

Public Office (Accountability) Bill 2025

Committee Stage, House of Lords

Monday 12 October 2026

Briefing from JUSTICE

Introduction

1. JUSTICE strongly supports the Public Office (Accountability) Bill 2025, which is the result of years of tireless campaigning by bereaved families and survivors of the Hillsborough disaster and other public tragedies.¹
2. The Bill seeks to address longstanding concerns about transparency, accountability and the treatment of those affected by public failures. If implemented effectively, it has the potential to improve the experiences of bereaved families and survivors, strengthen public confidence in official investigations, and help foster a culture of openness across public institutions.
3. The Bill would:²
 - a. Introduce a legal duty of candour on public authorities and public officials requiring honesty and openness in the exercise of public functions, and in relation to official investigations.
 - b. Create a duty to assist inquiries, inquests and other official investigations, including obligations to proactively provide relevant information.

¹ JUSTICE and INQUEST are key supporters of the Hillsborough Law Now campaign.

² This briefing focusses on Parts 1, 2 and 4 of the Bill. However, we are broadly supportive of Part 3 which replaces the common law offence of Misconduct in Public Office with two new statutory offences. The first prohibits public office holders from using their office to obtain a benefit or cause detriment, where they knew, or should have known, their conduct was seriously improper. The second applies where a public office holder intentionally or recklessly causes, or creates a significant risk of causing, critical harm in breach of their duty to prevent it. These reforms build upon recommendations made by the Law Commission in 2020. See Law Commission, *Misconduct in public office* (Law Com No 387, 2020) < <https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/54/2025/12/Misconduct-in-public-office-WEB11.pdf>> accessed 17 August 2026.

- c. Establish criminal offences for serious failures to comply with these duties and for misleading the public.
 - d. Expand access to legal aid for bereaved families to help enable them to participate in inquests where a public authority is involved.
 - e. Introduce measures designed to promote greater participation and parity for those affected by public tragedies and failures.
- 4. At Committee, we urge parliamentarians to support the Bill. Together, its provisions represent a significant step towards greater accountability, and fairer, more humane and more transparent proceedings for families and survivors.**
- 5. We urge parliamentarians to support the amendments tabled by Baroness Chakrabarti and supported by Hillsborough Law Now, in order to make good on the aims of the Bill and ensure they can be enforced and upheld:**
- a. Equality of funding (Amendment No 124)**
 - b. Command Responsibility (Amendment No 8)**
 - c. Misleading the Public (Amendment No 73)**
 - d. Compliance Directions (Amendments 12 & 14)**
- 6. We also support Baroness Hamwee's Amendment No 11,** intended to probe precisely when the duty of candour ends, which is particularly important given the current consultation regarding the future of the Undercover Policing Inquiry:

Schedule 1, page 30, line 5, leave out "ends" and insert "has reported"

Equality of funding for legal representation

- 7. Amendment 124** secures equality of funding for legal representation, as follows:

After Clause 20, insert the following new Clause—
"Equality of funding for legal representation"

Public authorities funding legal advice or representation in contemplation of, or at an inquest, must not exceed the rate allowed for legal aid for bereaved families in contemplation of, or at such proceedings.

Member's explanatory statement

This new Clause seeks to achieve equality of legal funding between families and public authorities around inquests. Rather than requiring the Secretary of State to investigate or estimate the actual or potential spending rates of various public authorities, it seeks to achieve greater certainty by placing the onus on the latter not to spend more than the prevailing rates for legal aid.

8. Parity of legal funding between families and public authorities is fundamental to the aims of the Bill, of delivering both greater accountability and fairer proceedings for families and survivors.
9. This issue was considered at Second Reading, with Lord Lemos setting out that the Bill aimed at ending the “massive and indefensible asymmetry” between the legal representation available to public bodies compared to families at inquests (HL Deb 1 September 2026, Vol 859, Col 29). Addressing this inequality and asymmetry will not be achieved through legal aid alone, but by ensuring that equality of arms is written onto the face of the Bill.
10. As Lord Falconer put it at Second Reading: “Where there is a public body engaged in an inquest into how a person’s loved one has died, they are entitled to legal aid in relation to it. Is that enough to ensure parity? Anybody who has been to inquests where a whole range of public bodies are engaged has seen KCs, QCs, BCs and bars for all the public bodies and maybe one person representing the family... there needs to be proper parity” (HL Deb 1 September 2026, Vol 859, Col 54).
11. The provisions in the Bill are a step in the right direction, through Clause 20(e) and Schedule 6 introducing publicly funded legal advice for bereaved families at inquests, where the state is an Interested Person. However, it leaves parity unaddressed: public authorities have unlimited access to public funding for large legal teams and experts, but bereaved families

would have access only to legal aid. The imbalance can limit meaningful participation and undermine confidence in the fairness of proceedings.

12. This amendment will fill the parity gap in the Bill. It places the onus on public authorities (who may be a range of bodies, including the police) not to spend more than the prevailing rates for legal aid, ensuring parity, equality of arms, and fairness for families and survivors involved in inquests.
13. This amendment builds on the Joint Committee on Human Rights' 2024 report '[Human Rights and the Proposal for a Hillsborough Law](#)', as highlighted by Lord Alton at Second Reading, in calling for proportionate legal aid and representation for bereaved families during inquests and inquiries to match the resources of the state.
14. Rather than stipulating a legal aid floor (by ensuring families receive no less favourable rates than those of public authority lawyers) as Lord Bach seeks to do in his admirable Amendment No **114**, Baroness Chakrabarti's amendment No **124** places a simple cap on public authority spending, avoiding the need for the Government to undertake complex spending estimates. We encourage members of the House of Lords to support the parity these amendments secure.

Command Responsibility, Duty of candour and assistance

15. Parts 1 and 2 of the Bill introduce a duty of candour and assistance on public authorities and public officials, in all their dealings and when interacting with official inquiries and investigations.³
16. Clause 2 would require public authorities to be candid, frank and transparent at all times when engaging with inquiries and investigations, to proactively provide information and assistance,⁴ and to act expeditiously without favour to their own or another's position.⁵ The

³ This includes inquiries and inquests but also extends to ombudsperson 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.

⁴ Public Office (Accountability) Bill (2025), cl 2(3) -(4).

⁵ Public Office (Accountability) Bill (2025), cl 2(6).

Bill places a specific obligation on the official in charge of a public body to take all reasonable steps to ensure compliance.⁶

17. The Bill will only be as effective as the provisions it contains to ensure that the aims of the Bill, particularly as they relate to accountability and transparency in public bodies, are enforceable and enforced. Amendment 8 would ensure this by replacing the duty on the official in charge of a public body to *"take all reasonable steps"* with responsibility *"for the discharge of the obligation or obligations"*:

Clause 2, page 3, line 2, leave out from "authority" to end of line 3 and insert "is responsible for the discharge of the obligation or obligations."

Member's explanatory statement

This amendment seeks to clarify and render more enforceable the obligations on those in charge of public authorities.

18. Crucially, this amendment is needed to ensure that the obligations of those in charge of public authorities are i) objectively clear; ii) not reliant on a subjective interpretation of the reasonableness or otherwise of steps taken or not taken to ensure compliance; and iii) clear and enforceable against those in charge of public authorities. Clarifying this provision will not have any impact on the liability of those in charge of public authorities, if they are themselves misled by others. In these circumstances, they will have a clear defence under Clause 5 as they would lack the requisite intention or recklessness.

19. For decades, bereaved families, survivors and campaigners have highlighted how public inquiries and investigations can be undermined by institutional defensiveness.⁷ Too often, those seeking answers find themselves forced into lengthy and distressing battles to uncover the truth. This can deepen the suffering of grieving families, delay accountability,

⁶ Public Office (Accountability) Bill (2025), cl 2(5).

⁷ See for instance JUSTICE, *From Hillsborough to Rochdale- How the ECHR Has Helped Victims* (2026) pp. 20, 50, 51 <
https://cdn.prod.website-files.com/67becde70dae19a9e5ea2bc3/6a0ec3320019692497434386_From%20Hillsborough%20to%20Rochdale%20-%20How%20the%20ECHR%20has%20helped%20victims%20-%20JUSTICE%20May%202026.pdf>

impede learning and undermine confidence in both investigations and the institutions involved. As one participant at INQUEST's *All or Nothing* family listening project reflected: *"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."*⁸

- 20.** The duty of candour introduced by this Bill will help guard against this kind of obfuscation, strengthening the ability of inquiries and investigations to reach the truth and identify steps to prevent future tragedies. Clear responsibilities through Amendment **8** will help facilitate earlier findings, preventing drawn-out investigations or inquiries with escalating costs.

Criminal Offence of Misleading the public

- 21.** Clause 12 creates a new statutory offence of misleading the public. The offence is committed if a public authority or official, acting in such a capacity, intentionally misleads the public or is reckless as to whether their act will do so, and they knew or ought to know their act was seriously improper. As currently drafted, to be seriously improper, the dishonesty must be significant and repeated, involve matters of significant public concern, cause or contribute to causing harm, and depart from expectations of proper exercise of public authority/official functions.

- 22.** This offence is crucial to ensuring that the duty of candour is practical and effective. Requirements to act openly and honestly are most effective where there are clear consequences for serious breaches, and where the enforceability of the offence turns on the dishonesty, not the level or severity of any potential harm. The inclusion of clear liability and sanctions reinforces the importance of candour in public administration and helps ensure that those affected by tragedies can have confidence that investigations will not be frustrated by deliberate obstruction or deception.

⁸ INQUEST, *All or Nothing, A report on the Hillsborough Law Family Listening Day* (2025) p 13<
https://inquest.org.uk/site/assets/files/6616/v9_familylisteningreport_hillsborough.pdf?IDMF=8a39ca72-39c0-43ba-8505-01be5bc4bfd3>

23.Amendment **73** gets to the heart of the Bill's intention by removing the causation of harm:

Clause 12, page 13, line 17, leave out paragraph (b)

Member's explanatory statement

This amendment seeks to remove the requirement to prove an intention to cause personal harm, with a view to strengthening the enforceability of the offence and avoiding disputes about the nature or extent of harm.

24. Through this simple amendment, the offence becomes an offence of dishonesty, similar to perjury. Removing arguments about the nature and extent of harm makes the offence clearer, easier to understand, avoid commission, and enforce. It is not dependent on future causation, which may be unforeseen at the time of the dishonesty. It focuses on what the Bill seeks to achieve – honesty, transparency and candour from public bodies and authorities.

Duty of Candour and Assistance: Service of compliance directions

25. The service of compliance directions is an important element of ensuring that the obligations contained within the Bill, specifically regarding the duty of candour and assistance, are complied with and enforced.

26.Amendments **12** and **14** to Schedule 1 deal with the potential circumstance of serving a compliance direction in non-statutory inquiries, and to organisations and bodies with offices overseas. This is needed for complicated corporate structures and to avoid overseas offices being inappropriately used as a shield.

Schedule 1, page 34, line 17, leave out paragraph 3 and insert—

"3 Section 23B of the Inquiries Act 2005 (duty of candour and assistance: service of compliance directions) applies in relation to the giving of a compliance direction under paragraph 2 to a person."

Member's explanatory statement

This amendment and another in the name of Baroness Chakrabarti seek to apply the same provision for service of compliance directions in non-statutory inquiries to statutory inquiries and include provision for extra-territorial service and application.

Schedule 1, page 30, line 21, at end insert—

"23B Duty of candour and assistance: service of compliance directions

(1) This section applies in relation to the giving of a compliance direction to a person under section 23A (duty of candour and assistance: directions).

(2) The direction may be given to the person by—

- (a) delivering a copy of it to the person,
- (b) leaving a copy of it at the person's proper address,
- (c) sending a copy of it by post to the person at that address, or
- (d) sending a copy of it by email to the person's email address.

(3) A direction to a body corporate may be given in accordance with subsection (2) to any officer of that body.

(4) A direction to a partnership may be given in accordance with subsection (2) to any partner or to a person who has the control or management of the partnership business.

(5) A direction to a body that is not a legal person under the law under which it is formed (other than a partnership) may be given in accordance with subsection (2) to any member of its governing body.

(6) The person's proper address is—

- (a) in the case of a body that has a registered or principal office, the address of that office;
- (b) in any other case, any address at which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom the direction is being given.

(7) A proper address is not limited to an address in the United Kingdom.

(8) In the case of a body registered or carrying on business outside the United Kingdom, or with offices outside the United Kingdom, the reference in subsection (6) to its principal office includes—

- (a) its principal office in the United Kingdom, or
- (b) if the body has no principal office in the United Kingdom, any place at which the person giving the direction reasonably believes that the direction will come to the attention of any director or other officer of that body.

(9) For the purposes of subsection (2)(d), a person's email address is—

- (a) any email address published for the time being by the person as an address for contacting them, or
- (b) if there is no such published address, any email address by means of which the person giving the direction reasonably believes that the direction will come to the attention of the person to whom it is given or (where that person is a body) any director or other officer of that body.

(10) In this section—

"director" includes any person occupying the position of a director, by whatever name called;

"officer", in relation to a body, includes a director, a manager, a partner, an associate, a secretary or, where the affairs of the entity are managed by its members, a member."

Member's explanatory statement

This amendment and another in the name of Baroness Chakrabarti seek to apply the same provision for service of compliance directions in non-statutory inquiries to statutory inquiries and include provision for extra-territorial service and application.

For more information, please contact:

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