

## Impact case study (REF3b)

<b>Institution:</b> Edge Hill University
<b>Unit of Assessment:</b> 20 – Law
<b>Title of case study:</b> The Hillsborough Project 1990-2003: discovery of institutional failure and cover-up makes a key contribution to the exposure and official recognition of injustice.
<p><b>1. Summary of the impact</b></p> <p>The Hillsborough Project, led by Professor Phil Scraton at Edge Hill between 1990 and 2003 (and continued by him at Queen's University Belfast), exposed serious anomalies between police officers' experiences of the 1989 Hillsborough Disaster and their evidence later put before official inquiries. It also questioned the extent to which other documentation was altered or suppressed. This research made an important contribution to the campaign for a reassessment of the disaster, the Government's decision to order full disclosure of documents held by public agencies (waiving the 30-year disclosure rule) and to establish the Hillsborough Independent Panel to produce a report setting out how the newly disclosed information added to public understanding of the tragedy and its aftermath. Informed by Scraton's underpinning research while at Edge Hill, the Hillsborough Independent Panel report led to a Prime Ministerial apology, new inquests into the deaths at Hillsborough (with the original verdicts of accidental death quashed), an IPCC investigation into police conduct and a new police investigation.</p>
<p><b>2. Underpinning research</b></p> <p>The underpinning research at Edge Hill University was led by Scraton (employed at Edge Hill from 01.09.82 to 31.08.03) and funded both by the University and by Liverpool City Council. The formation of a Disasters Archive, still held at Edge Hill University, was funded by the Nuffield Foundation in 2001 and was a source of information for the Hillsborough Independent Panel. Further research into Hillsborough has been undertaken by Scraton during his employment at Queen's University Belfast (2003-present). This case study only relates to research prior to Scraton joining QUB. To provide context, according to Scraton (1999b: 273):</p> <p><i>The Hillsborough disaster happened at a premier United Kingdom soccer stadium in April 1989 claiming the lives of ninety-six men, women, and children. Over the next decade there followed a Home Office inquiry, a criminal investigation, compensation hearings as far as the House of Lords, the longest inquests in recent history, a judicial review, a judicial scrutiny, and private prosecutions ... Despite the evidence amassed, much of it undisclosed, the legal argument and official discourse, the bereaved and survivors remain deeply concerned that the 'truth' of Hillsborough has been suppressed and reconstructed.</i></p> <p>The Edge Hill team led by Scraton were the first academics to take a critical view of the evidence associated with the Hillsborough Disaster, challenging the official version. The underpinning research for this impact case study discovered that South Yorkshire Police Officers' evidence of the Hillsborough disaster had been altered and reviewed. Usual practice of recording evidence in police notebooks was not followed. Instead, unsigned and un-witnessed "personal recollections" were collected. Although officers had not believed their recollections would become templates for their formal legal statements, this was in fact what transpired via a process of scrutiny by police solicitors. This information was uncovered when Scraton interviewed PC Frost from South Yorkshire Police. Subsequently PC Frost gave evidence to the Stuart-Smith Scrutiny in October 1997. The process of this information coming to light is recounted in Scraton's book <i>Hillsborough: The Truth</i> (1999a).</p> <p>The underpinning research by Scraton and colleagues at Edge Hill University was the first to discover the practices noted above and to expose serious anomalies between police officers' original experiences and the evidence they later put before official inquiries. Scraton and colleagues' work also raised the question of whether - and to what extent - other documentation was altered or suppressed. The importance of this research (and of later work carried out at QUB) was reflected in Scraton's appointment to the Hillsborough Independent Panel in 2010, which reported in 2012.</p>
<p><b>3. References to the research</b></p> <p>Underpinning research:</p>

## Impact case study (REF3b)

1. Report: Scraton, P., Jemphrey, A. and Coleman, S. (1995) *No Last Rights: The Denial of Justice and the Promotion of Myth in the Aftermath of the Hillsborough Disaster*, Liverpool: Liverpool City Council.
2. Authored Book: Scraton P (1999a) *Hillsborough: The Truth*, London, Mainstream (also reprinted and updated in 2000 and 2009).
3. Journal Article: Scraton P (1999b) 'Policing with contempt: The degrading of truth and denial in the aftermath of the Hillsborough disaster', *Journal of Law and Society*, 26(3) 273-297 [peer-reviewed journal: IF 1.22, ranked 40/138 Law]. DOI: 10.1111/1467-6478.00126
4. Journal Article: Scraton, P. (2002) 'Lost lives, hidden voices: 'Truth' and controversial deaths', *Race & Class*, 44(1) 107-118 [peer-reviewed journal, IF 0.367, ranked 65/92 Social Science]. DOI: 10.1177/0306396802441008

Report References:

1. Hillsborough Independent Panel (2012) *Hillsborough: The Report of the Hillsborough Independent Panel*, HC581, London: The Stationery Office.

Evidence of the quality of the underpinning research (see also Section 4):

"Scraton provides a highly critical and detailed account of the various inquests that followed in the aftermath of the tragedy... There is in particular a very interesting analysis of the procedures at the Coroner's Court and the Coroner's decision to resume proceedings before the criminal prosecution had been settled, thereby ruling out cross examinations and access to certain key witnesses. The final chapter, 'Sanitising Hillsborough' is particularly incisive in relation to the police involvement in the investigations".

Janet Stonestreet, University of Westminster (2000) Book review of 'Hillsborough: The Truth', *Sport in Society: Cultures, Commerce, Media, Politics*, 3(3) 104-122. [review in peer-reviewed journal] DOI:10.1080/14610980008721881

Grant details

Awarded to Professor Phil Scraton,  
 Title: Disaster reference archive and library resource  
 Sponsor: Nuffield Foundation  
 Period: 6 months, from 31/07/2000  
 Value of the Grant: £9,300  
 Term: 6 months

**4. Details of the impact**

The impacts described in this case study were the result of much work by many people (relatives, survivors, campaigners, elected members, journalists and others) over a long period. Scraton's work at Edge Hill between 1990 and 2003 made a key contribution.

The research by Scraton and colleagues at Edge Hill University indicated that police records/statements relating to the disaster had been altered and that this had been part of a coordinated strategy. Following the publication of *No Last Rights* (Scraton et al., 1995) the then Labour Government announced a judicial scrutiny under Lord Justice Stuart-Smith (published 1998) to consider questions of suppressed evidence and the altering of police documentation. Scraton gave evidence. Stuart-Smith's findings were that 'it would have been better' had there been no alterations and that it may have revealed an 'error of judgement', but stopped short of stating that it amounted to unprofessional conduct.

The Judicial Scrutiny did not end the questioning of the official construction and reconstruction of the 'truth' about Hillsborough. The Hillsborough Family Support Group with support from Scraton, the Hillsborough Justice Campaign, and Merseyside MPs (notably Maria Eagle who contacted Scraton with regard to getting key South Yorkshire Police records released and sent to House of Commons library) continued to campaign for a disclosure of official documentation on the disaster. Scraton's book *Hillsborough: The Truth* was published in 1999.

In 2009, at the 20th anniversary of the disaster, Andy Burnham, Secretary of State for Culture, Media and Sport, announced the Government's intention to waive the 30-year rule withholding public records to enable disclosure of all documents relating to the disaster.  
[\(http://hillsborough.independent.gov.uk/report/Section-1/summary/\)](http://hillsborough.independent.gov.uk/report/Section-1/summary/).

## Impact case study (REF3b)

The former Secretary of State for Culture, Media and Sport sums up the impact of the research thus:

It is impossible to overstate the importance of the work Professor Scraton did in the 1990-2003 period.

Quite simply, the full horror and injustice of Hillsborough would never have been revealed were it not for his thoroughness and determination.

Phil Scraton turned over stones that others walked past.

His book "Hillsborough – The Truth" prompted me to call for full disclosure on the 20<sup>th</sup> Anniversary of the disaster.

The full implications of Professor Scraton's work will reverberate for many years to come.

(Factual statement 1)

In the aftermath of the 20<sup>th</sup> Anniversary of the disaster, in January 2010 the Home Secretary announced the formation of the Hillsborough Independent Panel. Scraton (now at QUB) was appointed as one of the members. The Panel had the task of managing disclosure, examining documents and reporting on how they added to the public's understanding of the disaster. The publication of the Panel's report in September 2012 (Other Source 1) represented the culmination of attempts by bereaved and survivor groups to view this material. This is of importance not only because of the issues of 'truth management' that have characterised the aftermath of the disaster but also because such limited evidence that has been belatedly released has been 'littered with factual inaccuracies, contradictory statements, contestable assumptions and ambiguous identifications' (Scraton's (2007) *Power, Conflict and Criminalisation*, Routledge). The Panel Report drew upon, and confirmed, Scraton's earlier findings in the underpinning research of this case study and reported in *Hillsborough: The Truth*.

In addition to the disclosure of documents and the formation of the Panel, there are a number of impacts (arising before end July 2013) that stem from the work of the Panel and that have direct lineage to the underpinning Hillsborough Project conducted at Edge Hill University which revealed serious issues of 'truth management' in the aftermath of the disaster:

Political impact: the Panel Report fully endorsed the findings of Scraton's research regarding the truth about Hillsborough, confirming his findings that police records/statements had been altered, that this was part of a co-ordinated strategy and that other documents had been altered or suppressed, leading to a Prime Ministerial apology (Other Source 2). The apology addressed in particular the issue of safety at the ground, the long fight of the families and acknowledged that 'It was wrong—quite profoundly wrong—that the police changed the records of what happened and tried to blame the fans. [...] Indeed, the new evidence with which we are presented today makes it clear, in my view, that these families have suffered a double injustice: the injustice of the appalling events—the failure of the state to protect their loved ones and the indefensible wait to get to the truth; and then the injustice of the denigration of the deceased - that they were somehow at fault for their own deaths.' The underpinning research by Scraton and colleagues at Edge Hill University published in 1995 was first raised in the House of Commons by Colin Pickthall MP (Other Source 3). Subsequently, in 2011 (Other Source 4) Andy Burnham MP cited Scraton's 1999 book when identifying how the 'lie [that] Liverpool fans were to blame' was established. Later, in 2012, Andy Burnham MP acknowledged Scraton's work as the key work influencing the Independent Panel's findings (Other Source 5).

Community impact: the work of Scraton and his personal commitment to the struggle resulted in a close relationship with the Hillsborough families resulting in him being highly trusted by them (as reported, Other Source 6). As set out in the Panel's report, the newly disclosed material has added to and altered the public's understanding of the disaster, with impact on families, survivors and the wider community. The underlying research at Edge Hill by Scraton and colleagues is cited in the media as the key influence for the Hillsborough Independent Panel (as reported, Other Sources 7-8). The work by Scraton and colleagues at Edge Hill is acknowledged by the Chair of the Independent Panel, The Right Rev. James Jones, who commented in 2013, 'I accept only a few invitations to speak about the work of the Hillsborough Independent Panel. I choose the occasions

## Impact case study (REF3b)

thoughtfully. I am here today [at Edge Hill University] because this University played an important role in the Hillsborough narrative through the work pioneered by Professor Phil Scraton who has now moved to Queen's University Belfast. Phil was a member of the Panel and his knowledge and research expertise were central to the Panel's work' (Other Source 9).

Legal impact: a significant early impact of the Panel's findings was that all of the original inquest verdicts of accidental death were quashed in the High Court in December 2012, with new inquests ordered (Other Source 10). A new police investigation into the deaths at Hillsborough, led by the former Chief Constable of Durham, is underway (Other Source 11).

Practice impact: in October 2012 the IPCC announced that it would be launching an independent investigation into police conduct in the aftermath of the Hillsborough disaster (Other Source 12).

## 5. Sources to corroborate the impact

### Factual Statements:

- 1) Member of Parliament, former Cabinet Minister.

### Other Sources:

- 1) Hillsborough Independent Panel (2012), *Hillsborough: The Report of the Hillsborough Independent Panel*, London: The Stationery Office.
- 2) HC Deb 12 Sep 2012: Column 285-286.  
[http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120912/debtext/120912-0001.htm#column\\_283](http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120912/debtext/120912-0001.htm#column_283)
- 3) HC Deb 08 May 1998, 311, 969  
[http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980508/debtext/80508-06.htm#80508-06\\_spnew1](http://www.publications.parliament.uk/pa/cm199798/cmhansrd/vo980508/debtext/80508-06.htm#80508-06_spnew1)
- 4) HC Deb 17 Oct 2011: Column 67  
[http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111017/debtext/111017-0002.htm#column\\_662](http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm111017/debtext/111017-0002.htm#column_662)
- 5) HC Deb 22 Oct 2012: Column 796  
<http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121022/debtext/121022-0003.htm>
- 6) Liverpool Echo (2012). Hillsborough families slam 'disgusting claim' by barrister that disaster panel was not independent. *Liverpool Echo*, 6 June 2013. Available at: [www.liverpoolecho.co.uk/news/liverpool-news/hillsborough-families-slam-disgusting-claim-4105337](http://www.liverpoolecho.co.uk/news/liverpool-news/hillsborough-families-slam-disgusting-claim-4105337) [Accessed 18 November 2013]
- 7) Ian Herbert (2012). The book that foretold truth of Hillsborough. *The Independent*, 22 September 2012. Available at: [www.independent.co.uk/news/uk/home-news/the-book-that-foretold-truth-of-hillsborough-8163901.html](http://www.independent.co.uk/news/uk/home-news/the-book-that-foretold-truth-of-hillsborough-8163901.html) [Accessed 18 November 2013]
- 8) David Conn (2010). Bishop's goal is to tell full story of Hillsborough, *The Guardian*, 14 April. Available at: [www.theguardian.com/football/david-conn-inside-sport-blog/2010/apr/14/bishop-of-liverpool-hillsborough-panel](http://www.theguardian.com/football/david-conn-inside-sport-blog/2010/apr/14/bishop-of-liverpool-hillsborough-panel) [Accessed 18 November 2013]
- 9) Jones, Right Rev. J. (2013) *Hillsborough: A Personal Perspective*, lecture given at Edge Hill University, April 2013. Available at [www.liverpool.anglican.org/userfiles/file/Bishops/HIP%20a%20personal%20perspective%20April%202013%20\(2\).pdf](http://www.liverpool.anglican.org/userfiles/file/Bishops/HIP%20a%20personal%20perspective%20April%202013%20(2).pdf) . [Accessed 16 November 2013]
- 10) *Her Majesty's Attorney General V (1) Her Majesty's Coroner of South Yorkshire (West), (2) Her Majesty's Coroner of West Yorkshire (West)* [19 December 2012] EWHC 3783 Case No. CO/13246/2012.
- 11) Press Association (2012). New Hillsborough investigation ordered by home secretary. *The Guardian*. 19 December 2012. Available at: [www.theguardian.com/football/2012/dec/19/new-hillsborough-investigation-ordered](http://www.theguardian.com/football/2012/dec/19/new-hillsborough-investigation-ordered) Accessed 18 November 2013]
- 12) Independent Police Complaints Commission (2012). Terms of Reference: Investigation into police involvement in the aftermath of the Hillsborough tragedy. 19 November 2012. Available at: [www.ipcc.gov.uk/sites/default/files/news/Documents/Terms%20of%20Reference%20Hillsborough%20-%20APPROVED%2020th%20November%202012.pdf](http://www.ipcc.gov.uk/sites/default/files/news/Documents/Terms%20of%20Reference%20Hillsborough%20-%20APPROVED%2020th%20November%202012.pdf). [Accessed 16 November 2013].