Public Inquiry Methods, Processes and Outputs: an Epistemological Critique

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Abstract
Public inquiries are an important phenomenon in modern British society, often used to address controversial or difficult issues of major concern to policy makers, the media and the public. Although people often comment adversely on how costly inquiries are and how long they take, inquiry methods are rarely discussed, let alone critiqued or challenged. However, from a social sciences perspective, inquiry methods, processes and outputs are often at odds with accepted standards for research methods. This paper discusses this divergence and the implications for how we should regard the inquiry as a way of knowing, or learning.

Keywords: public inquiry, epistemology, research methods, validity, reliability

Introduction
This paper examines the public inquiry as a way of knowing or learning, from a social sciences perspective. Its purpose is to question or critique the scientific rigour of such inquiries, largely by outlining how far they diverge from conventional standards and approaches to social sciences research, and to explore the implications and consequences of such divergence.

Public and other forms of inquiry are important social phenomena, deserving of study in their own right, not just because of the central part they have played in some very important events and debates in public policy over recent decades, but also because they have become increasingly common as a response to public concern about problems or failures in society, and because they are expensive endeavours, consuming a great deal of time, money and other public resources. Indeed, it is particularly their frequency, length and cost which has led some authors to question their effectiveness and purpose. But their methods, and particularly the scientific rigour with which inquiries are conducted and the underlying and largely unstated paradigmatic assumptions on which they are founded, seem rarely to have been questioned. Nevertheless, it has been suggested by some authors that inquiries are exercises in convention-governed sense-making in which pro-establishment, authorised perspectives and narratives are dominant, and that they function in order to impose a particular version of reality on events which depoliticises those events, neutralises concerns and legitimates the status quo. Other papers in this special issue explore the nature and use of inquiries from various perspectives, but this paper focusses on how inquiries engage with the nature of knowledge and ways of knowing.

The genesis for this paper was a discussion of inquiry methods at a seminar hosted by the Health Foundation in November 2018 to mark the fiftieth anniversary of the publication of the report by Sir Geoffrey Howe into care for long-term patients with chronic mental illness and learning difficulties in the Ely Hospital in Cardiff. Having been involved in various public inquiries as an expert advisor or witness over the last twenty years, and having researched the use of inquiries in the NHS, I would observe that inquiry methods have not changed very much over that time, or indeed perhaps since the Ely Hospital inquiry itself. For this paper, I draw on my experience as a participant in some inquiries, as a researcher on inquiries, and as a social scientist more generally.

Geoffrey Howe’s widely cited typology of the purposes of inquiries sets out six
potential objectives: establishing the facts; learning from events; providing catharsis or therapeutic exposure; providing public reassurance; holding people or organisations to account; and serving wider political purposes or considerations. This paper is primarily concerned with how inquiries serve the first two of those objectives—that is, establishing the facts and learning from events. These are both primary objectives of social sciences research, though the language in which they are expressed is perhaps unconventional. Establishing the facts is the central focus of empirical research—using social theory and existing literature to frame research questions and then seeking to answer them through a variety of empirical data sources and methods. Learning from events is essentially the purpose of what social scientists would call generalisation and cumulation. Generalisation refers to the way we move from a specific context, setting or study to develop generalised findings which can be applied to a wider range of contexts or settings. Cumulation is the process by which knowledge is added together or accumulated across many studies, using both theory and empirical methods (like forms of meta-synthesis) to combine findings and provide a foundation of knowledge on which future studies can build.

In the two main sections of the paper, I first outline how inquiries usually work, providing a general descriptive account of inquiry methods. I then move on to our critique, describing a number of important areas where inquiry methods diverge from or are largely contrary to conventional social science research standards. The paper concludes by discussing what this critique means for the way that inquiries work, and draws two main conclusions.

How inquiries work: methods, processes and outputs

In order to frame and structure this epistemological and methodological critique of inquiries, it is useful first to outline how inquiries work. Inevitably, this account will be somewhat superficial, and somewhat of a generalisation since inquiries can differ quite markedly in how they are organised and undertaken. But the intention, in this section, is not to describe how all inquiries work in every aspect, but really to outline how many inquiries work in aspects which bear particularly on methods and ways of knowing. A more detailed account of inquiry methods and processes can be found in the Centre for Dispute Resolution’s very detailed and useful guide to undertaking inquiries.

Inquiries are generally led by a single person—the inquiry chair, appointed by government—though they may appoint a small panel of advisors, and will always have the support of a secretariat, often comprising some very senior and experienced staff with relevant legal, policy making and healthcare management expertise. They may draw on a wider pool of experts in specific areas, especially where the clinical or technical nature of issues requires it.

Each inquiry is framed by its terms of reference, which are generally defined by government although the inquiry chair may have the opportunity to shape or influence them when they are invited to chair the inquiry. Most inquiry chairs have traditionally had a legal background and training, for example as a judge or senior barrister, and while a few individuals have chaired more than one inquiry, it is often the case that the inquiry chair will not have led an inquiry before and will not do so again. It is worth noting that the process for selecting inquiry chairs is obscure to say the least, and some inquiry chairs have run into problems with stakeholders because they have been perceived to be insufficiently independent of government and the establishment, or lacking in necessary skills or content knowledge.

Most inquiries take part in several stages. First, there is an initial information gathering process, which may involve drawing together documents and other materials to frame the inquiry issues in detail and to plan for subsequent stages and how they will work—for example to decide which witnesses to call to hearings, and in what order. Next, there are usually hearings which, for a public inquiry, are usually held in public with stakeholders and their legal representatives present. While some NHS inquiries have been held in private, those convened under the Inquiries Act 2005 are generally held in public and attempts to hold inquiries
in private have often faced legal challenges from stakeholders such as patient and family groups. Witnesses may have been asked to give written evidence in advance, and they are then called and questioned by the inquiry’s lead counsel, though the chair and panel may also raise questions and it may be allowed for stakeholders and their legal representatives to raise questions to witnesses via the lead counsel. There may be many days of such hearings, and the proceedings of each day are recorded and transcribed. After the hearings, the inquiry team may then gather further evidence or opinions on what they have found so far, often through meetings or seminars with experts or stakeholder groups. The next stage is for the inquiry chair and his or her team to draft their report—a process that usually takes place completely in private and about which we therefore know relatively little. The final stage is for the report to be published, after sometimes lengthy processes of negotiation and clearance with individuals and organisations who are named in the report, and with government.

Of course, there are many variations to this process. Some inquiries produce multiple reports at various stages during the inquiry, while others produce a single final report. The content and length of those reports also varies widely—some make hundreds of specific recommendations, and others make no recommendations at all, but confine themselves to reporting their findings. But overall, most inquiries follow the process set out above.

Critiquing inquiry methods, processes and outputs

From the perspective of social scientists—who see the job of research, analyse and understand social systems and behaviours in organisations and society—the way that inquiries work seems to diverge from or even breach many fundamental principles of good social science. This might be thought to make such inquiries and their reports unreliable at best, misleading at worst, and rather unlikely to pass peer review and meet the usual academic standards for publication. I now turn to outlining seven main areas of divergence, and consider their consequences for inquiries.

First, inquiries are generally what might be described as single case studies, by which I mean they study a phenomenon through a single case, such as an organisation or a particular and singular event. Single case study designs are not unknown, but social scientists usually prefer to see multiple case study designs in which the phenomenon is explored across several cases, with the potential for both within-case and between-case analysis. A concern about single case study designs is that the empirical case chosen might be atypical, unusual or abnormal in ways that make generalising from that single case problematic. In fact, inquiry cases are almost by definition atypical—inquiries are often focussed on the most extreme and florid examples of organisational failure or crisis in organisations which are themselves extreme cases or outliers in many respects. Because inquiries are often focussed on single case studies of such atypical and extreme cases, it is likely that drawing generalised or generalisable conclusions from such inquiries is difficult or might even be impossible. However, it is striking that inquiry reports rarely if ever consider—let alone justify—such generalisation, and are usually willing to draw conclusions and make far-reaching recommendations for the wider NHS on the basis of these single and atypical case studies.

Secondly, in social sciences research, it is good practice for the researchers to pay particular attention to their own potential or actual prior beliefs or biases. We use the term reflexivity to refer to the way we expect researchers to question and challenge themselves, and to examine their own relationship to the field of study and how that might affect or influence their findings. We also expect that research should be reproducible or replicable—in other words that if a different research team was to repeat the study, it would produce similar findings and conclusions. But in inquiries, we find little evidence of such reflexivity among the inquiry chairs who are, essentially, the principal investigators for these studies. It seems that the nature and preferences of the inquiry chair shape fundamentally the direction and form of the inquiry and its outputs, but again this
is rarely discussed and never questioned in inquiry reports. If we ask the replicability question—would a different inquiry chair have arrived at the same findings?—it is difficult to argue that inquiries are sufficiently replicable, and so we must question the validity and reliability of their findings.

Thirdly, inquiry teams are not research teams, even though the purposes of an inquiry we are examining are rather like the objectives of many research studies, and this leads us to question whether inquiry teams have the research skills needed for the task. In practice, inquiries are largely staffed by and led by lawyers and civil servants, who do not have much by way of research training. They bring to the inquiry many important and useful skills and undoubted intelligence and experience, but have little if any training or experience in research methods. Some inquiries use social scientists as expert advisors, or draw on specialist research skills for particular technical tasks (such as epidemiologists and statisticians to help them analyse quantitative data sources) but I cannot think of an inquiry which has actually been led by a social scientist. In addition, social scientists go through a formal research training, and accumulate research experience through participating in research studies, and then graduate to leading studies as a principal investigator. Over a career, a social scientist may lead dozens of research projects and will often become expert in particular areas of social sciences methodology. Yet, as we have already noted, inquiry chairs are certainly not chosen for their experience in leading inquiries, and many of them will only ever lead one inquiry and so have no opportunity to develop their skills and experience in inquiry methodologies.

Fourthly, most inquiries make extensive use of qualitative data gathered from key informants, usually through public hearings where they give testimony as witnesses. In conventional qualitative research, the way interviews are organised is designed to maximise the likelihood that interviewees will be able to open and candid in what they say, and not restricted by concerns about, for example, the social acceptability of their views or what other people might think about them. So interviewees are routinely given assurances about confidentiality and the preservation of their anonymity. Interviews take place in neutral locations, in private. Qualitative interviewers usually work to an interview schedule, designed to cover the research issues but to provide plenty of opportunity for interviewees to raise other topics and for them to shape the direction and content of the interview. Interviewers seek to establish a relationship of trust with interviewees, and may leave questions about difficult or sensitive issues until later in the interview for that reason. In contrast, inquiry hearings are very different from conventional qualitative interviews. Witnesses (or interviewees) are usually questioned in public, with many other stakeholders present, and the process is neither confidential nor anonymous. The setting is, for many, an intimidating and unfamiliar experience which can induce considerable stress and fear. Questioning may be undertaken sensitively, but it follows a line of investigation determined by the lead counsel and inquiry chair and there is little opportunity for witnesses to raise other topics if they want to. In short, inquiry hearings are almost the antithesis of good qualitative research practice, and there is very good reason to question whether such hearings enable people to give open, honest and candid accounts in their testimony.

Fifth, at the heart of good social sciences research lies social theory. Researchers often use appropriate theories about, for example, human or organisational behaviour, to guide their research and analysis. To give a relevant example, research into major failures in healthcare organisations has drawn on a diverse range of social theories concerning toxic or dysfunctional leadership in organisations, organisational culture, organisational learning and development, absorptive capacity and organisational capabilities, and so on.6 Theories provide an important link between prior research in the area and the current empirical study. They are also crucial to the processes for generalisation and cumulation discussed earlier. Theoretical generalisation involves using different empirical studies to populate a theoretical framework, while theory building and testing is arguably the main mechanism by which knowledge from empirical studies is accumulated and then used as the foundation for further
empirical studies. In contrast, it is striking that inquiries seem to be largely or even wholly atheoretical endeavours. By that, I mean that inquiry findings are reported descriptively, but it seems that little or no attempt is made to locate them in a wider theoretical context or prior literature, or to use theory to guide the process of investigation or inquiry, or to contribute to theoretical cumulation. Inquiries often seem, from their reports, to be rather disconnected or isolated endeavours focussed on their own empirical territory but without much wider reference or context. As a consequence, they often seem to cover similar ground and reach similar findings to previous inquiries, without making much, if any reference to or connection with prior study of those phenomena in either other inquiries or in research.

Sixth, social science research recognises and embraces the idea that there are multiple competing narratives about social phenomena like organisations, and social scientists are sceptical about the idea that one particular narrative should be privileged or held to be more authentic than others, especially because in that situation, it is often the narrative of the more powerful stakeholders that comes to predominate. So social science researchers will often seek to uncover disconfirming accounts or alternative perspectives on a phenomena under study, and in their analysis and reporting will present these different narratives and explore the differences between them rather than selecting or producing a single account. However, inquiries tend to do the opposite—there is a largely implicit underlying belief in the existence of an objective truth that can be discovered, and so the process of the inquiry seeks to sift and weigh evidence in order to determine that objective truth. In the process, different narratives are collapsed together and combined, and the differences between them are largely lost. I think that as a result, it tends to be the conventional narratives of powerful stakeholders that shape inquiry findings and reports.

Seventh, it is conventional in social sciences research to describe and explain your methodology, in terms which should allow others to understand what you have done and to replicate your study if they wanted to do so. This means not only describing the data sources you have used (documents, interviews, surveys, or whatever) but also describing how you have analysed that data, whether it is quantitative or qualitative in nature. While it is usually fairly clear what data sources an inquiry has drawn upon and materials like documents and hearing transcripts are often in the public domain, it is usually not at all clear how that data has been used to derive the findings, conclusions and recommendations that appear in the report. The process of data analysis is rarely articulated at all, and from my experience it is largely conducted by the inquiry team behind closed doors, after hearings and other evidence gathering has been completed. In other words, the connection between empirical investigation and the inquiry report findings and recommendations is often obscure at best, or absent at worst.

Discussion and conclusions

The contrast between conventional good practice in social sciences research and the normal methods and processes for inquiries outlined above is striking, and it is interesting in itself that research on inquiries has up to now largely not addressed questions of the scientific rigour or replicability of inquiries and their reports, and has rather taken for granted their fitness for purpose. As was noted earlier, policy makers and others have expressed considerable concern about the costs, timescales and overall value for money of inquiries, but do not seem to have asked more fundamentally important questions: are inquiries conducted to accepted standards for empirical investigations; do they produce valid and reliable findings; are inquiries replicable; and are their conclusions and recommendations for the wider NHS well founded in evidence and analysis? I would argue that this critique leads us to three main conclusions.

Firstly, those involved in inquiries should seek to be much more transparent in their methods, and should address methodological concerns about rigour and replicability. While the conventions of social sciences research may not apply to all aspects of inquiry methods, we should question whether practices like public hearings
actually produce skewed and biased accounts of the matters being studied, and whether other approaches might be more appropriate. There may be a fundamental tension here between a legal and quasi-judicial tradition of investigation and a more conventional scientific model of inquiry. We should question whether inquiry chairs with a predominantly legal training and experience are really well equipped to examine and report on the questions that inquiries set out to address.

Secondly, those who lead inquiries and write their reports should be much more cautious and contingent in their analysis, conclusions and especially their recommendations. It seems fundamentally unwise to attempt to generalise from a single atypical case as inquiries often seem to do, or to make recommendations which would affect the whole NHS on the basis of such analysis. While the inquiry team may have deep and detailed knowledge of the subject of the inquiry, it will often lack the broader knowledge needed to draw contextually relevant and meaningful conclusions about the implications of its findings for others unless it has made substantial efforts to draw in additional expertise and to address explicitly the generalisability of its findings.

Thirdly, this may all mean that inquiries are actually rather imperfect mechanisms for addressing the first two purposes in Howe’s typology—finding the facts, and learning from events. In their current form, it may be expecting rather too much of inquiries to address these two purposes, and other forms of investigation may be more suitable for these purposes. Perhaps we should regard inquiries as necessary and appropriate only when their purpose is to serve some of the other aims articulated by Howe—for example, providing opportunities for catharsis or therapeutic exposure, or holding powerful stakeholders and interests to account. It seems clear we should be more cautious and more sceptical in future about calls for such inquiries and about claims for what they will be able to achieve.

Notes