

Impact case study (REF3)

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| Institution: Queen's University Belfast | | |
| Unit of Assessment: Law (UoA 18) | | |
| Title of case study: Beyond Hillsborough: Inquests, Public Understanding of the Truth and Wider Significance | | |
| Period when the underpinning research was undertaken: June 2005 – Sept 2016 | | |
| Details of staff conducting the underpinning research from the submitting unit: | | |
| Name(s): | Role(s) (e.g. job title): | Period(s) employed by submitting HEI: |
| Phil Scraton | Professor | 2003-2016 |
| Period when the claimed impact occurred: 1 August 2013 – August 2020 | | |
| Is this case study continued from a case study submitted in 2014? YES | | |
| Summary of Impact | | |
| <p>Professor Scraton's leadership, management, and direction of the Hillsborough Independent Panel (HIP) research team and his primary authorship of the HIP Report was submitted as a QUB REF 2014 Impact Case Study. Since 2014, Professor Scraton's continuing, in-depth research into the Hillsborough disaster, accumulated over three decades and involving work with bereaved families, survivors and their legal teams, has had a direct and material impact. First, as consultant to the families' legal teams throughout the inquests into the Hillsborough disaster (2014-2016), his research informed their examination of witnesses throughout the legal hearings, the exoneration of those who died, the verdict of unlawful killing and the jury's detailed findings against all public agencies involved. Second, through extensive media engagement his research uniquely shaped public understanding of the tragedy's context and consequences, throughout and beyond the inquests. Third, his Hillsborough research is a significant resource for lawyers, activists, and NGOs as a model advocating for reform in the conduct of public inquiries and inquests into controversial deaths.</p> | | |
| 2. Underpinning research | | |
| Overview | | |
| <p>Professor Scraton has an established, international reputation researching official inquiries, investigations, and inquests into controversial deaths [R1]. His in-depth Hillsborough research – interrogating context, circumstances, and aftermath – exposed institutionalised flaws in police, coronial, government and media responses to avoidable loss of life and severe physical and psychological injury [R2, R3, R5]. The HIP Report [R4] was research-led and written by Scraton. Subsequently, his research received a Home Office grant (2014-2016: £157,181) and a Leverhulme Trust Fellowship award (2017-present: £17,285), focusing on the Hillsborough Inquests and subsequent legal processes. Seconded as a researcher to support the families and their legal teams (2014-2016) his new research, detailing the Panel's work and the new inquests, culminated in a revised edition of his ground-breaking, <i>Hillsborough: The Truth</i> (2016) [R6].</p> <p>Scraton's qualitative research with bereaved families and survivors is underpinned by exhaustive documentary and policy analysis, contrasting official discourse regarding the disaster's context and circumstances with an authoritative 'view from below'. His extensive published research revealed: insufficient analysis of inherent dangers and foreseeable risk; corruption of police statements; compromised investigations including medical/ pathological evidence; systemic failure in the coronial process. Scraton's research was central to establishing the irrefutable case for reopening criminal and Independent Office for Police Conduct Investigations (2013-ongoing) and new inquests [R3, R4]. His continued contribution, as research consultant throughout the inquests, had a direct and material impact on their conduct and outcome [R6]. His research continues to be an invaluable resource for others seeking to learn and apply the lessons of the Hillsborough experience.</p> | | |

3. References to the Research

1. Scraton, P. (2003) 'From Deceit to Disclosure: The Politics of Official Inquiries in the United Kingdom.' G. Gilligan and J. Pratt (eds) *Crime, Truth and Justice* (London, Routledge) pp.46-70.
2. 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* (London, Routledge) pp.59-76.
3. Scraton, P. (2007) *Power, Conflict and Criminalisation* (London, Routledge) - see especially Chapter 4 'Negligence without Liability: The Scale of Injustice after Hillsborough' pp 59-80.
4. Scraton, P. (2012) *Hillsborough: Report of the Hillsborough Independent Panel* (Norwich, The Stationary Office) 389pp.
5. Scraton, P. (2013) 'The Legacy of Hillsborough: Liberating Truth, Challenging Power,' *Race & Class* 55(2): 1-27, <https://doi.org/10.1177/0306396813499488>
6. Scraton, P. (2016) *Hillsborough: The Truth*. (4th ed) (London, Transworld/Penguin) 496pp.

4. Details of the Impact

The context in which 96 women, men and children were killed, 766 injured and thousands traumatised, at a Hillsborough Stadium FA Cup Semi-Final in April 1989 is well documented and internationally recognised. Within hours of the tragedy, police representatives and politicians had briefed international media that drunken, violent fans had caused fatalities. A judicial inquiry found serious institutional negligence in managing the capacity crowd, yet no criminal prosecutions resulted. Inquests were held in 1990-91. The families received no legal aid for those inquests. The coroner directed the jury towards an accidental death verdict, returned by a majority. A 1993 judicial review of the verdict failed in the High Court. It exonerated the South Yorkshire Police, Sheffield Wednesday Football Club, and the emergency services and remained the official 'truth' about Hillsborough for over two decades. Denied legitimacy, survivors criticised the parlous state of the stadium, inadequate stewarding and policing, emergency response failures, and flawed investigations. In 2010 the HIP was established and its 400-page report meticulously documented these failings, the negative media coverage and failures in the legal processes (including the original inquests) and subsequent reviews. Professor Scraton's leadership, management and direction of the HIP research team and primary authorship of its Report was submitted as a REF QUB 2014 Impact Case Study. This REF Impact Case Study details the subsequent impact of his research.

The Second Inquests, 2014-2016

Following the HIP findings [R4], the accidental death inquest verdicts were quashed. The Lord Chief Justice ordered new inquests. Scraton was appointed research consultant to the families' legal teams (103 families/ individuals represented by 14 firms of solicitors; 31 barristers at a cost to legal aid of GBP63,600,000). Throughout the five preliminary hearings and two-year inquests (2014-16), the longest running inquests in British legal history, his research had a direct and material impact on the conduct of the legal hearings. Scraton was seconded to the bereaved families' legal teams: drafted submissions to the Coroner throughout preliminary hearings (2013-2014); and also wrote thirty comprehensive background papers informing presentation of the case, including detailed appraisal of witness evidence (2014-2016).

The Hillsborough Research Archive compiled under his direction and housed at Queen's University Belfast, was key to informing team briefings and the focus, presentation and interrogation of evidence [R1]. Deploying an academic research archive in live proceedings, prioritising and challenging evidence, was a unique development in UK legal history. A senior barrister who represented the families, now a Coroner, summed up Scraton's impact on the inquests thus: *'His very species-being was invested, emotionally and intellectually ... This was manifest ... in the laser like focus on the detail that mattered for the conduct of the 96 fresh inquests themselves. He produced some 30 briefing papers that were utterly invaluable in, repeatedly, drawing the lawyers' perspective and clarity back to the process of ensuring that accountability and truth were drawn to the fore-front of the evidence that the court and the jury*

were required to consider, and drawing out the details that informed the humanity behind the sheer numbers killed and forever damaged. This, I suspect as much as anything, enabled the conclusions of the 96 inquests to emerge as they did: confirming that 96 men, women and children were unlawfully killed and, critically, exposing and destroying once and for all the malevolent strategies, the lies, that sought to blame the victims for their own fate' [Source A].

Another Senior Counsel, who acted for 77 Hillsborough families, similarly assessed Scraton's contribution as: 'His written and oral contributions were informed by an encyclopaedic knowledge of the events of the day...He "coloured in" the black and white of the words and images...Phil provided a bridge to the families as well as to the work of the HIP panel.' [Source B].

Consistent with Scraton's research findings [R6], the unanimous jury verdict delivered in April 2016 was unlawful killing. Further, the jury found multiple systemic failings by the South Yorkshire Police, the South Yorkshire Metropolitan Ambulance Service, Sheffield Wednesday Football Club and the Hillsborough stadium's engineers. It exonerated the Liverpool fans, including those killed and injured, of any responsibility. The following day in the House of Commons the then UK Home Secretary Theresa May stated:

'Clearly, the jury's determination that those who died were unlawfully killed is of great public importance. It overturns in the starkest way possible the verdict of accidental death returned at the original inquests. Thanks to [the HIP report] and now the determinations of the inquests, we know the truth of what happened on that day at Hillsborough...this raises significant issues for the way the State and its agencies deal with disasters. Once formal investigations are concluded, we should step back, reflect and act [to] better respond to disasters and ensure that the suffering of families is taken into account. For 27 years the families and survivors of Hillsborough have fought for justice. They have faced hostility, opposition and obfuscation, and the authorities that should have been trusted, have laid blame and tried to protect themselves instead of acting in the public interest. But the families have never faltered in their pursuit of the truth. Thanks to their actions, they have brought about a proper reinvestigation, and a thorough re-evaluation of what happened at Hillsborough [Source C].

In July 2016, in remarks to coincide with the launch of the 4th edition of Scraton's book *Hillsborough: The Truth*, the then Labour Shadow Home Secretary and Culture Secretary Andy Burnham, commented: 'Of this I am sure the full truth about Hillsborough would never have been known were it not for his meticulous efforts over many years, turning over stones that others have walked past Professor Scraton has done a huge service not just to the Hillsborough families, but to this country' [Source D].

In September 2016, alongside posthumous awards to the 96 who died, Professor Scraton, Sir Kenny and Marina Dalglish were awarded the Freedom of the City of Liverpool in recognition of their contribution to the truth finally being established as a result of the inquest findings. The then Lord Mayor stated: 'The Hillsborough campaign was a long, heart breaking journey for all involved. It seemed fitting that after the latest inquests brought the families the truth and justice outcome that they had fought so hard for, we mark this monumental moment by awarding the 96, and those outstanding individuals who have given them their support, with the city's highest honour' [Source E].

Contribution to the Public Understanding of Truth Regarding Hillsborough

Prof Scraton's research has made a seminal contribution to shaping public understanding of what happened at Hillsborough and the subsequent inquiries, investigations and inquests. The reach of his research is evidenced by the breadth and diversity of his Hillsborough related media work. On Hillsborough alone, between 2014–2020, Professor Scraton was interviewed, referenced or quoted on 258 occasions in print, broadcast and online media.

For example, in print, he has appeared in the *Daily Mail* (28 Nov 2019, 16 Nov 2017 & 28 June 2017 - circulation of 960,000 and 24,900,000 unique online visitors/month); *The Times* 9th May 2016 (circulation of 400,000 and 300,000 online subscribers); *The Daily Telegraph* (29th December 2016, 27th October 2017 - circulation 317,000, 460,000 on-line subscribers); *The Guardian* (28th April 2016, 21st February 2017 - circulation 125,000 and 85,000,000 global

monthly website users); *The Daily Mirror* (25th May 2016, 29th December 2016, 1st November 2017 - circulation of 366,000 and 25,000,000 unique visitors/month); *The Irish Times* (13th May 2016, 17th August 2017, 3rd May 2019 - circulation of 79,000 and 10,800,000 monthly online users); the *Belfast Telegraph* (29th Dec 2016, 15th May 2017, 6th Nov 2017 - circulation 31,000 with 3,400,000 monthly users); *Liverpool Echo*, 42 separate occasions (circulation 26,000). He has also appeared in the international print media including in the *New York Times* (15 April 2014 & 12 April 2014 - circulation 850,000, 4,700,000 digital subscribers) and the *Australian Daily Telegraph* 31st October 2016 (circulation 1,191,000, 3,440,000 digital readers). Online, Phil Scraton was referenced on the BBC news website on 12 occasions, 2014-2020 (the world's most visited News website with 179,000,000 unique monthly visitors) and the Argentinian news website Infobae (15 Apr 2019 – 38,000,000 unique monthly visitors) and on CNN.com (26 Apr 2016, 147,000,000 unique visitors/month). On 1st December 2016 the *Times Higher* published an unprecedented 8-page, cover story on Scraton's research in securing justice for the Hillsborough families (380,000 on-line readers).

Between 2014 and 2020 he has given over 70 local and national radio and television interviews on Hillsborough related matters. For example, he has been interviewed on the *BBC Radio 4* programmes *PM* (28 June 2017 – 4,200,000 listeners weekly) and *Today* (30 December 2016 & 9 January 2015 – 6,720,000 listeners weekly) as well as *Radio 5 Live* (12 times - total reach of 4,980,000 listeners/week). He has been interviewed on *BBC News at 10* (28 June 2017, 4,200,000 viewers per episode) and *Channel 4 News* (28 June 2017, 1,300,000 viewers per episode).

He was research consultant for and primary participant in the *BBC/CNN* film *Hillsborough* (2016) screened across Europe, Australia, Latin America, the USA and Canada. Short-listed for an Emmy, the film won the 2017 Best Documentary BAFTA. At the awards ceremony, February 2017, the film's Director Dan Gordon stated: '*I thank Professor Phil Scraton, who is standing right behind me, who has worked so tirelessly, diligently ... and shown a dogged determination to expose the full truth of Hillsborough. I am in absolute awe of you*' [Source F]. Scraton was research consultant for the S4C documentary, *Hillsborough: Yr Hunllef Hir* (The Long Nightmare), awarded the 2017 Celtic Media Festival main prize. He was consultant and interviewee for the 2017 film documentary *Kenny* on the impact of Hillsborough on the former Liverpool manager Sir Kenny Dalglish.

As the North West Correspondent for BBC News states in a letter to the UoA, '*I cover the subject of the disaster and its aftermath closely for national BBC news programmes. I have interviewed Prof Scraton many times, and also speak to him regularly off-air, for advice on developments in the story. In my estimation Professor Scraton is a world authority on the labyrinthine subject of Hillsborough ... Myself and my colleagues often approach him for interviews, and are grateful for the time he gives us. He gives important context to our reports, and puts a priority on being able to explain complex findings in an accessible way. This has ensured that his research isn't solely the preserve of academia, but has travelled far beyond the university campus to newspaper readers and television and radio audiences.*' [Source G].

The impact of Scraton's contribution to public discourse was well illustrated by the former *Radio 4 Desert Island Disc* host Kirsty Young, introducing him as a 'castaway' on 5th November 2017 (2,900,000 listeners/ episode): '*at the heart of much of his life and work has been the Hillsborough Disaster ... My guest's relentless and meticulous quest for the truth has been fundamental to our understanding as to what really went wrong*' [Source H]. In the New Year's Honours List, December 2016 he was offered an OBE in recognition for his research and advocacy on Hillsborough. He declined the award.

Between January 2017 and February 2020 Scraton delivered c.60 visiting lectures and conference plenaries to over 12,000 academic, professional and public audiences (in England, Scotland, Wales, Ireland, France, Switzerland, Australia, New Zealand, and Germany), together with numerous webinars, on Hillsborough and its implications for truth recovery, state power and researching deaths in contested circumstances. Endorsing *Hillsborough: The Truth*, David Downes, Professor Emeritus at the LSE commented on his research and research dissemination strategy as being characterised by '*a tireless determination to uncover the truth; a unique example, accumulating evidence and grounding*

analysis in so masterly a fashion, reactivating better informed public debate and making a compelling case to release a mass of undisclosed police and official document' [Source I].

The Continuing, Wider Significance of the Hillsborough Research

The high profile of Professor Scraton's research and its significance in reopening investigations and inquiries, revealing the precise circumstances of the Hillsborough disaster, and the lessons learnt, underpins more recent research in other contexts. For example, the legal team representing families bereaved by the Stardust Fire in Dublin 1981 (in which 48 people died) have drawn directly on his Hillsborough experience and expertise in securing new inquests to reassess causation, originally and erroneously considered to be arson [Source J]. His Hillsborough research was the reason he was appointed to the JUSTICE working party into inquest and public inquiry reform, published in August 2020. Its membership included Sir John Golding QC, the Hillsborough inquest coroner. Its recommendations on the treatment of families, drew directly on the Hillsborough research, to ensure that the pain and suffering experienced by the Hillsborough families would not be repeated [Source K]. Drawing directly on his Hillsborough related research, in 2018 he co-facilitated a funded six-week research workshop at the University of Sydney into deaths in contested circumstances. In 2019 he was appointed by the Irish Council of Civil Liberties to conduct a comprehensive review of the Irish Coronial System, funded by the Irish Human Rights and Equality Commission (2019-2021). It focuses on the issues central to Scraton's Hillsborough research: coronial independence; legal aid and legal representation for families at inquests; families' access to investigation reports; the role of juries; and narrative verdicts.

Sources to Corroborate Impact

- A. Letter from Sean Horstead, Asst Coroner, Cambridgeshire; Barrister, Garden Court Chambers, 14th February 2021.
- B. E-mail from Prof Jo Delahunty QC, 4PB Family Barristers, 10th July 2018.
- C. Theresa May MP, former Home Secretary, Statement to Parliament in Response to the Hillsborough Inquests, 27th April 2016, Col 1433-1437.
<https://hansard.parliament.uk/commons/2016-04-27/debates/1604275600001/Hillsborough>
- D. Remarks by Andy Burnham, Mayor of Greater Manchester and former Culture Secretary, Launch of *Hillsborough: The Truth* Book Launch with Phil Scraton, 28th July 2016.
<https://www.writingonthewall.org.uk/component/content/article/2-uncategorised/442-hillsborough-the-truth-book-launch-with-phil-scraton.html>
- E. *Liverpool Express*, 'Freedom Honours for Hillsborough 96 and Campaigner', 19th September 2016.
<https://liverpoolexpress.co.uk/date-set-award-freedom-honour-hillsborough-96-campaigners/>
- F. Dan Gordon, Director of Hillsborough, BAFTA winner, Best Documentary: Speech in acceptance of the Award, 15th May 2017.
<https://www.bafta.org/media-centre/transcripts/winners-acceptance-speech-single-documentary>
- G. Letter from Judith Moritz, North of England Correspondent, *BBC News*, 15th March 2021.
- H. *BBC Radio 4*, Desert Island Disks, 5th November 2017,
<https://www.bbc.co.uk/sounds/play/b09cvytz>
- I. Emeritus Professor David Downes, LSE. Published endorsement, *Hillsborough: The Truth*, (2016), Inside Cover, unpaginated.
- J. *Irish Independent*, 'New Stardust Inquest Drew on Analogies of Hillsborough Disaster – Attorney General', 12th January 2020.
- K. Justice (2020), *When Things Go Wrong: The Response of the Justice System*. London: Justice.