

## **Written evidence from Amelia Smith (STI0009)**

**Background-** As a member of the public who has campaigned for justice for many years I believe the framework for the 2005 statutory inquiry Act is flawed and allows the cruel and torturous conduct of those who have previously held power such as in Senior Civil Service and Ministerial government positions to continue to cause harm. This is because access to raise an inquiry is often not accessible to the general public.

Moreover, I believe the complaint system relating to those in senior civil servant parliamentary positions such as the Official Solicitor is unfit for purpose. More worryingly, I also believe the legal system is inadequate in some cases corrupt and the regional restrictions and lack of suitably qualified solicitors capable of working under legal aid make the UK justice framework unusable for some vulnerable groups. Furthermore, I believe there should be an inquiry into individual cases where there is a public concern.

**Does the 2005 Act provide the right frame work for ensuring that the inquiries are A. Effective B Efficient C Appropriately overseen, D and followed up?**

The ability to apply the Act in an effective way is limited due to the formation of the framework that requires the implementation of a Minister to request an inquiry. This must be looked at, as in some cases things are simply overlooked or concealed leaving some children and those most vulnerable with no other solution of amendment. This may be because it never reaches the relevant minister partially due to repeated changes within government positions and partly because some have no idea of complaint trajectory. However, where serious breaches have occurred there must be accountability even if this means the very top of the government taking ownership of an issue.

An example of this might relate to senior civil servants who serve the public but shockingly that member of the public cannot complain to the Head of the Civil Service where allegations of serious breaches occur. Furthermore, it never reaches the Minister of the Civil Service as MPs fail to raise it with him and additionally that member of the public, one of the most vulnerable in this country continues to be denied justice because of the banning of legal aid in inheritance cases.

In some cases these individuals, children, were forced to use a senior civil servant who may not have been suitably experienced and who substituted

his senior role to someone newly qualified and specializing in construction. However, when members of the public have objected were persecuted by others including those in positions of power such as police and judges with no chance of safeguarding or checking what happened and no chance of judicial review. In fact they were denied the chance of justice their entire childhood. The only way of amendment is through the European courts because the UK justice framework is in some cases only accessible to those in positive fiscal positions, it's a scandal that's being covered up.

### **Follow up.**

In terms of the follow up in statutory inquires it is appropriate that recommendations are made during inquires. However, I doubt that there is any real overseeing of these recommendations as there have been various inquiries into the lack of accountability between civil servants and Ministers but individual cases are never looked at so children still suffer at the hands of this government.

While the purpose of inquiries is not to apportion liability there must be some accountability and amelioration. It is wrong for those most vulnerable to be denied any form of amendment or acknowledgement. I firmly believe that there must be a process that allows those who have caused harm the ability to right wrongs and limit the adverse effects.

In the case of the denial of legal representation to children in inheritance cases it is the policy formation that is flawed and this government know this that is why there was a change in the law to allow all children to receive legal aid in civil case, However as this was only implemented in May 2023 for some children who enter adulthood this legislation comes too late and it is wrong for the minister of the civil service to not look at these cases. That is his job.

### **How can the following be improved? The inquires act 2005 the inquiry rules 2006 and the inquires Scotland rules 2007**

The ability to apply the Act correctly is hampered by the fact that only Ministers can call for an inquiry. This is wrong both legally and morally as it relies on the integrity of a Minister to highlight incidents which may concern their own department. An example of this could be that I personally have called for an inquiry for into the inability of some children unable to gain legal aid in inheritance cases and the use in some cases of a senior civil servant who may not have been suitable for the role and who's actions may have led to long term harm of those most in need.

This combined with the inability to complain as well as the misuse of force to silence this vulnerable subject group using both police and judge's intimidation should be individually investigated to allow atonement.

In some cases these individuals had already faced persecution and threats by others including those linked to terrorist groups. However, it is simply covered up by those at the highest level who do not take ownership and shun accountability and while individual inquiries can access some information it is reliant on Clarks to view information as pertaining. Some of whom confuse titles such as the Official General and the Official Solicitor.

How can this not be a public concern when the most vulnerable in our society are not protected by the legal system? There is no adequate legal system for some of the most vulnerable and while changes were made in May 2023 to allow all children in civil cases legal aid for some this change is too late as they now enter adulthood and there is no compensation scheme for those children this government has failed. Furthermore, how can it not be a concern that there is simply no legal aid solicitors suitably qualified enough to take on a case of this nature not only in the geographical area that placed restrictions on cases but in the whole country. The cuts imposed on legal aid have made the system unworkable.

I doubt the Minister for the Civil Service or the Minister for Justice would call for an inquiry that highlights allegations about themselves.

Moreover, the Act makes it reliant on the evidence to be placed before a Minister and in some cases where the case has been raised repeatedly with MPs and placed before Parliamentary Under-Secretary of State they just back track it or conceal it. This then leaves the general public with little redress and the only chance of justice the European Courts as the UK is unable or unwilling to deal with complaints. It is a scandal.

### **5, Ministers have recourse to statutory and non-statutory inquires. Should the 2005 Act be amended to reflect or change this in any way?**

Ministers do have the ability to use the findings of statutory and non-statutory inquires as a source of help. However, in some cases these findings are overlooked. It is worrying that some in senior positions are unaware of the trajectory of complaints either that or there is evidence of deliberate misleading this is evident even when you go through MPs. It is

also worry that some ministers are unaware of their job role. This also appears to include the Minister of the Civil Service.

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