a separate trial, two retired police officers and a former solicitor accused of altering police statements were acquitted of perverting the course of justice in May 2021 after a judge ruled there was no case to answer.<sup>15</sup>

<sup>11</sup> House of Commons Library, '[Public inquiries: Non-statutory public inquiries](#)', 28 November 2022, p 20.

<sup>12</sup> Owen Gibson, '[High court quashes Hillsborough inquest verdicts](#)', Guardian, 19 December 2012.

<sup>13</sup> BBC News, '[Hillsborough inquests: Fans unlawfully killed, jury concludes](#)', 26 April 2016.

<sup>14</sup> BBC News, '[Hillsborough police chief David Duckenfield cleared of manslaughter](#)', 28 November 2019.

<sup>15</sup> BBC News, '[Hillsborough trial: Men acquitted as judge rules no case to answer](#)', 26 May 2021.

### 3. Bill provisions

The bill has six clauses.

Clause 1 would create the role of public advocate. It would oblige the Lord Chancellor to establish an advocate to undertake the functions set out in the bill. The advocate's expenses and any allowances determined by the secretary of state would be paid out of public funds. The Lord Chancellor would be under a duty to ensure there was "an efficient and effective system to support the carrying on of the business of the advocate".

Clause 2 sets out the circumstances under which the advocate could undertake their functions in relation to a particular event. The advocate could act if invited to do so by the Lord Chancellor, or if two other requirements were met:

- The first requirement is that, in the advocate's opinion, an event had occurred which had led to "large scale loss of life" and involved serious health and safety issues, a failure in regulation or "other events of serious concern". In reaching this opinion, the advocate would be required to have regard to previous decisions of the advocate. Clause 2(8) would enable the advocate to classify a series of deaths over a period of time as a "large scale loss of life".
- The second requirement is that a majority of representatives of those deceased due to the event and injured survivors had asked the advocate to undertake their functions. Clause 2(4) provides that a majority would be defined as "fifty percent plus one or more of the total" of representatives of the deceased and any injured survivors. For this purpose, "an injured person" would be defined as someone who had been admitted to hospital as a result of the event (clause 2(9)).

Subsections (5) to (7) of clause 2 set out how a representative would be identified for each person who had died in an event. Essentially, the first qualifying person of legal age from an ordered list of relatives (spouse or civil partner, child, grandchild, parent and so on) would be the representative. Where there were no relatives, a cohabitant or executor of the deceased person could become the representative. If no qualifying person higher in the list could be identified, the advocate could appoint themselves or someone with a verifiable relationship with the deceased to be the representative. The first qualifying person in the list could assign another qualifying person lower down the list to be the representative, and legally separated parents of a deceased person could jointly represent their deceased child.

Clause 3 sets out the advocate's functions. The advocate would be required to:

- report to the representatives on the progress of an investigation into the major incident by the police or another authority and how the representatives can assist with it, including the implications of engaging lawyers if there are no lawyers representing the families
- upon request from any of the people who could potentially qualify as representatives listed in clause 2(5), make any report(s) the advocate has provided to the representatives available to all the qualifying persons
- on a request from a majority of representatives, set up an advocate's panel to review all documentation relating to the event, the deceased and the representatives, and report on

it; the advocate would be required to consult the representatives of the deceased about the composition of the panel; the advocate could not chair the panel but would appoint someone else to do so; the advocate could be a member of the panel

Clause 3(6) would require all relevant public authorities and “other relevant organisations” to provide documentation to the panel when requested by the panel to do so. This would be subject to clause 4, which sets out further provisions about the disclosure of information to an advocate’s panel. Clause 4(3) sets out exemptions where a public authority could decline to provide information to a panel, if it:

- is not possible for reasons of safeguarding national security,
- would, or would be likely to, prejudice the defence of the UK or any crown dependency or overseas territory, or the capability, effectiveness or security of the armed forces,
- is prohibited by any enactment, is incompatible with any EU obligation or would be a contempt of court, or
- would, or would be likely to, prejudice a police investigation as to whether any person has failed to comply with the law.

If information was withheld from the panel under an exemption, the panel would have to be informed of the subject of the matter being withheld and the reason for the exemption. The panel could then apply to the information commissioner for a decision about whether the public authority had assessed correctly that disclosure was not possible. Having considered the application, the information commissioner would have to issue a decision notice stating either that the withholding of the information was correct, or that some or all of the information should not be withheld. In the latter case, the notice would also have to set out the steps the public authority must take to provide the information and a deadline for doing so. The advocate’s panel or the public authority could appeal the information commissioner’s decision to a tribunal.

Clause 4(11) specifies that an advocate’s panel and any office or officials supporting its work would not count as a public authority for the purpose of the Freedom of Information Act 2000. Under that act, bodies designated as public authorities are obliged to publish certain information about their activities, and members of the public are entitled to request information from them.<sup>16</sup>

Clause 5 would require the advocate to provide an annual report on their work to the Lord Chancellor. The advocate would also have to report to the Lord Chancellor at the conclusion of support relating to a particular event, and at any other time the advocate identified a need to do so. The Lord Chancellor would have to lay a copy of any report before Parliament within 15 days.

Clause 6 specifies that the bill would extend to England and Wales only. It would come into force on the day on which it was passed and would only apply to events that occurred from that day onwards.

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<sup>16</sup> Information Commissioner’s Office, [‘What is the Freedom of Information Act?’](#), accessed 2 August 2022.

## 4. Other attempts to legislate for a public advocate

There have been various attempts to secure legislation providing for a public advocate in recent years, including through private member's bills in both Houses, unsuccessful attempts to amend the Police, Crime, Sentencing and Courts Bill, and public campaigning. Theresa May's government committed to introducing legislation in 2017 and ran a consultation on the subject in 2018. On 1 March 2023, the government announced that it would legislate "as soon as possible" to introduce an IPA. It included its proposals in the Victims and Prisoners Bill, currently in the House of Commons.

### 4.1 Previous private member's bills in the House of Lords

Lord Wills introduced versions of his bill in the 2014–15, 2015–16 and 2019–21 sessions. The 2015–16 bill received a second reading but did not progress further. Neither of the other versions progressed beyond first reading.

At the 2015–16 bill's second reading in January 2016, Lord Wills explained the intentions behind his proposals. He said that history had shown that "bereaved families and injured survivors can feel alienated from the official process for responding to [...] public disasters".<sup>17</sup> He identified a lack of transparency as a key reason for this. He argued that the challenge in responding to such events was to "strike a better balance between the impartial discharge of justice and good government and protecting the interests and feelings of the bereaved and injured survivors".<sup>18</sup> He said that the Hillsborough Independent Panel pointed to a way that this might be done. He argued it had been able to reveal new facts about what happened by "circumvent[ing] the constraints of data protection legislation". He said it was also important that the bereaved families placed trust in the panel and had confidence it was working in their interests. Another important factor was giving the bereaved families a way to articulate their views collectively. He said that his bill sought to implement these lessons. However, he emphasised that his aim was "augmenting the system to protect better the interests of the bereaved", not replacing existing processes for responding to public disasters such as the coronial system and public inquiries.

Lord Bach, who was then shadow justice spokesperson in the Lords, said Labour supported the bill's second reading.<sup>19</sup> However, he suggested it needed some drafting changes, such as specifying the advocate's independence on the face of the bill, and ensuring that the public advocate would always chair an advocate's panel.

Lord Faulks, then a minister of state at the Ministry of Justice, said the government shared Lord Wills's desire to ensure that bereaved families were properly involved and supported throughout the process after a major incident.<sup>20</sup> However, he argued that much of what was proposed for the role of a public advocate was already taking place through reforms made to the coronial system in the Coroners and Justice Act 2009 and through obligations in the Inquiries Act 2005 relating to fairness and disclosure. The government therefore believed that "at the moment,

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<sup>17</sup> [HL Hansard, 29 January 2016, col 1520.](#)

<sup>18</sup> [HL Hansard, 29 January 2016, col 1521.](#)

<sup>19</sup> [HL Hansard, 29 January 2016, col 1528.](#)

<sup>20</sup> [HL Hansard, 29 January 2016, col 1529.](#)

there is no need for the public advocate role that the bill envisages”.<sup>21</sup> However, Lord Faulks said the government was willing to consider whether any of the existing processes could be improved and whether any of the principles in the bill could be incorporated into the existing system, such as strengthening the guidance for inquiry chairs on the importance of the needs of bereaved families.

## 4.2 Government policy

By 2017, the government had changed its position on the need for a public advocate. The Conservative Party’s manifesto for the 2017 general election contained a commitment to “introduce an independent public advocate, who will act for bereaved families after a public disaster and support them at public inquests”.<sup>22</sup> The manifesto said this was “to ensure that the pain and suffering of the Hillsborough families over the last 20 years is not repeated”.

This was followed by a commitment in the Queen’s Speech of June 2017 to “take forward measures to introduce an independent public advocate, who will act for bereaved families after a public disaster and support them at public inquests”.<sup>23</sup> In an accompanying briefing document, the then prime minister, Theresa May, noted that this announcement came a week after the Grenfell Tower tragedy.<sup>24</sup> Her government undertook to consult on its proposals to ensure that the new role was focused on “those events where the scale, complexity and public interest result in demands being made on our investigatory bodies that put at risk their ability to adequately support and engage with victims and the bereaved”.<sup>25</sup>

In November 2017, the Right Reverend James Jones, the chair of the Hillsborough Independent Panel, published a report on the Hillsborough families’ experiences.<sup>26</sup> This work had been commissioned by Theresa May, then home secretary, following the new Hillsborough inquests in 2016. The report identified 25 ‘points of learning’ describing the changes that the Right Reverend Jones believed were necessary, including a charter for families bereaved through public tragedy, proper participation of bereaved families at inquests and the introduction of a duty of candour for police officers. The report also endorsed the government’s proposal to create an IPA, which the Right Reverend Jones said would “fill a real gap in the provision of support to bereaved families”.<sup>27</sup> He cautioned the government not to adopt too narrow a definition of ‘public disaster’.

The Ministry of Justice ran a consultation on establishing an IPA between September and December 2018.<sup>28</sup> It sought views on questions such as:

- the need for an IPA
- the circumstances in which the support of an IPA should be available

<sup>21</sup> [HL Hansard, 29 January 2016, col 1531](#).

<sup>22</sup> Conservative and Unionist Party, [‘Forward together: Our plan for a stronger Britain and a prosperous future’](#), May 2017, p 44.

<sup>23</sup> Prime Minister’s Office, [‘The Queen’s Speech 2017’](#), 21 June 2017, p 9.

<sup>24</sup> As above, p 6.

<sup>25</sup> As above, p 55.

<sup>26</sup> James Jones, [‘The patronising disposition of unaccountable power’: A report to ensure the pain and suffering of the Hillsborough families is not repeated’](#), November 2017, HC 511 of session 2017–19.

<sup>27</sup> As above, p 3.

<sup>28</sup> Ministry of Justice, [‘Establishing an independent public advocate’](#), September 2018.



- who should be eligible for support—for instance bereaved families only, or others who had been affected by a disaster in some way
- what support an IPA should provide, bearing in mind the need not to duplicate or hinder other support
- whether there should be a role for an IPA where concerns are raised about the outcome of an inquiry
- how the government could ensure that the role could always be delivered when and where needed

The role proposed by the government in the consultation for an IPA was different to that set out in Lord Wills’s bill. The government suggested that an IPA would:

[...] act primarily to bring together those who hold responsibility for investigating a disaster and those who have been bereaved by that disaster. They will help prepare the bereaved, and potentially others, for their interactions with the investigatory bodies, helping them to understand the processes and ensure that their views are heard. They will promote effective relationships between those bodies and the bereaved by providing advice and challenge to the investigatory body on the best way to engage with them. They may also, if required and appropriate, have a role in liaising with bodies responsible for other investigations that may relate to a disaster, such as the Independent Press Standards Organisation.<sup>29</sup>

It also suggested there could be a case for the IPA to have a role in advising ministers on how best to respond if the bereaved raised concerns that an inquiry failed to uncover the truth. However, it would be for the government to decide what action to take, for instance establishing a Hillsborough-style panel.<sup>30</sup>

On 1 March 2023, the government announced that it would create an IPA. Then Lord Chancellor Dominic Raab stated:

[...] we intend to legislate as soon as possible to introduce an independent public advocate; to put victims and the bereaved at the heart of our response to large-scale public disasters; to make sure they get the support they deserve through public inquests and inquiries; and to make sure they get the answers they need to move forward in their lives.<sup>31</sup>

On the same day the government published its response to the 2018 consultation.<sup>32</sup>

Responding to the announcement, former prime minister Theresa May queried whether the government’s proposals would allow families, victims and survivors the ability to initiate the work of the IPA. Shadow Secretary of State for Justice Steve Reed had similar concerns, arguing that the government’s proposals “do not go far enough and will be too weak, as they stand, to prevent cover-ups”. He called for a fully independent, permanent figure that would be accountable to families, rather than a “panel of advisors appointed as a signposting service by the government as they see fit”.<sup>33</sup>

<sup>29</sup> Ministry of Justice, ‘[Consultation on establishing an independent public advocate](#)’, September 2018, Cm 9701, pp 5–6.

<sup>30</sup> As above, p 19.

<sup>31</sup> [HC Hansard, 1 March 2023, col 790.](#)

<sup>32</sup> Ministry of Justice, ‘[Establishing an independent public advocate](#)’, updated 1 March 2023.

<sup>33</sup> [HC Hansard, 1 March 2023, col 793.](#)

The government's proposals were included in the Victims and Prisoners Bill, which was introduced into the House of Commons on 29 March 2023 and received its second reading on 15 May 2023. The bill would introduce an 'independent public advocate' scheme. The bill includes provisions which would:

- give the justice secretary a discretionary power to appoint a 'qualified and suitable' advocate for victims of 'a major incident' (ie an incident that caused the death or serious harm of a significant number of individuals)
- give the justice secretary powers regarding the terms of appointment and dismissal of an IPA; advocates would be appointed on an ad hoc basis in response to incidents and victims' needs on terms agreed with the justice secretary; they would also be able to dismiss the advocate on grounds they "consider appropriate"
- outline the support which advocates can give to victims following a major incident and/or any investigations, coroner's inquest or public inquiries taking place
- allow the justice secretary to commission a report from an advocate and specify what it must cover, including how victims were treated in any investigation, inquest, or public inquiry
- provide a framework for advocates to share information where appropriate with the justice secretary, a court or tribunal, coroner or inquiry, other public authorities, and with victims; the justice secretary would also be permitted, but not required, to share information with an advocate

More details regarding the provisions in the bill can be found in the House of Commons Library briefing produced for the bill.<sup>34</sup>

During the bill's second reading similar concerns regarding the independence of the public advocate were raised. Steve Reed, shadow justice secretary, indicated that the Labour Party would be tabling amendments during the passage of the bill to establish "a fully independent legal advocate accountable to families".<sup>35</sup> Chair of the House of Commons Justice Committee Sir Robert Neill argued that the IPA would be "valuable" but noted:

I hope we can look at some other issues, in particular the scope of the scheme—the areas into which the advocate might be able to go—and the question of equality of arms for bereaved families at inquests when the actions of a state body are in question and that state body will inevitably be represented, at public expense, by lawyers, while the bereaved families are not. I hope that, for the sake of fairness, the secretary of state will think again about that.<sup>36</sup>

Labour MP Maria Eagle, a member of the House of Commons Justice Committee and long-time campaigner regarding a public advocate, noted that while the establishment of an IPA was "very welcome", the government proposals "would deny agency to bereaved families in calling the advocate to action".<sup>37</sup>

<sup>34</sup> House of Commons Library, '[The Victims and Prisoners Bill](#)', 10 May 2023.

<sup>35</sup> [HC Hansard, 15 May 2023, col 597.](#)

<sup>36</sup> [HC Hansard, 15 May 2023, col 601.](#)

<sup>37</sup> [HC Hansard, 15 May 2023, cols 610–11.](#)

### 4.3 Amendments tabled to the Police, Crime, Sentencing and Courts Bill

Lord Falconer of Thoroton, shadow spokesperson for justice, tabled amendments to the Police, Crime, Sentencing and Courts Bill at committee stage in the House of Lords in the 2019–21 session that sought to establish a public advocate.<sup>38</sup> The proposed new clauses were substantially the same as the provisions of Lord Wills’s bill. During consideration of the bill on 22 November 2021, Lord Falconer argued that often families affected by a major incident “have nowhere to go because there is no lawyer experienced in these sorts of matters” and they find that “the public sector is unwilling to give them help”.<sup>39</sup> He said the public advocate scheme was a means of providing support for victims in such tragedies.

Lord Stewart of Dirleton, the advocate general for Scotland, said the government was sympathetic to the call to establish an IPA.<sup>40</sup> However, he had reservations as to whether the arrangements proposed by the amendment were the appropriate way forward. He said further work was required to ensure that any new functions were “within the wider public interest” and did not duplicate the formal processes that take place after a major incident. Lord Stewart said the government would publish a response “in due course” to the Right Reverend James Jones’s 2017 report and the ‘points of learning’ it had identified from Hillsborough and its aftermath. The government reiterated this commitment in February 2023, when it responded to a question on the government’s response to the report.<sup>41</sup>

Lord Falconer’s amendments to the bill were not formally moved.<sup>42</sup>

### 4.4 Private member’s bill in the House of Commons

Maria Eagle (Labour MP for Garston and Halewood) has introduced an almost identical bill to Lord Wills’s bill in the House of Commons as the [Public Advocate \(No. 2\) Bill](#). This bill had its second reading in the Commons on 15 July 2022. During the debate, Ms Eagle argued that the lessons of the Hillsborough disaster must be learnt to ensure that “never again will families bereaved by public disasters have to endure their lost loved ones being smeared and traduced; and never again will families have to spend more than three decades campaigning to get truth and justice”.<sup>43</sup> She said that the law must be changed to give families “agency and the capacity to act to get to the truth much sooner” and to prevent attempted cover-ups.<sup>44</sup> She argued that establishing a public advocate with the ability to produce a report at an earlier stage would ensure that in future the process would be cheaper and shorter than what had unfolded after the Hillsborough disaster. She also believed that the “enforced transparency would quickly put a stop to any venal attempt to deflect blame”.

Tom Pursglove, then a minister of state at the Ministry for Justice, said the government was “actively considering” the proposal to introduce an IPA.<sup>45</sup> He said he hoped the government would be able to

<sup>38</sup> House of Lords, ‘[Police, Crime, Sentencing and Courts Bill: Tenth marshalled list of amendments to be moved in committee of the whole House](#)’, 18 November 2021, amendments 271–4.

<sup>39</sup> [HL Hansard, 22 November 2021, col 606](#).

<sup>40</sup> [HL Hansard, 22 November 2021, col 612](#).

<sup>41</sup> House of Lords, ‘Written question: [Hillsborough families’ experiences review](#)’, 13 February 2023, HL5267.

<sup>42</sup> [HL Hansard, 22 November 2021, col 617](#).

<sup>43</sup> [HC Hansard, 15 July 2022, cols 664–5](#).

<sup>44</sup> [HC Hansard, 15 July 2022, col 665](#).

<sup>45</sup> [HC Hansard, 15 July 2022, col 668](#).

say more about this “in due course”. He explained the government supported the overriding objective of the bill but did not consider the specific proposals in it to be the best way to provide the support of an independent advocate.<sup>46</sup>

Ms Eagle also introduced versions of the bill in the House of Commons in the 2017–19, 2019–21 and 2021–22 sessions, but none of these progressed beyond first reading.

#### 4.5 Hillsborough Law Now campaign

Establishing an IPA is one element of the Hillsborough Law Now campaign, which was launched in July 2022 by Ian Byrne (Labour MP for Liverpool, West Derby) with Maria Eagle, Andy Burnham (now the mayor of Greater Manchester) and Steve Rotherham (mayor of the Liverpool City Region).<sup>47</sup> The Hillsborough Law Now campaign brings together campaigning groups focused on Hillsborough, Grenfell, the Manchester Arena bombing, blood contamination and people bereaved by Covid-19. The campaign is calling for a ‘Hillsborough law’ which would implement the recommendations of the Right Reverend James Jones’s 2017 review into lessons learned from Hillsborough, including appointing a public advocate to act for families of the deceased after major incidents.

#### 5. Read more

The following briefings provide information about existing provision for inquiries, inquests and coroners’ investigations:

- House of Commons Library, ‘[Statutory public inquiries: The Inquiries Act 2005](#)’, 28 November 2022
- House of Commons Library, ‘[Public inquiries: Non-statutory public inquiries](#)’, 28 November 2022
- House of Commons Library, ‘[Coroners’ investigations and inquests](#)’, 19 February 2021
- House of Commons Library, ‘[Inquests and public inquiries](#)’, 21 June 2017

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<sup>46</sup> [HC Hansard, 15 July 2022, col 669](#).

<sup>47</sup> Hillsborough Law Now, ‘[Hillsborough Law Now launches](#)’, 19 July 2022.

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