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Public Authority (Accountability)

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Motion for leave to bring in a Bill (Standing Order No. 23)

🕒 3.32pm

Andy Burnham >

(Leigh) (Lab)

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I beg to move,

That leave be given to bring in a Bill to set a requirement on public institutions, public servants and officials and on those carrying out functions on their behalf to act in the public interest and with candour and frankness; to define the public law duty on them to assist courts, official inquiries and investigations; to enable victims to enforce such duties; to create offences for the breach of certain duties; to provide funding for victims and their relatives in certain proceedings before the courts and at official inquiries and investigations; and for connected purposes.

Next month marks the 28th anniversary of the Hillsborough disaster and the first anniversary of the historic verdict of the second inquest. Whatever the sense of relief felt a year ago, it will never wipe away the pain of the 27 wilderness years between those two events and the incalculable toll on thousands of lives. We await accountability for that.

All those years, the evidence sat in official files, but our political, legal and coronial systems did not uncover it. Nor did the media. Worse, they actively colluded in a cover-up advanced in the Committee Rooms of this House. I said it then, and I say it again today: Hillsborough must be a watershed moment in this country—a point in history when the scales of justice are tipped firmly in favour of ordinary families fighting for loved ones.

That is what the Public Authority (Accountability) Bill, or Hillsborough law, seeks to achieve. It is a powerful Bill proposed and supported by all the Hillsborough families, and by the Hillsborough Family Support Group and the Hillsborough Justice Campaign. It has been developed with the help of their lawyers, and I pay particular tribute to Pete Weatherby, QC. As an aside, it happens to be the last Bill that will be prepared by Mr Glenn McKee from the Public Bill Office, who, after 34 years here, retires tomorrow. I am sure that colleagues on both sides of the House will join me in paying tribute to an exceptional servant to this House and to our democracy.

The Bill has formidable backing from other justice campaigns, including Inquest, from many in the legal profession, and from hon. Members on both sides of the House. Its aim is simple: to protect other families from going through what the Hillsborough families went through and from a similar miscarriage of justice. It empowers victims to secure disclosure of crucial information and prevent public authorities from lying to them or hiding the truth by making that an imprisonable offence. It empowers decent police officers and public servants to stand up to seniors trying to make them stick to a misleading corporate line, and it makes it an offence for such a line to be peddled to the media. Crucially, it creates a level legal playing field at inquests for bereaved families so that finally inquests become what they should always be—a vehicle to get to the truth.

After last year's verdict the chair of the Hillsborough Family Support Group, Margaret Aspinall, came here to speak of her experience in the early 1990s. I do not think that anyone who was at that meeting will ever forget her talking of her pain when she was sent an official letter with a cheque for £1,226.35, which was supposed to represent compensation for James's life. She spoke of how she was forced to cash it against her will because she could not find the money to pay her £3,000 share of the families' legal costs. She said:

refused to cash it against her will because she could not find the money to pay her £5,000 share of the families' legal costs. She said:

"Making a mother, like myself, accept a pittance in order to fight a cause. The guilt of this has lived with me for the past 28 years."

It would at least be something if we could say that would not happen today, but sadly we cannot. Since the Hillsborough verdict, the families of those who died in the 1974 Birmingham pub bombings have, quite wrongly and unbelievably, been made to beg for legal aid. There are thousands of other hidden individual cases in which bereaved families are denied legal representation while the public

bodies they are up against in court spend public money like water, hiring the best QCs in the land. As cuts to legal aid bite, the problem just gets worse.

Zane **GROA** was a boy of seven who died following a flood in his home in Surrey that occurred as part of the national floods in 2014. His parents, **Kye GROA**, strongly believe that the problem was caused by contaminated landfill. Scientists from Porton Down were called on site. The case was even discussed at Cobra. Despite that, the family were denied legal aid. They arrived at **GROA**'s inquest to find themselves up against a phalanx of top QCs and left feeling as though they had been put on trial. They are still fighting for answers today as to what happened to their child.

Then consider the experience of **Des Baines**, who courageously fought for years for a new inquest into the death of his daughter **GROA** at the Deepcut barracks in Surrey. When the case was finally re-heard, **Des Baines** found himself accused by the QC acting for Surrey police of distracting the force from the Milly Dowler investigation—an accusation with no foundation.

"My wife and I were made to feel as though we were on trial and we felt as though our family was undermined at every opportunity",

Mr. **James** said after the verdict.

The brutal and uncomfortable truth is this: bereaved families are not just denied legal funding; they have their character questioned and denigrated by lawyers for public bodies. They are thrown into courtrooms, raw with grief, pitched into an adversarial battle and effectively put on trial. How much longer are we in this place going to let vast sums of public money be used to torment families in this way? If the state can cover up 96 deaths at a football match, should not we be concerned at what it might do to individuals?

The Hillsborough Family Support Group has asked me to say this to the House today: for the good of the nation, there should be a level playing field at inquests. The grief, pain and heartache is enough for families to deal with; they should not have to deal with money worries, nor beg for public funds to get to the truth. Its powerful call for equality of arms has authoritative support, including from the former chief coroner, Peter Thornton, QC.

I disagree with those who say that the Bill would add costs. The practical effect of clause 4 would be to create a new incentive on public bodies to limit their own legal expenditure. By making them come clean at the outset, the Bill would cut the length of inquests and inquiries and thereby make considerable savings. It would promote good public administration and public confidence in the police. Most importantly, it would rebalance our legal system in favour of ordinary people. Until that happens, the true lesson of Hillsborough will not have been learned. What has disappointed me most in the last year is to see how things have reverted to business as usual. For the establishment, it seems as though Hillsborough was the one that got away, rather than the catalyst for change that it should have been. I say that with sadness, because I truly hoped that it would be the latter, but developments over the last year suggest otherwise.

Alongside the shoddy treatment of the Birmingham families, we had the refusal of an inquiry into Orgreave on the basis that nobody died. If that is now the Home Secretary's benchmark for whether wrongdoing can be investigated, God help us all. Nobody died at Orgreave, it is true, but innocent people were wrongly and maliciously prosecuted, and the country should know how that came to be. Nobody died during the building workers' dispute of the early '70s, either, but it does not mean we should not be told the truth about the politically motivated Shrewsbury show trial, which I believe was a serious miscarriage of justice.

Then there is the treatment of victims of contaminated blood, which is arguably the gravest injustice of all. They have been led up to the top of the hill, only to be let down once again. As with Hillsborough, there is clear evidence of serious wrongdoing if only people care to look for it. I have seen evidence that people's medical records were altered without their consent and false entries included. That is potentially a criminal matter. Next month, Mr Speaker, I hope to persuade you to allow me to use the Adjournment to present a dossier of such evidence. Just as amended police statements reopened Hillsborough, so I believe evidence of amended medical records must reopen the contaminated blood scandal. The fact that the victims remain in the darkest of wildernesses tells me that Hillsborough has not changed our country—yet. But I remain hopeful that it will.

If the Bill became law, it would be the right way for the House to make reparation and create a permanent legislative legacy for the 96 people who died on 15 April 1989. Last year, the Prime Minister asked the right reverend Bishop James Jones to conduct a review of

the experience of the Hillsborough families. On behalf of the whole House, I thank the bishop again for his incredible service to those families and everyone affected by the tragedy, and respectfully ask him to consider adopting this Bill as part of his recommendations.

We like to talk of this country as a paragon of democracy and the rule of law, but I ask every Member of this House to think of the constituents they have met at their surgeries who have spent years fighting for justice, picture the lines on their faces and the black shadows beneath their eyes, and ask, “Is this country fair to people who, through no fault of their own, find themselves fighting for

loved ones?” We all know the answer: no. The fight is too hard, it takes too great a toll and it grinds people down. This is not a country of justice, as we like to claim.

There is a possibility that I may not be around in the House long enough to see this Bill become law, but I have enough faith in the decency and humanity of colleagues from all parts of the House to be confident that one day it will. I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Andy Burnham, Steve Rotheram, Maria Eagle, Derek Twigg, Alison McGovern, Bill Esterson, Sir Peter Bottomley, Tim Farron, Jess Phillips, Mark Durkan, Chris Stephens and Caroline Lucas present the Bill.

Andy Burnham accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 12 May, and to be printed (Bill 163).