

Rt Hon Michael Gove MP
Chancellor of the Duchy of Lancaster
Sent by email



17 July 2020

Dear Chancellor of the Duchy of Lancaster,

I am writing with regard to a case I have recently concluded about the handling of a complaint by the Ministry of Justice (MoJ). A full summary of the case and our findings is annexed to this letter.

I am bringing it to your attention given the recommendation I have made for the MoJ to contribute the learning from this case to the work I understand your Department is leading around the guidance for Government departments on launching public inquiries. I have written to the Government previously about my concerns in respect of the confusing picture presented by departments and Ministers about when an inquiry may or may not be appropriate and the impact this can have on people who have often suffered unimaginable loss. I have seen this myself previously in relation to the case of Robbie Powell, where I have supported his family's unsuccessful calls to date for a public inquiry into his death.

I note that *First Do No Harm*, the recently-published review by Baroness Cumberlege into the use of certain medicines and medical devices, also highlighted a lack of consistent action by Government to improve the effectiveness and efficiency of inquiries. This is in spite of commitments made by the Ministry of Justice and the Cabinet Office since 2014 (p.184 of [the review's report](#)).

What I have seen in the case that I have appended to this letter only reinforces the need for a clearer, more coherent approach by Government in relation to inquiries and the other types of review that can be used to investigate systemic and historic failings. I hope the MoJ's learning from the impact they had on the complainant and MP in this case is useful to your officials as they develop the new guidance.

I also hope you agree your Department's work should address the full range of public inquiries that are available as well as clarification for other Departments of the criteria to be taken into account and the factors to be considered when they decide to



set up a public inquiry. Once complete, I hope this guidance will not just be circulated around Government, but made publicly available in a format that is easily understandable so that it can be taken into account by those that may wish to make a case for an inquiry to be launched in the future.

I have not used my powers to formally lay our investigation before Parliament, as many of the issues it raises are tangential to the key points I have drawn out above. I am, however, copying this letter to the Chair of the Public Administration and Constitutional Affairs Committee in case they wish to explore the progress on this work at any future hearing they hold with you and your officials. I am also copying the Chair of the Justice Select Committee so he is aware of this case, which I also plan to summarise in my next annual Casework Report. A copy of this letter has also been placed on my website.

Yours sincerely,

Rob Behrens

Rob Behrens CBE
Ombudsman and Chair
Parliamentary and Health Service Ombudsman