

**Impact case study (REF3b)**

<p><b>Institution:</b> Queen’s University Belfast</p>
<p><b>Unit of Assessment:</b> 20</p>
<p><b>Title of case study:</b> The Hillsborough Independent Panel Research and Report: A Unique Process in ‘Truth Recovery’</p>
<p><b>1. Summary of the impact</b></p> <p>This impact case study demonstrates Phil Scraton’s leadership, management and direction of the Hillsborough Independent Panel (HIP) research team and his primary authorship of the HIP Report (see below) triggering: immediate public apology from the Prime Minister; new criminal investigation into corporate bodies and senior personnel involved; unprecedented inquiry by the Independent Police Complaints Commission into policing and into the initial police investigation; quashing of the inquest verdicts, and initiation of new inquests; national review of emergency responses to disasters - ambulance services, hospitals, pathology. Awarded the QUB Vice-Chancellor’s award for research impact, Scraton has been short-listed for the THES ‘Research Project of the Year’ for this same work.</p>
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p>Phil Scraton was appointed Professor of Criminology at Queen's in 2003. Scraton has an established academic track record in researching official inquiries, investigations and inquests into controversial deaths. Soon after the Hillsborough disaster he conducted primary and documentary research addressing its context, circumstances and aftermath. Scraton's critical analysis revealed serious flaws in the inquiries and investigations (Scraton 2005: 2007; 2009) including: review and alteration of police statements; compromised processes of investigation; insufficient analysis of inherent dangers and foreseeable risk; inadequacies in the coronial process; disputable medical and pathological evidence regarding the circumstances of the deaths. Throughout, qualitative research with the bereaved and survivors established profound dissatisfaction with each of the legal processes listed above (Scraton 2013). Scraton’s work directly informed the families’ 2009 proposal to Government to establish a comprehensive review of all documentation from all agencies involved.</p> <p>In January 2010 the Home Secretary appointed the HIP, chaired by the Bishop of Liverpool. Scraton’s was appointed to the Panel and given responsibility for the management of the research and was tasked with drafting the report. The Home Office funded research team was based at QUB, supported by a secretariat and specialist archivists at Sheffield City Archive and the National Archives. The team negotiated disclosure of unredacted documents for analysis from 85 contributing organisations and key decision-makers. Scraton also managed the eventual factual accuracy checking process with contributing agencies.</p> <p>The 395 page Report evidences 153 key issues contributing to ‘public understanding’. Twelve chapters cover: the foreseeable, dangerous condition of the stadium; primary causes of the disaster; failures in policing and emergency response; flawed pathology and medical evidence; incomplete criminal investigations; review and alteration of police and ambulance service statements; insufficiency of the inquests; media manipulation by senior police officers (HIP 2012; Scraton 2013).</p> <p>The team achieved exceptional access to: Cabinet papers and Government documents; primary and secondary evidence to previous inquiries and investigations; diaries, personal records and contemporaneous notes of principal investigators, judges, coroners, senior police officers, criminal prosecutors, legal advisors; medical pathology and records of the deceased; minutes of all meetings within and between key organisations 1989-2000; records of media contact between organisations and news agencies, reporters.</p> <p>The scale of the research was enormous - over 1million documents were reviewed, 450k digitised</p>

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and live-linked to the Report's content, providing a comprehensive research base and integrated archive. The Report was published in hard copy and online with direct links to all referenced sources. It provides a narrative of 'what was known' at the outset of the Panel's appointment, twelve themed chapters closely analysing the disclosed material and recommendations for a public archive.

Significantly, the research has pioneered disclosure of public documents in cases of demonstrable public interest, establishing a methodology for a detailed research based inquiry (rather than a traditional judge led public inquiry) by those seeking access to, and analysis of, documents in disputed cases. The research has informed the training and practice of those holding professional responsibilities inquiring into and investigating cases in which liability and culpability is contested: policing; emergency services; health services and providers; law firms; coroners; private corporate bodies. It has highlighted the responsibilities of local and central government departments in the safe management of public events. While the initial research into Hillsborough contributed to public safety reform, including statutory provision of all-seater stadia, and to coronial reform, it is anticipated that further changes will flow from the report's findings.

**3. References to the research**

Scraton, P 2013 'The legacy of Hillsborough: liberating truth, challenging power' *Race and Class* vol 55, no 2, Oct-Dec

HIP 2012 *Hillsborough: The Report of the Hillsborough Independent Panel* London: The Stationery Office, September

Scraton, P 2009 *Hillsborough: The Truth* Mainstream: Edinburgh 3<sup>rd</sup> edn (revised chapters, new final chapter based on interviews conducted 2008). Over 33,000 copies of this book have been sold.

Scraton, P 2007 *Power, Conflict and Criminalisation* Routledge: London (Chapter 4 'Negligence without liability': The scale of injustice after Hillsborough' pp59-80)

Scraton, P 2005 'Death on the Terraces: The Contexts and Injustices of the 1989 Hillsborough Disaster' in P Darby, M Johnes and G Mellor [eds] *Soccer and Disaster: International Perspectives*, Routledge: London pp. 59-76

**Grant**

Home Office, awarded to Scraton/ QUB to manage and conduct research for Hillsborough Independent Panel, September 2010- December 2012. Value of award: £260,000

**4. Details of the impact**

Scraton presented the research and findings to the bereaved and survivors on 12 September 2012 at Liverpool's Anglican Cathedral. It was followed by:

- An immediate response from the Prime Minister in the House of Commons who apologised to the bereaved and survivors for the institutional failures of inquiry and investigation exposed by the research. The apology was replicated by all official public and corporate agencies involved.
- Extensive and prolonged national and international media coverage of the research, the findings and the consequences.
- The Director of Public Prosecutions immediately initiated a review considering the potential for criminal proceedings.
- The Home Secretary's appointment of a criminal investigations team, led by a former Chief Constable, to pursue possible criminal individual and corporate prosecutions.
- An IPCC investigation into police conduct during and following the disaster. This investigation is unprecedented in scope - approximately 140 staff appointed (IPCC Update August 2013) and 2,000 police officers from 30 police forces are under investigation (IPCC Newsletter Feb 2013). The Police (Complaints and Conduct) Act 2012 was fast-tracked to enable the IPCC re-investigation.
- The Attorney General securing the quashing of the 96 accidental death verdicts in the High Court with new inquests scheduled for March 2014 before Goldring LJ.

In their public statements the Home Secretary, the Health Minister, IPCC, Attorney General, High Court Ruling and DPP recognised that these complex, unprecedented developments were rooted in the ground-breaking work of the research team. In introducing a 5.5 hour House of Commons debate on the HIP Report, the Home Secretary stated that the revealed ‘truth’ should precede ‘justice’. The Shadow Health Secretary, Andy Burnham paid “*particular tribute*” to Professor Scraton, without whose “*meticulous efforts... the truth of Hillsborough would never have been known ... [he] has done a huge service not just to the Hillsborough families but to this country.*” As Burnham pointed out, “*the unique research approach, with the emphasis on disclosure, not adversarial argument, [provides] a model for resolving other contested issues arising from our past*” (Hansard, 22 October 2012, C1m 796).

These comments were endorsed publicly by the IPCC in noting the “*shocking revelations*” within the HIP Report, and its “*forensic rebuttal of the long-standing myth that the behaviour of fans was largely responsible for the disaster.*” It had provided “*compelling new evidence that many of those who died [41] might have survived*” and “*detailed new evidence of the way in which a large number of statements were altered during the inquiries that followed*” (IPCC October 2012). In the High Court responding to the Attorney General’s application to quash the inquest verdicts the Lord Chief Justice acknowledged the “*mammoth task*” and “*the commitment and dedication necessary to examine and evaluate such a massive body of material*” (HM Attorney General v HM Coroner of South Yorkshire West and HM Coroner of West Yorkshire West [2012] EWHC 3783 (Admin), 19th December 2012).

In correspondence to QUB’s Vice-Chancellor in support of Scraton’s award of the Vice-Chancellor’s Impact Prize, the HIP Chair, Bishop James Jones paid tribute to Scraton’s “*important and unique role ... in writing the report*”, noting specifically Scraton’s “*gift of being both scholarly and accessible to a popular audience*” and his insistence on “*rigorous academic standards while ... not losing sight of the people most affected.*” (Letter 20th September 2012).

This was highlighted in Scraton’s presentation of the research, *Hillsborough: ‘Speaking Truth to Power*, to capacity audiences at the Belfast Queen’s Festival (Waterfront Hall 29 October 2012) and the Merseyside Writing on the Wall Festival (St George’s Hall, Liverpool 12 November 2012). Scraton’s public engagement has been recognised in further media coverage (*Guardian; Independent; Observer; BBC Panorama*)

The eminent lawyer and one of two lead barristers working with families, Michael Mansfield, QC, states, “*the real significance of the HIP report and the whole process underpinning it was its extensive archive analysis and research*”, without which the Report’s findings “*would have been vulnerable to criticism and detraction... [yet] with it, the status of its findings are unassailable*” (Letter, 6<sup>th</sup> September 2013) .

Lord Charles Falconer, former Lord Chancellor and the other lead counsel for the Hillsborough families concurs “*the research supporting the HIP Report was thorough, detailed and rigorous .... crucial in challenging popular assumptions about the causes of the disaster and damaging the reputation of the deceased and survivors .... also unprecedented in its consequences for the reliability of the investigations, inquiries and the inquest verdicts. It has made a defining contribution not only to the granting of orders for new inquests but also to public and political debate regarding social justice and the rights of the bereaved*” (Letter, 19<sup>th</sup> September 2013)

Ged Fitzgerald, Chief Executive of Liverpool City Council reinforces the impact of the research, stating that : “*The University’s research work, which was so central to the Panel’s uncovering of the truth, can be considered to be of international significance and it has far-reaching implications....The resilience, determination and thoroughness of the research team in analysing the complex mass of documentation must be acknowledged, and they should take credit for their pivotal role in this historic piece of work. The findings have helped bring a sense of relief to the bereaved families and survivors alike after suffering 23 years of trauma and injustice.*” (Letter, 18<sup>th</sup> September 2013)

The most direct beneficiaries of the underpinning research are of course the bereaved families and survivors. As Margaret Aspinall, Chair of the Hillsborough Families Support Group (HFSG), stated:

*“the failures of health and safety in the stadium’s structure and organisation, the policing, the emergency planning, rescue and evacuation ... the inadequacies and inaccuracies of the inquiries. The medical evidence, the inquests and all the legal processes and those involved. It also exonerated the behaviour of all who died and the survivors – once and for all.”* (26 February 2013, available QUB REF Archive).

## **5. Sources to corroborate the impact**

### **References**

HC Debs 12<sup>th</sup> September 2012, Cols. 719-804

HC Debs 22<sup>nd</sup> October, Cols. 283-306

Independent Police Complaints Commission (2012) *Decision in response to the report of the Hillsborough Independent Panel* London: IPCC, October 2012 (also newsletters, bulletins at [www.ipcc.gov.uk](http://www.ipcc.gov.uk))

### **Case:**

HM Attorney General v HM Coroner of South Yorkshire West and HM Coroner of West Yorkshire West [2012] EWHC 3783.

### **Letters on file:**

Chief Executive, Liverpool City Council, 18<sup>th</sup> September 2013

Former Bishop of Liverpool and Chair of the HIP, 20<sup>th</sup> September 2012

Barrister and Partner (Gibson, Dunn & Crutcher) and former UK Lord Chancellor and first Secretary of State for Justice. Lead Barrister for the HFSG, 19<sup>th</sup> September 2013.

Lead Barrister for the HFSG, 16<sup>th</sup> September 2013.

Chair of the HFSG, Talk to Institute of Occupational Health and Safetyhive 26<sup>th</sup> February 2013, on file QUB REF Archive.