Public inquiries as procedural policy tools
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\textbf{ABSTRACT}
In this article we conceptualise the public inquiry as a procedural tool and address the question of what makes a public inquiry an effective policy instrument. The issue of control is central to our arguments. In our conceptual work, we use control as a means of introducing the concept of the 'catalytic procedural tool' to better capture the variance in autonomy, location and function that can be associated with different inquiries. In our evaluative work, we use control as a means of analysing the effectiveness of an inquiry as a procedural tool, which centres on a capacity to build legitimacy and prospectively influence the implementation and institutionalisation of recommendations. We conclude by claiming that there is value in thinking about control as a means of understanding policy instruments because it can deliver insights into their effects once they leave the design table and enter a variety of technical, political and social environments.

\textbf{KEYWORDS} Public inquiry; public policy; policy instrument; procedural policy tool

\textbf{Introduction}

In this article we explore the public inquiry as a procedural policy tool. We do this in two ways. First, by conceptualising the inquiry as a procedural tool of relevance to contemporary policymaking, and second, by addressing the question of what makes a public inquiry an effective procedural tool in policy design terms. The issue of control is central to our arguments throughout this exploration.

In our conceptual thinking, we ask whether it is appropriate to call an inquiry a policy tool if it cannot be controlled. We argue that if a policy tools perspective is to accommodate the analysis of public inquiries (and vice versa), the concept of the procedural tool needs to be revised. This is because certain public inquiry characteristics, such as their independent nature and potential to produce agenda-changing outcomes, do not sit comfortably with the current understanding of a procedural tool. We therefore draw on and adapt inquiry literature that has been concerned with defining transformative inquiries (Resodihardjo, 2006; 2020) in order to propose a new definition – the catalytic procedural tool – to better capture inquiries that take control away from policymakers, punctuate equilibria and transform policy agendas. However, these types of inquiries may not always be the norm. We therefore propose that this term be used in addition to the extant definition of the procedural tool, which can be used to capture those inquiries

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that can be controlled and which produce more limited, ancillary benefits in relation to substantive decisions made elsewhere. We present these two definitions as ends of a spectrum that recognises the bespoke nature of inquiries and the outcomes they produce.

Our second objective is to discuss the key variables that can impact upon an inquiry’s capacity to learn policy lessons and compel a policy reform agenda. Addressing the issue of effectiveness in this way also requires some thinking about control, in that inquiry actors must take account of issues that are largely beyond their control. We argue that an inquiry’s effectiveness can be understood through how its inputs and outputs are perceived by actors across three interlinked policy environments. The first environment is the immediate one – the ‘inquiry room’ – which we use as a metaphor to describe the collage of knowledge-creating actors, procedures and relationships that come together to build inquiry recommendations. In this environment inquiry actors have most control, but several factors are needed if their actions are to gain legitimacy and their recommendations be seen as implementable. The second environment is where recommendations transfer around agencies and sectors and implementation begins. We define this as the ‘actioning environment’ because here stakeholders, political actors and implementers regain control of the process and play a role in determining the extent to which an inquiry’s lessons are accepted and actioned. Once again certain factors must be present if the process of policy implementation is to begin effectively. Finally, across the longer term an ‘institutionalising environment’ is required to ensure that reform dynamics continue until they become institutionalised routine or part of the everyday landscape of a policy subsystem.

Successful inquiries, we therefore argue, are those which function effectively in themselves, but also anticipate how they will lose control of the policy process as their work transfers into subsequent environments. When inquiries engage processes that encourage actors from those environments to ‘buy in’ to immediate implementation and longer-term institutionalisation they have a greater chance of being effective. Moreover, when they prepare outputs with cognizance of these environments, they have a greater chance of being transferred and assimilated. From a design point of view, this demands that those who convene and run public inquiries conceive their efforts as one part of a larger and longer reform effort which they can influence (but not control) prospectively, and that they strategize accordingly.

Studying inquiries as policy tools is no easy task. Created contingently to address specific and often unique problems, inquiries are bespoke organisational entities that can produce a variety of outcomes for multiple audiences. Consequently, it is essential that prior to asking how an inquiry can be conceptualised as a procedural tool, we consider what an inquiry is and why it might be convened. In doing so, we also outline the various types of inquiries used today and the potential outcomes that they can produce. From this foundation, we then discuss their conceptual nature and their effectiveness as procedural policy tools.
The what and the why of public inquiries

In this section we set out some key characteristics of the public inquiry, explore why they are convened and outline what outcomes they can potentially produce. This is an essential precursor to thinking about them as procedural policy tools.

What are public inquiries?

Public inquiries can be defined in simple terms as temporary working groups created, mandated and made independent by governments in order to fact-find, hold actors to account or develop policy lessons (Stark, 2019a: 397). Such an expansive definition covers a range of different types of inquiry, from the blue-ribbon commissions that sit squarely in the public spotlight to more low-key policy-oriented inquiries (see Prasser (2006) for a fuller review of what should and should not be considered an inquiry). Across most types, there are some defining features:

Inquiries are independent. They are instruments convened by the executive branch of government. However, although created by the executive, they are not answerable to it; their primary characteristic is that they are – at least normatively – independent from state control (Salter, 2007). Yet the appointment of the chair, the terms of reference delivered to an inquiry and the simple fact that inquirers know that their recommendations will be scrutinised by ministers once they are delivered all mean that the state is always ‘in the room’ to some extent (see Salter, 1989).

Inquiries are public institutions. However, the meaning of ‘public’ varies dramatically, which can lead to very different types of inquiry depending on the definition held by those who design and conduct them. Salter (2007) distinguishes between six conceptions of ‘the public’: interest or stakeholder groups between whom compromises are to be negotiated; the disaffected who have been harmed by failures or crises; ‘discourse’ or dialogue among informed citizens functioning as experts; citizens as experts by virtue of their lived experience; citizens as non-experts to be educated by the inquiry; and public opinion to be gauged and reflected in recommendations. It follows that different conceptions of the public will result in different types of inquiry employing different investigative tactics and ultimately producing different recommendations and outcomes.

Inquiries are advisory bodies. They are not intended as a mechanism to directly make policy (Craft & Halligan, 2017). Even when they are investigating wrongdoing, the role of the inquiry is to provide recommendations and advice that decision makers can choose to act on or not. Inquiries have no direct role in the implementation or administration of the recommendations (Prasser & Tracey, 2014). This means that they need to conduct investigations and produce reports that compel action, not only from their sponsoring executive and the lead ministry responsible for their policy focus, but also across a range of public and private sector actors who have no obligation to listen, much less act (see, for example, Stark, 2018, p. 135–6).

Inquiries are highly contingent organisations. Their goals, functions and procedures are all determined ‘in the moment’ through a confluence of factors, which include the problem being addressed, the wishes of the sponsoring executive, the political context of the inquiry, public opinion, and the professional experience, skills and mindset of the key inquiry actors. This makes inquiries interesting units of analysis because their form and function are never
quite the same twice, but it also renders them difficult to define in a generalisable manner. Nevertheless, some organisational characteristics tend to be shared across inquiries. Most inquiries receive their mandate from the highest constitutional level of a jurisdiction, and this tends to mean that they have the power to demand explanatory evidence. Moreover, most combine a program of public consultation with research (Inwood & Johns, 2014). A commonly used dichotomy is also helpful here as it distinguishes inquiries into two types – ‘policy advisory’ and ‘investigative’ (Johns & Inwood, 2018) – with each type encouraging a slightly differently format. However, in reality the lines between the two models are always blurred, and the majority of inquiries are ‘hybrids’ that combine policy analysis and advice with the investigation of failure or wrongdoing (Johns & Inwood, 2018).

Inquiries are ephemeral organisations. Indeed, the fact that they are ‘created out of nothing by the Executive, live short lives, and then disappear . . . [yet] embody the potential for policy change’ (Inwood & Johns, 2014, p. 9) is exactly what makes them so interesting. Nowhere else in the policy world do we see an organisation spring to life, assume an important brief and be given significant amounts of authority, and then just as quickly ‘shut up shop’ after having affected the terms of a subsequent reform agenda. This temporary nature presents a problem, which is that inquiries need to give away control of their lessons and rely on others to ensure that changes occur. This is an issue we will return to in our discussion of effectiveness.

**Why use a public inquiry?**

We can discuss the reasons why an executive might convene an inquiry by defining three principal outcomes that they can produce – which do not always sit comfortably together. For example, the push towards the production of accountability can be inimical to the production of lesson-learning (‘t Hart & Boin, 2001). Nevertheless, three broad categories capture most reasons why inquiries are employed.

Inquiries produce social-psychological outcomes. These are most relevant to periods in which crises or government failure have ruptured the systems, values and norms which hold society together in normal times. When these breakdowns occur, inquiries can play a role in stitching things back together through processes which re-legitimise policymaking actors and institutions – for example through catharsis of victims, extracting explanatory statements via questioning of powerful actors, or reassurance that problems have been addressed. For some, however, this restorative function is a problem because it re-legitimises aspects of the status quo which are problematic (Ashforth, 1990; Brown, 2000) while for others, it is seen as an essential part of the recovery from damaging events (Stark, 2018).

Public inquiries can also produce political outcomes. Many scholars have argued that inquiries are mechanisms for agenda management. Typically, views on agenda management fall into two camps: those who believe that inquiries are a form of tall grass into which issues can be puncted and lost forever, or at least forgotten about until they become non-threatening (for example, Ashforth, 1990), and those who believe that elite government actors can simply mobilise bias in a way that ensures that inquiries are vehicles for their own political agendas (for example, Acland, 1980). However, the very public nature of inquiries, combined with their capacity to influence the terms of a policy debate, ensures that elite actors are not the only ones who might seek to use these mechanisms. They are also a conduit for interest groups to pursue their own outcomes. Empirical
analyses show quite clearly how interests gravitate towards inquiries, seeking to ensure that their voices are heard in proceedings and that their solutions are reflected in recommendations (e.g. Yates, 2018). As Stark (2019a) argues, the view that inquiries are agenda management tools through which executives mobilise bias requires revision. Certainly, the evidence suggests that the daily functioning and eventual outputs of inquiries are free from interference (Stark, 2018, p. 154–8).

Finally, inquiries produce policy learning outcomes. Relevant here is Argyris and Schön’s seminal work on single and double loop learning, which is valuable as it provides an evaluation of the process of learning and the outcome in terms of the recommendation. Using this as a guide, inquiry researchers have typified recommendations as single loop when they are narrow and focused on ostensibly clear ‘surface level’ issues and double loop when they deal with values and assumptions and deeper causal relationships (Deverell, 2009; Moynihan, 2009). The process elements of the theory are also important as they can provide insights into various features of a learning process, such as its openness and transparency, the extent to which decision makers are interested in sharing authority over lessons, and the extent to which they reflect on their own learning activities (Argyris, 1982). Questions remain, however, over whether single loop or double lessons are more effective in the context of an inquiry. Inquiry personnel often show a preference for single loop lessons because of their practical focus (see Stark, 2018), but some inquiries have pursued and produced larger value-orientated change either as a consequence of pursuing double loop lessons explicitly (for example the Berger Inquiry in Canada) or via many small single loop changes that add up to bigger things (for example the Victorian Bushfires Royal Commission in Australia).

Associating external learning outcomes produced by others with the recommendations of an inquiry is difficult methodologically but not impossible (see Stark, 2019). These can span larger policy learning categories including:

(i) **Organisational learning**: when an external organisation uses inquiry lessons to improve its collective behaviour;

(ii) **Instrumental learning**: when an inquiry encourages policy redesign in ways that create new policy instruments;

(iii) **Social learning**: when an inquiry’s recommendations propel changes in the most important causal relationships that shape a policy’s objectives;

(iv) **Political learning**: when an inquiry gives external interests the capacity to perform advocacy functions more effectively.

Taking these outcomes into consideration alongside single and double and individual learning, Stark (2019) has argued that most lesson-learning outcomes from an inquiry can be captured under three categories: **cognitive-interpretative**, which reflects individual learning and collectively shared belief and narrative change on an organisational level; **formal-institutional**, which captures the ‘hard’ institutional changes in mechanisms, instruments and frameworks that are tangible and observable in nature; and **value-orientated**, which captures fundamental changes in the ideas that structure a policy program or policy space more broadly.

Clearly, there are grounds to define public inquiries as important social, political and policy mechanisms. However, is the concept of the procedural policy tool amenable to theorising and investigating these inquiries? That is what we turn our attention to below.
Public inquiries as procedural policy tools

Procedural tools tend to be defined through a contrast with substantive policy tools. The latter are defined as instruments that are designed to directly impact on citizens through the production, consumption, and distribution of goods and services (Howlett, 2000, p. 414) while procedural tools are said to be about ‘altering political or policy behaviour in the process of the articulation of policy goals and means’ (Howlett, Craft, & Zibrik, 2010, p. 14). Thus, procedural tools can be defined as instruments that play a supporting role in a policy design process by indirectly affecting the quality of substantive instruments through their capacity to affect the rules of the game. Examples include network management and coordination instruments, monitoring and compliance tools, and non-departmental policy reviews (for more examples, see Howlett, 2017). While it is recognised that procedural tools can influence goal-setting, coordination and policymaking behaviour, generally they are defined in ways that suggest that their influence is indirect and somewhat removed from the key decisions that impact on citizens (see, for example, Capano & Howlett, 2020, p. 9).

This definition of the procedural tool sits comfortably with certain features of the public inquiry, the most obvious being that they are advisory bodies without any capacity to affect citizens via the production of policy. As inquiries cannot change anything without an external implementing agency, their entire focus can be construed as an effort to indirectly influence the political and policy behaviour of others. In this sense they are very much procedural policy tools, indirectly trying to affect the nature of substantive policy created elsewhere. However, other inquiry characteristics do not sit quite so comfortably with the concept. One of these is their independent nature.

A policy tool that can be controlled?

Thinking about the independence of a public inquiry takes us to an ontological question about the nature of a policy tool. Surely a tool needs to be something an actor chooses to pick up and use for a specific purpose? This presupposes a degree of control over the choice and exercise of an instrument. A carpenter chooses to pick up a hammer in order to perform a specific task and wouldn’t use that tool if she couldn’t control its effects. However, public inquiries are often imposed upon executives who convene them reluctantly (Prasser, 2006; Sulitzeanu-Kenan, 2010). This doesn’t sit comfortably with the idea of control. Moreover, their independent nature means that, in the words of one former Cabinet Secretary, they represent ‘an exceptional area, where governments are prepared to just let go … and ministers just cross their fingers and hope for the best’ (Stark, 2018, p. 155). If policymakers cannot control the functioning or output of an inquiry, can it legitimately be called a policy tool?

One response is to say those who sponsor an inquiry can impose control prospectively through the appointment of a like minded chair or by setting the terms of reference in ways that will ensure that they get implementable and non-threatening recommendations. As discussed above, however, this capacity to agenda manage through inquiries has been questioned. Indeed, there are many examples of inquiries ‘going rogue’ and taking their scrutiny into unwelcome territory (Gilligan, 2002; Resodihardjo, 2006). They can also ensure that by the time an executive gets its report, the nature of the public debate
will defy any efforts to supress it. A fine example of both those points is the Berger Inquiry, which began life as an investigation into an oil pipeline but was transformed by the Chair into an investigation into colonisation and Indigenous rights in Canada (Gamble, 1978). In such cases, policymakers can become the tools of an inquiry rather than the other way about. Government actors might seek to reimpose control at the implementing stage by reinterpreting recommendations, convening subsequent policy analyses that can stall or quietly kill reform, or offloading responsibility for recommendations to other actors who may be less obliged to listen (Stark, 2019a). However, inquiries today tend to recognise the potential for machination and politically savvy chairs and secretaries often attempt to reduce the opportunity for bureaucratic politics to kill off recommendations. Moreover, if public commitments have been made and executive leaders buy into recommendations, the discretion of implementers will be circumscribed. Discretion can be further minimised by independent oversight of reform processes and the use of statutes to drive change. These factors mean that implementing organisations can also become tools to facilitate an inquiry’s agenda. Yet the further that one moves from the policymaking centre, both geographically and constitutionally, the less authority an inquiry enjoys (Stark, 2019a). This means that as recommendations drop down through levels of governance and move out to non-state actors, the discretion of implementing actors increases. Thus, in the periphery of policy systems, when statutes around reform are absent, actors can choose to shelve or implement recommendations and truly exercise control (ibid).

Whether an inquiry can be considered a procedural policy tool is therefore bound to the question of control. In some cases, inquiries will be plucked from the toolbox, shaped through mandate and will go on to produce the outcomes that executives and implementing agencies desire. In other cases, they will be imposed upon government and conducted in ways which create political risk and unpredictable reform agendas.

**A producer of ends rather than means?**

Asking where inquiries can be applied in a policy process is as important as asking who can apply them. This takes us to the tricky and enduring puzzle about the relationship between means and ends in policy design (Lindblom, 1959; Schneider & Ingram, 1990). A key issue in understanding inquiries as procedural tools is that rather than being a means to a predetermined end, they can also be a means that create a whole new set of ends.

If we were to rank the importance of procedural and substantive tools as means, procedural tools would likely come second because the causal connection with policy ends is less proximate. Thinking about this in terms of their location in a policy process, a procedural tool might be selected to perform a supporting function in relation to decision making, implementation or evaluation functions. A procedural tool might perform, for example, a ‘nodal’ information gathering role for decision making or evaluation (Hood & Margetts, 2007) while in the case of implementation it might constitute an organisational mechanism or set of rules that facilitates coordination of delivery (Blair, 2002; Ewalt & Jennings, 2004). In all these cases, however, the procedural function is ancillary in nature and designed to facilitate ends that are already determined elsewhere.
But crucially, public inquiries can go far beyond the provision of ancillary means. They can reframe policy problems and define new ends in the form of novel program objectives and new policy goals (and their ordering). They can also significantly change the ideational context of a policy space through value-orientated learning outcomes. In turn these larger changes can create a new range of substantive and procedural tools. Thus, rather than being bit part players confined to the recesses of a policy process, inquiries can become tools that punctuate equilibria and open new policy trajectories. This is something larger and more profound than the goal-setting function that has been associated with the procedural tool. Therefore, at times, inquiries might be better conceptualised as agenda-setting mechanisms driving the start of a new policy process rather than ancillary mechanisms supporting established decision making, implementation and evaluation stages. We therefore define public inquiries in this context as:

*policy tools with variable levels of control, which can produce fundamental agenda-setting effects or more ancillary outputs that affect the pre-existing rules of the game*

Moreover, we can say that when levels of executive or departmental control are high, inquiries can operate as typical procedural tools. This means that they will facilitate the interests of policy designers, produce ancillary benefits and support more substantive instruments and aspects of policymaking. However, when levels of control are low, we need a new term to capture the fact that inquiries can act independently, co-opt policy actors and drive forward agenda-setting dynamics. Drawing on pre-existing inquiry scholarship (Resodihardjo, 2006, 2020), we define this type of inquiry as a ‘catalytic’ procedural tool to reflect its transformative nature. According to Resodihardjo (2006, p. 205) ‘the catalytic inquiry possesses the power to dramatically influence’ by altering ideational trajectories in a way that takes policy to new ground. By attaching this term to the procedural definition, and by noting the discussion above, the study of most inquiries can find a home in policy tools research.

However, we are not arguing that these two images of the public inquiry are mutually exclusive. Not all cases will either reflect high executive/departmental control and the typical procedural definition or low executive/departmental control and the catalytic definition. Of course, the reality has to be determined empirically and will be context specific. We therefore recommend that the typical and the catalytic be conceived as ends of a spectrum into which specific inquiries are placed after they have been investigated.

**The effectiveness of inquiries**

In this section we ask what makes an inquiry an effective procedural tool. Here we focus upon *lesson-learning effectiveness* because this type of inquiry output sits most comfortably with the concept of the policy instrument. Whether the aim is transformative change or more ancillary outcomes, lesson-learning remains central. Therefore, by ‘effectiveness’ what we mean is the extent to which an inquiry can produce legitimate policy lessons that can subsequently compel a policy reform agenda.

Central to this effectiveness, we argue, is whether an inquiry’s processes and recommendations are perceived to be legitimate by sponsors, implementing agencies and interested stakeholders. This legitimacy is essential because these actors operate beyond the control of the inquiry. We therefore ought to think about inquiry effectiveness in
relation to input (process) legitimacy and output (recommendations) legitimacy and the extent to which both can motivate interested (but independent) parties to adopt an inquiry’s agenda. We propose that a useful lens for consideration of this legitimacy-effectiveness relationship is through the analysis of three interlinked policy environments: the ‘inquiry room’, the ‘actioning environment’ and the ‘institutionalising environment’ (Figure 1). Successful inquiries are those that conduct their business and draft their reports with cognizance of the future environments and actors that will be required to legitimate, implement and remember their recommendations.

Inside the inquiry room

The first environment that impacts on effectiveness is the ‘inquiry room’, which we use as a metaphor to describe something much more complex, namely the collage of knowledge creating actors, procedures and relationships that combine to build inquiry recommendations. Here legitimacy can be produced through facilitating perceptions that the inquiry has been established in an appropriate manner, that it has the appropriate personnel and that it is generating data and developing knowledge in appropriate ways that will create sound and implementable lessons.

The terms of reference and mandate given to an inquiry are perhaps the first point at which its input legitimacy will be judged. Too limited and accusations of political stage management can arise. Too broad and complaints can be made about a lack of attention to specific issues. Gilligan (2002, p. 295) argues that ‘the terms of reference are a fait accompli for a commissioner and may prove to be an obstacle to their desired route of inquiry’. While it is true that terms of reference constrain inquiries, Gilligan acknowledges that they do not completely limit their work – a point he illustrates with reference to various Australian commissions into organised crime conducted during the 1970s and 80s, which had destabilising or politically embarrassing implications for government. Indeed, Resodihardjo (2006) argues that a broad interpretation of the terms of reference can increase the standing of an inquiry.
Perhaps the most significant decision here relates to the inquiry chair(s). As Ashforth (1990) notes, governments generally choose members of public inquiries with regard to two types of criteria: representativeness and expertise. Members may represent particular interests or groups, or their expertise in the subject matter may lend authority to the inquiry’s recommendations. Of course, in practice it can be difficult to disentangle expertise from representation, and an inquiry’s chairs or commissioners generally comprise a combination of both (Ashforth, 1990). This balance can be difficult to get right. If the chair is seen to be too aligned with the government or too strongly representative of a particular interest group, the independence of the inquiry will be compromised and it will not achieve sufficient standing. In addition, if the chair does not have adequate expertise, the authority of the inquiry’s recommendations may be diminished. But as noted above, expertise and representativeness can be difficult to untangle, so a chair must be sufficiently expert for their leadership to have weight and authority without being so close to the subject that stakeholders will question their objectivity.

Once it is set up, an inquiry’s leaders and staff can increase its legitimacy with non-government stakeholders by implementing a broad consultative and inclusive approach to their work, reflecting an openness to new ways of framing and understanding issues, and remaining sensitive to perceptions of bias (Salter, 2007). Stakeholders can often sense whether an inquiry is genuinely seeking new ways of doing things or is consulting with the same ‘usual suspects’ in preparation for delivering a report that will be palatable to its sponsors. Transparency in how the inquiry works and who it consults with (e.g. through publishing relevant lists and documents on its website) can assist with conveying openness in this regard.

According to Resodihardjo (2006, 2020), a truly catalytic inquiry shapes official discourse and public debate on an issue, reframing a problem in its own terms. One way of doing this is through effective use of the media via, for example, the use of a media liaison staffer, live streaming public hearings, welcoming journalists into hearings, issuing regular press releases, and participating in social media. These features also assist with the public education function of an inquiry and increase its transparency through dissemination of its processes and early findings. Resodihardjo (2006) also notes that media can be employed – for example through strategic leaks – to soften the ground for an inquiry’s findings and recommendations, creating a climate where the recommendations will be favourably received.

Another way an inquiry can draw legitimacy is via its information generating processes. The most obvious method here is to draw legitimacy from the public nature of proceedings. This can emerge from a variety of practices. Typically, public inquiries are known as mechanisms that put powerful actors into the witness box and question them under the heat of the public spotlight. In some situations, this might generate legitimacy, primarily amongst those affected negatively by the issue being investigated. A formal judicial style may be appropriate for investigative inquiries seeking to uncover wrongdoing, but it can just as easily ensure that interested parties dismiss an inquiry as a mechanism purely for pursuing blame rather than policy learning (Eburn & Dovers, 2015). Also, for an inquiry seeking to influence public policy more broadly, such tactics would be more likely to engender suspicion, resentment and resistance among the very stakeholders most needed to implement the recommended reforms. Policy advisory inquiries are likely to benefit from more persuasive methods such as broad, respectful,
inclusive consultation and a report that seeks to include and represent multiple different points of view and sources of evidence. Other means than public hearings exist for generating legitimacy via evidence gathering. Inquiries often conduct public forms of consultation via participatory mechanisms in communities affected by disaster, or amongst marginalised communities. Alternatively, public hearings have been used to give affected groups a space to publicly air grievances and memorialise tragedy, and evidence-taking sessions can also be used to collaborate with implementing agencies so that recommendations are seen as a product of co-design (see Stark, 2018 for examples of all these practices).

Inquiries can also go about generating evidence in ways which promote epistemic legitimacy. This can be defined simply as support generated through an appreciation of the quality of the knowledge to be found within inquiry reports. One choice about the type of evidence to be produced stems from the conception of ‘public’ described earlier (Salter, 2007). For example, if ‘the public’ is conceived as the disaffected who have been harmed by failures or crises, and the goal as redress, it will be appropriate to primarily draw on lay members of the public as experts. Commission funding can then include an allocation to support victim/survivors to tell their stories. If ‘the public’ is seen more in terms of discourse – and the inquiry as a sponsor of dialogue amongst informed citizens – it will be more appropriate to foreground the voices of expert witnesses. Where the problem under investigation is controversial or complex and it is necessary to consult many different experts in a short time frame, expert witnesses can be examined concurrently to enable experts to concentrate on the real issues of difference between them. Listeners can hear all the experts discussing the same issue at the same time to explain their point in a discussion with professional colleagues. This technique reduces the chances of the lawyers, judge, jury or tribunal misunderstanding what the experts are saying, and also saves the otherwise ‘considerable court time . . . absorbed [if] each expert is cross-examined in turn’ (Rares, 2013, p. 2).

In some cases, epistemic legitimacy will emerge when an inquiry produces content that is seen as scientifically or technically proficient. Once again, inquiries can take decisions which facilitate this via, for example, the use of experts as rapporteurs or editors of their work or via the appointment of chairs who have credibility in specialist subject matter. Other external communities, however, will be waiting for different types of knowledge. Public servants may be less interested in technical content and more concerned with understanding whether the inquiry has produced knowledge which is compatible with the culture and functioning of their environment. They will want to know what the key messages are and how they can be project managed into a reform process. For this audience, epistemic legitimacy will be generated through analysis and reporting that is communicated with reference to public managerial norms. One way to cater to this audience is to allow those with public-managerial experience to assist (or lead) in the drafting of inquiry reports (Stark, 2018).

This concern with implementing agencies leads us to another factor in effectiveness, which is the extent to which inquiry authors anticipate problematic issues within actioning and institutionalising environments. Indeed, the lack of concern about how knowledge transfers from an inquiry to implementing agencies has been used to explain the ineffectiveness of these mechanisms (Elliott, 2009). However, examples now exist of inquiries working to prevent these problems before they arise. Politically astute inquiry
personnel can take measures to close future excuses that might shelve their recommendations. For example, implementation blueprints and provisional costings limit the ability of future actors to dismiss recommendations as unfeasible (see Stark, 2018). Reports can explain the relative urgency of various recommendations and suggest appropriate timelines for each. Perhaps most importantly, the creation of oversight mechanisms can assist here. In particular, the creation of statutory agencies to monitor implementation has had success in several Australian inquiries at the state level while performance management tools linked to parliamentary oversight have proved effective in the UK.

The actioning environment

In the second environment, recommendations transfer around agencies and sectors and implementation begins. We define this as the ‘actioning environment’ because here stakeholders, political actors and implementers play a role in determining the extent to which an inquiry’s lessons are accepted and actioned. At this point the legitimacy an inquiry has generated through its inquiry room behaviour becomes pivotal. However, just as important here is the output legitimacy generated through the persuasiveness of reports and recommendations. These are both crucial because at this point the inquiry gives away control and must hope that its work will be instrumental.

First contact with recommendations tends to come early for sponsoring ministers and the lead department associated with an inquiry. Key actors (sometimes including important non-government stakeholders) will be allowed to read and digest reports immediately prior to their publication but an embargo on public commentary is typically enforced until formal publication. At this point decisions begin to be made about whether to accept recommendations. It is now common practice for ministers to rhetorically accept inquiry findings and recommendations publicly, but for departments to triage them individually through a project management process and then respond with more detailed progress reports on implementation. These can make for interesting reading when an executive does not see recommendations as legitimate. Nomenclature like ‘accepted in principle’ can emerge to communicate a ‘thanks but no thanks’ message in relation to some recommendations, others are given away to organisations outside of executive jurisdiction and then defined as implemented, and creative forms of authorship can be employed to reinterpret the wording of recommendations (Stark, 2018). These are the first moves in any executive’s attempt to reassert control of their policy instrument, and whether they are effective is influenced by external factors such as the degree of public scrutiny and the kinds of inquiry room decisions discussed above.

In this environment, two further groups of actors are important. First, non-government advocates and interests can play a crucial role lobbying for an inquiry’s reform agenda if they see it as legitimate. For example, the SARS Commission in Ontario presented a series of recommendations around one central lesson: that the precautionary principle needs to drive responses to epidemiological crises so that medical staff and patients could be protected as much as possible (Stark, 2018). This central point was championed by nursing associations and public sector unions in the immediacy of the Commission report’s publication in ways that ensured that that its recommendations
could not be ignored. Similarly, in the wake of the Victorian Royal Commission into Family Violence in Australia, a broad range of interest groups welcomed the recommendations and championed their implementation – and indeed, the Commissioner reported designing the inquiry’s internal processes to ‘bring people along with it’, because ‘legal change without cultural change is likely to have limited effect’ (Yates, 2018, p. 113). This was crucial because most family violence and allied services are delivered by non-government organisations.

A second group of actors play a significant role in the reinterpretation and even the abandonment of recommendations. These can be defined as ‘policy refiners’ (Stark, 2019a) as they are given contentious or difficult-to-implement recommendations and asked to conduct subsequent policy analyses. Even though they tend to be convened with a veneer of independence, these mechanisms offer the opportunity for an executive to shape the implementation process and reassert some degree of control. This is typically done by giving them a mandate to analyse the many different political and policy considerations that need to be reflected upon prior to implementation. In this way, taskforces, policy reviews and capacity assessments that follow inquiries can dilute, change and even lead to the abandonment of inquiry lessons.

More broadly, the actioning environment is best conceived through the principal claims of two related public policy perspectives. The first is a governance perspective, which emphasises the many different actors and logics that span across policy networks and the vertical ladders of the state (Rhodes, 2017). The second is an implementation perspective that recognises the complexity and politics of joint action at the front-line, which always leads to the reinterpretation of central policy designs (Hill & Hupe, 2009). Therefore, understanding the many different logics and contexts of implementing actors and their degree of control in relation to an inquiry’s output is essential for implementation success. One strategy to ensure that a public inquiry’s lessons get actioned in complex contexts of this nature is to recommend specific forms of public service leadership to take carriage of implementation. When specific offices and actors are given responsibility for the implementation of lessons they can become ‘reform champions’ who can perform specific coordination roles within the complexity noted above (Stark, 2018). Once again a good example of this comes from the Royal Commission into Family Violence in the Victorian state of Australia, which recommended the creation of an independent family violence agency to provide policy advice, undertake and commission research, policy and evidence reviews, liaise with the national level of government on matters of family violence, and facilitate data collection and sharing to assess family violence systems. This agency, Family Safety Victoria, now drives implementation of the Commission’s recommendations.

The institutionalising environment

Most studies of effectiveness only reflect upon the quality of inquiry processes, their outputs and occasionally the implementation process that follows. However, a third environment to consider is the institutionalising environment. Here implemented lessons can either fall prey to forms of institutional amnesia and get forgotten or, alternatively, get hard-wired into organisations and frameworks in ways that can ensure their survival (see Stark & Head, 2019). This environment uncovers a new series of variables to
consider in relation to inquiry effectiveness. The first is time, which passes in public sectors in ways that can mean even the most legitimate recommendations that are implemented enthusiastically will have a shelf-life. The second is factors which make policy environments inherently dynamic: turnover in actors, political obsession with change, structure of government reforms and outsourcing of service delivery, for example, are all amnesia-inducing dynamics (Pollitt, 2000). These can mean that history repeats despite good efforts being made in the previous two environments.

The boundaries between the actioning environment and the institutionalising environment are blurred, so some initiatives that promote good implementation can also ensure some encoding of lessons over time. For example, reform champions and specific offices, especially when expert in nature, can memorialise lessons across time (Stark, 2019b). Moreover, interested external interests tend not to forget agendas that are central to their core beliefs (ibid) and non-state actors can often have longer memories than those who have to suffer constant public sector reforms (Stark & Head, 2019). Examples also exist where implementation monitors have handed carriage of oversight to other actors, such as inspector-general offices, who have promoted a focus on lesson retention (see, for example, the Victorian Bushfires Royal Commission). However, in keeping with our key argument here, we need to emphasise how inquiries themselves can put in place efforts to memorialise the events that caused their creation or the spirit and content of the lessons that they produced. This has been done innovatively in the past by some inquiries (see again the Victorian Bushfires Royal Commission). However, more work is required in this environment to ensure that the lessons produced by inquiries are not merely of interest to historians. They need to be kept alive by the policy actors that might need them in the future.

**Conclusion**

We have emphasised that the issue of control is central to conceptualising and evaluating the public inquiry as a policy tool. More broadly we recommend that policy instrument scholars think much more about control as an independent variable affecting policy design and as a means of deciding what ought to be considered a policy tool in the first instance. Increasingly, policy instrument researchers have been calling for more temporality and processual thinking in their analyses and, as part of that agenda, have suggested that design research could do better in terms of considering the ‘irrational’ and unintended consequences that emerge further down the policy line (e.g. Howlett, 2018, 2019). These calls have been made because of the need to better understand the dynamic lives that policy instruments live after they leave the design table and get implemented (Howlett, 2019). What we have shown in this article is that thinking about control offers a means of conceptualising and analysing the life of a policy tool across a process and set of environments that reflect the technical, political and social dimensions of policy. Perhaps more importantly it also offers us a chance to think prescriptively about how we can improve the performance of policy tools across this process.

In relation to inquiries specifically, our conceptualisation of control has led us to a view that when executive and departmental control of an inquiry is low, and the outcomes of an inquiry are transformative, the existing definition of a procedural tool is inadequate. We have introduced the concept of the ‘catalytic procedural tool’ as one
term through which those effects noted above can be captured. However, when executive and departmental control is high and inquiry outcomes circumscribed, the extant definition of the procedural tool, which captures limited, ancillary policy outputs, is still warranted. We therefore view both terms as ends of a spectrum and acknowledge that the grey areas in between will represent the reality for most inquiries. Researchers interested in the policy design-policy learning relationship can benefit from defining the increments between our two poles. These could emerge via examinations of lesson-learning mechanisms with reference to their degree of control, their function and place in the policy process and the outcomes they produce. This will lead to a more sophisticated understanding of those policy tools which deliver accountability and lesson-learning.

While we hope our conceptual revision is of interest to policy tools specialists, the real value of thinking about control in relation to inquiries relates to understanding their effectiveness. On one side of the equation, executives and senior officials might seek to influence the initial set up of an inquiry but then they must simply cross their fingers and hope that this instrument provides benefit until they can reassert themselves. On the other side, inquiry actors can influence the actioning and institutionalisation of their work by producing legitimacy around their actions, but they too can only hope that meaningful action ensues once their report leaves the inquiry room. The history of inquiry scholarship suggests that members of the executive try hard to prepare for and minimise the effects that can be caused by the loss of control that they experience when using an inquiry. This is why so much has been written about inquiries being stage managed, shelved and steered from a distance. However, it is less certain whether inquiry staff often think prospectively (or even care) about losing control of their recommendations. Our central point is simply that effective inquiries are those that can see beyond the inquiry room and reflect upon the challenges of the actioning and institutionalising environments. Those that can prepare recommendations for the battle for control in the actioning environment, and the amnesia-inducing dynamics that occur in the institutionalising environment, will certainly have more of an impact.

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