

Classification	Item No.
Open / Closed	

Meeting:	Standards Committee
Meeting date:	24 th September 2026
Title of report:	Public Office (Accountability) Bill (Hillsborough Law)
Report by:	Jacqui Dennis, Director Law & Governance
Decision Type:	Report for information only
Ward(s) to which report relates	(Not applicable)

Executive Summary:

The Bill would place important existing expectations of honesty, openness and accountability on a clearer statutory footing. Local authorities are directly affected. Elected members are within the Bill's scope, but the precise application differs between executive and non-executive members and between different parts of the Bill.

This summary report highlights the key features of the Public Office (Accountability) Bill, commonly referred to as the "Hillsborough Law", and explains the potential implications for local authorities and elected members. It is intended to support Member awareness and development. It is not a substitute for advice on a particular case.

It remains before the House of Lords and has not yet received Royal Assent. It's provisions may therefore change before enactment.

The Bill responds to concerns about the conduct of public bodies and public officials when serious incidents are investigated. Its principal features are:

- imposing a statutory duty of candour and assistance in connection with specified inquiries and investigations;
- requiring public authorities to promote and maintain standards of ethical conduct;
- creating an offence relating to misleading the public;

- replacing the common law offence of misconduct in public office with statutory offences; and
- making provision intended to support participation and representation at inquiries, investigations and inquests.

A local authority is within the Bill's concept of a public authority. The Bill therefore has institutional implications for the council, as well as potential individual implications for officers and members. An LGA employment law presentation from March 2026 summarised the Bill as applying to public authorities and their officers and members, including local authorities.

1. Duty of candour and assistance

The Bill would require a public authority and a public official, in dealings with specified inquiries and investigations, to act with candour, transparency and frankness and to provide assistance. The detailed application depends on the type of inquiry or investigation and on the statutory definitions.

2. Proceedings covered

The Bill makes provision for the duty to apply in relation to categories including inquiries under the Inquiries Act 2005, certain non-statutory inquiries and coronial investigations. The operative detail is contained in the Bill and its schedules.

The duty is not simply a general obligation applying to every council activity at all times. It is engaged through the statutory framework for specified inquiries and investigations, and the person concerned must fall within the relevant definition.

3. Standards of ethical conduct

The Bill would require public authorities to promote and take steps to maintain high standards of ethical conduct within the authority. The LGA briefing describes the expected standards by reference to the Nolan Principles:

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

The Bill also envisages published arrangements explaining expected conduct, practical ways of meeting those expectations and routes for reporting failures. The precise duties and implementation requirements should be checked against the final enacted text and any statutory guidance.

4. Misleading the public

The Bill creates a statutory offence concerned with seriously improper conduct that intentionally or recklessly misleads the public. The offence is subject to detailed statutory elements and defences. It should not be treated as criminalising ordinary error, political disagreement or legitimate debate.

5. Misconduct in public office

The Bill would abolish the common law offence of misconduct in public office and replace it with statutory offences. These address seriously improper use of public office to obtain a benefit or cause a detriment, and certain grave breaches of a public-office duty to prevent death or serious injury. The statutory thresholds are important and fact-sensitive.

6. Participation and legal support

The Bill also makes provision aimed at improving the ability of affected people and bereaved families to participate in inquiries, investigations and inquests. Government material refers to expanded non-means-tested legal help and representation for inquests and to requirements concerning proportionate public-authority expenditure on legal representation.

Implications for Officers

For officers, the Bill is significant because it would apply not only at corporate level but also, in relevant circumstances, to public officials personally. This is likely to include employees and office-holders acting on behalf of the Council, including former officers where the statutory provisions apply to conduct or information connected with their former role.

The practical implications for Bury officers are likely to be greatest in service areas that may be involved in serious incidents, safeguarding matters, housing, adult social care, children's services, environmental health, emergency planning, licensing, regulatory enforcement, health and safety, complaints, legal services, democratic services, communications, information governance and audit. The relevance is not limited to those areas, but those functions are more likely to generate records, decisions or evidence required for an inquiry, inquest, investigation or formal review.

- Officers should ensure that advice, decisions, reasons, risk assessments and key communications are properly recorded and retained.
- Where an inquiry, inquest, investigation or inspection is anticipated, officers should preserve potentially relevant records and seek early advice from Legal Services, the Data Protection Officer and the relevant senior manager.
- Reports, witness statements, public communications and responses to external bodies should be accurate, complete and capable of being evidenced.
- Officers should avoid defensive drafting, selective disclosure, unsupported assertions or communications that prioritise reputation management over accuracy and candour.
- Managers should promote a culture in which staff can escalate concerns, correct inaccuracies and raise potential disclosure issues without delay.
- We will need to consider amending the Officer code of conduct, disciplinary procedures, whistleblowing, complaints handling, and document-retention procedures with the final statutory regime.

Implications for Members

The Bill uses different definitions for different purposes. It is therefore too broad to say simply that every Councillor is a "public official" for every provision.

Provision	Ordinary non-executive member	Executive member
Duty of candour and assistance	Not within the definition solely because the person is an elected member. Another statutory basis would be needed.	Within the express local-government exception where the member is part of the authority's executive.
Misleading-the-public offence	The same Schedule 2 distinction applies. Elected-member status alone is insufficient.	Within the express exception for executive members.
Misconduct-in-public-office offences	A member of a local authority is included as a holder of public office.	Included as a holder of public office.

This distinction was present in the Bill as introduced and remains material in the version brought from the Commons. It means that all councillors are potentially within the statutory misconduct framework, while the duty of candour and misleading-the-public provisions do not apply to an ordinary non-executive councillors merely because they are elected.

Subject to the final legislation, members should continue to place particular emphasis on:

- ensuring that formal decisions and the reasons for them are accurately recorded;
- being candid and complete when responding to an inquiry, inquest or investigation;
- avoiding statements presented as fact where their accuracy has not been established;
- preserving relevant documents, messages and records in accordance with council requirements;
- declaring and managing interests and conflicts appropriately;
- using appropriate channels to raise suspected wrongdoing or failures of candour; and
- seeking advice early where an incident may lead to an external investigation, inquiry or inquest.

The Bill should not inhibit robust political scrutiny, challenge or debate. Its focus is serious failures of honesty, candour and public-office responsibility. Members should nevertheless distinguish clearly between political opinion, allegation and verified fact.

Once the final form and commencement arrangements are known, Bury Council is likely to consider whether changes are needed in the following areas:

- Bury's member and officer codes of conduct, protocols and guidance, including escalation and advice routes;
- member and officer training on candour, ethical conduct, record-keeping and investigation response;

- procedures for inquiries, inquests, inspections and regulatory investigations;
- complaints, whistleblowing and escalation arrangements;
- Ensure Record of processing activity is up to date – ensuring records can be swiftly identified and obtained
- assurance that public statements and formal submissions are properly checked

The proposals are consistent with the wider emphasis on transparency, accountability and ethical governance in local government. If enacted, Bury Council is likely to need to review its existing governance, legal, democratic, complaints, information-governance and service-response arrangements to ensure that they meet the statutory requirements, particularly in relation to openness, record-keeping, complaint handling and responses to inquiries, inquests and investigations.

For elected members, many of the underlying principles will already be familiar through Bury's Members' Code of Conduct, the Nolan Principles and existing expectations around transparent decision-making. The practical emphasis is likely to be on accurately recorded decisions and reasons, clear distinction between political comment and verified fact, appropriate management of interests, and full cooperation where serious matters are formally investigated.

As the Bill is also likely to inform future member and officer development, the changes will be considered by the Standards committee, Member Development Group and Governance and Assurance Board. The Standards Committee will be asked to incorporate any changes in line with their annual review of the code of conduct and review any changes necessary to the Officer, Member protocol. Officer and Member training will be arranged once the Bill becomes law.

Recommendation(s)

Members are asked to note the update.

Background

[UK Parliament: Public Office \(Accountability\) Bill and current passage](#)

[UK Parliament: Bill publications and successive versions](#)

[GOV.UK: Hillsborough Law Bill policy paper and factsheets](#)

[LGA: Public Office Accountability Bill and Local Government Reorganisation, March 2026](#)

Report Author and Contact Details:

Jacqui Dennis – Director of Law & Governance
J.dennis@bury.gov.uk
