

INDEPENDENT INQUIRY RELATING TO AFGHANISTAN

Management Statement

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1. Introduction

- 1.1. The purpose of this Management Statement is to ensure that clear roles and responsibilities and procedures are in place to ensure the Independent Inquiry relating to Afghanistan's independence and to facilitate the smooth running of the Inquiry's work, in accordance with the provisions of the Inquiries Act 2005 and the Inquiry Rules 2006. This document relates specifically to sponsorship of the Inquiry by the Ministry of Defence. It does not seek to detail how the operational activity of the Inquiry will be conducted.
- 1.2. As announced to Parliament on 15th December 2022, the Inquiry has been established under the Inquiries Act 2005 to deliver its Terms of Reference. It is in the public interest for the Inquiry's work to be conducted independently throughout the life of the inquiry and at all times in a way that ensures:
 - 1.2.1. the independence of the Chair in determining how to undertake the Inquiry in order to meet the Terms of Reference.
 - 1.2.2. the thorough examination and consideration of all the evidence and issues that the Inquiry determines to be pertinent to its Terms of Reference in order to ensure that its report(s) is complete and robust.
 - 1.2.3. the fair and equitable treatment of witnesses and all other parties whose interests are affected by the work of the Inquiry; and
 - 1.2.4. that the Inquiry's work is conducted in line with section 17(3) of the Inquiries Act 2005 to have regard to the need to avoid unnecessary cost and to act with fairness, and as economically and expeditiously as possible.
- 1.3. None of the provisions in this document shall be read or applied in such a way as to derogate from or compromise these principles.
- 1.4. In addition, the Ministry of Defence will take all reasonable steps to provide the Inquiry with an appropriate budget in line with section 39 of the Inquiries Act, having due regard to securing value for public money, so as to enable the Inquiry to fulfil its Terms of Reference in an efficient and expeditious manner.
- 1.5. The document sets out the broad framework within which the Inquiry will operate and includes:
 - 1.5.1. the Inquiry's Terms of Reference.
 - 1.5.2. the conditions under which any public funds are paid to the Inquiry.
 - 1.5.3. how the Inquiry must account for its expenditure.
 - 1.5.4. staff management and security issues; and
 - 1.5.5. other administrative issues.

- 1.6. This document has been agreed between the Ministry of Defence Sponsor and the Independent Inquiry. Amendments may be agreed between the Ministry of Defence and the Inquiry at any time. The Management Statement conveys no legal powers or responsibilities.
- 1.7. The Ministry of Defence has processes in place to ensure there is a clear separation between the management of sponsorship matters and matters related to the Ministry of Defence's role as a core participant. The Ministry of Defence Sponsor and Sponsorship Team will not engage with the Inquiry on any matters relating to the Ministry of Defence role as a core participant.

2. Statutory Basis

- 2.1. The Inquiry was established under the Inquiries Act 2005. Its Terms of Reference can be found [here](#) on the Independent Inquiry website.

3. Independence

- 3.1. The Inquiry is independent of Government, and the independence of its investigation is crucial to its effectiveness.
- 3.2. The Ministry of Defence shall not have access to any of the Inquiry's evidence, findings or reports before publication, unless permitted by the Chair or required by the Inquiries Act 2005 or the Inquiry Rules 2006.
- 3.3. The Ministry of Defence will provide appropriate corporate support to the Inquiry to ensure it has the resources it needs to fulfil its Terms of Reference. The Inquiry and the Ministry of Defence Sponsor will liaise regularly on matters concerning corporate support, funding, the Inquiry's progress in fulfilling the Terms of Reference and the management of public resources and administration issues.

4. Responsibilities and Accountability

- 4.1. **Secretary of State for Defence** is the Inquiry's Sponsor Minister. The Sponsor Minister's responsibilities include:
 - 4.1.1. appointing the Inquiry Chair.
 - 4.1.2. setting the Terms of Reference in consultation with the Inquiry Chair.
 - 4.1.3. providing appropriate financial and other resources to the Inquiry.
 - 4.1.4. setting out the Inquiry's Terms of Reference to Parliament.
 - 4.1.5. receiving the Inquiry's reports and laying them before Parliament; and
 - 4.1.6. responding to the Inquiry's findings and recommendations.

- 4.2. The Defence Secretary may appoint another Minister to assist in the discharge of these functions but retains primary responsibility.
- 4.3. **The Inquiry Chair** is responsible for leading the Inquiry in fulfilling its Terms of Reference and reporting the Inquiry's findings. Subject to the principles set out at paragraph 1.2.4, the Chair is responsible and accountable for the proper management of public resources and expenditure on Inquiry business. This accountability will normally be through the Inquiry Secretary to the Principal Accounting Officer for the Ministry of Defence. The Chair's duties include:
- 4.3.1. conducting the work necessary to deliver the Inquiry's Terms of Reference.
 - 4.3.2. providing leadership to the Inquiry.
 - 4.3.3. ensuring high standards of probity and impartiality.
 - 4.3.4. determining the procedure and conduct of an inquiry - acting with fairness and with regard to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others);
 - 4.3.5. collating and assessing evidence relevant and necessary to the Terms of Reference; and
 - 4.3.6. presenting the Inquiry's findings and recommendations to the Defence Secretary.
- 4.4. The Chair and all those engaged to support him shall also act in accordance with their wider responsibility to:
- 4.4.1. comply at all times with the Inquiries Act 2005 and the Inquiry Rules 2006 and other rules relating to the use of public funds and to conflicts of interest.
 - 4.4.2. act with impartiality and confidentiality, ensuring conflicts of interests are avoided.
 - 4.4.3. ensure that information gained in the course of their public service on the Inquiry is not disclosed or misused for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations¹;
 - 4.4.4. comply with Government guidance on the acceptance of gifts and hospitality, and of business appointments.
 - 4.4.5. ensure value for money is obtained for all resource expenditure.

¹ For the avoidance of doubt this does not prevent solicitors or counsel revealing the fact of being instructed by the Inquiry on their website or other publicity material.

4.4.6. ensure that Government information given to the Inquiry is handled in accordance with government security regulations; and

4.4.7. act in good faith and in the best interests of the Inquiry.

4.5. **The Principal Accounting Officer** (Ministry of Defence Permanent Secretary) is responsible for the standard of financial management in the Ministry of Defence as a whole. In this context, the Principal Accounting Officer is accountable to Parliament for spending by the Inquiry. In particular, the Principal Accounting Officer of the Ministry of Defence expects to be assured that:

4.5.1. the financial and other management controls applied by the Ministry of Defence to the Inquiry are appropriate and sufficient to safeguard public funds and that the Inquiry's compliance with those controls is effectively monitored.

4.5.2. the internal controls applied by the Inquiry conform to the requirements of regularity, propriety, value for money and good financial management.

4.5.3. the Inquiry has an appropriate project planning approach and is making sufficient progress to fulfil its Terms of Reference; and

4.5.4. the Inquiry has in place appropriate governance structures and processes to manage and mitigate risks to the Inquiry and to the Department.

4.6. **The Sponsor of the Inquiry** is a designated Ministry of Defence Senior Civil Servant. The Sponsor, in consultation with others as necessary, is the primary source of advice to the Defence Secretary on the discharge of their sponsorship responsibilities in respect of the Inquiry. The Sponsor is the primary contact for the Inquiry in dealing with the Ministry of Defence on matters concerning funding, the Inquiry's progress in fulfilling the Terms of Reference, the management of public resources and administration issues. They are also the primary point of support to the Principal Accounting Officer in ensuring that the requirements set out in paragraph 4.5 are met.

4.7. In support of the Defence Secretary, the Sponsor shall:

4.7.1. provide advice on progress being made by the Inquiry in delivering its Terms of Reference.

4.7.2. provide advice on sponsorship issues that require their attention.

4.7.3. ensure responses are provided to Ministry of Defence Ministers to answer Parliamentary Questions about the Department's involvement with the Inquiry. When they consider it appropriate, the Sponsor may consult with the Inquiry to ensure the accuracy of answers.

4.8. In support of the Principal Accounting Officer, the Sponsor will:

- 4.8.1. monitor the Inquiry's expenditure and progress in fulfilling the Terms of Reference on a continuing basis.
 - 4.8.2. address in a timely manner any significant problems raised by the Inquiry concerning its finances or other resources; and
 - 4.8.3. inform the Inquiry of relevant Government policy and procedures relating to financial management in a timely manner, advise as appropriate on the interpretation of that policy and issue specific guidance to the Inquiry as necessary.
- 4.9. **The Inquiry Secretary** shall ensure that the Inquiry's affairs are conducted with due probity in line with the requirements of Managing Public Money² and any subsidiary rules and / or regulations governing expenditure within HM Government. The Inquiry Secretary reports to the Inquiry Chair, and has a particular leadership responsibility for:
- 4.9.1. advising the Inquiry on the efficient and effective use of staff and other resources and ensuring the Inquiry has the necessary infrastructure in place.
 - 4.9.2. ensuring that adequate internal management and financial controls are in place, including effective measures against fraud and theft, and ensuring that any statutory or administrative requirements for the use of public funds are complied with.
 - 4.9.3. managing the Inquiry budget in accordance with the Ministry of Defence financial guidelines and the Secretary's delegation letter.
 - 4.9.4. ensuring that all public funds made available to the Inquiry are used for the purpose intended by Parliament, and that such monies, together with the Inquiry's assets, equipment and staff, are used economically, efficiently and effectively and with due regard to value for money principles.
 - 4.9.5. preparing the Inquiry's programme plan and, once approved by the inquiry Chair, leading the Inquiry's delivery against that plan;
 - 4.9.6. providing the Sponsor with forecasts and monitoring information on finance (with follow-up meetings if required), highlighting overspends or underspends, and notifying them promptly of any significant management, financial or resource problems.
 - 4.9.7. providing the Sponsor with a quarterly high-level update report on sponsorship matters and other relevant information, or, if necessary, as and when the matters emerge.

² <https://www.gov.uk/government/publications/managing-public-money>

- 4.9.8. Implementing risk management and other relevant financial or management guidance promulgated by HM Treasury and/or the Cabinet Office.
- 4.9.9. ensuring effective personnel management policies covering fair treatment on the basis of merit, performance management and appraisals, continuous professional development, and grievance and disciplinary procedures are in place and maintained. In doing so, the Inquiry must ensure that its policies are in line with the standard guidance appropriate to the Civil Service. The Inquiry Secretary will work closely with the Ministry of Defence Human Resources team on personnel matters.
- 4.9.10. ensuring value for money in the procurement process and compliance with Ministry of Defence procurement policy (See procurement section below for details).
- 4.9.11. ensuring that suitable whistle-blowing policies and procedures are in place for team members, recognising the Inquiry's independence from the Ministry of Defence.
- 4.9.12. regularly reviewing workforce planning to ensure the resources are most efficiently deployed to meet the needs of the Inquiry and focused on delivering the Terms of Reference. Where resourcing creates additional liabilities for the Ministry of Defence, the Inquiry should consult the Ministry of Defence Sponsor in advance of any decisions.
- 4.9.13. ensuring that adequate personnel and physical security processes are in place, and those who work there are aware of their responsibilities.
- 4.9.14. providing public-facing communications and responding to media enquiries in matters which relate to the day to day running of the Inquiry in consultation with the Chair.
- 4.9.15. ensuring that the Inquiry meets its obligation in respect of records, including obligations in respect of data security, data protection, records management, copyright considerations and the transfer of records to the National Archives taking account of government security regulations in relation to managing sensitive records.
- 4.9.16. capturing lessons learned and producing a report: engaging with the sponsor team to ensure that lessons relevant to the administration of inquiries are captured and shared on an ongoing basis and through a final lessons learned report, to be submitted within two months of publication of the formal report of the inquiry itself

5. Governance and Assurance, Financial Matters, Audit, Security

Governance and Assurance

5.1. The Inquiry Secretary shall ensure that:

- 5.1.1. Management structures are in place to discuss progress against the Terms of Reference, finance, risk and workforce planning.
- 5.1.2. Effective processes are in place to escalate issues and opportunities to the correct level for consideration.
- 5.1.3. Decisions made are in line with the Inquiry's Terms of Reference, the Inquiries Act 2005 and Inquiry Rules 2006, as well as other relevant policies and legislation, including the Equality Act 2010.
- 5.1.4. Controls and processes for making decisions are in place, understood, documented, reviewed regularly and tested.

Financial Matters

- 5.2. The Inquiry shall operate management information and accounting systems which enable it to review in a timely and effective manner its performance against the budgets and targets set out in its plan and identify the need for corrective or appropriate action as necessary in response to likely underspends, overspends or other adverse financial risks.
- 5.3. The Inquiry shall present its budget to the Ministry of Defence as part of its annual business planning round. This will include a detailed assessment of the budget required to allow the Inquiry to deliver its remit successfully for the following financial year. Following approval of the budget, the Inquiry will be issued with the following:
 - 5.3.1. a delegation letter; and
 - 5.3.2. a statement of any planned change in policies affecting the Inquiry, for example any changes to central cost controls from HM Treasury or the Ministry of Defence.
- 5.4. As noted above, the Inquiry Secretary is responsible for notifying the Sponsor if there are any conditions that could affect the smooth running of the Inquiry's work – particularly if this could result in a need to re-examine the budget allocated to the Inquiry.

Internal Audit

- 5.5. The Inquiry Secretary should establish and maintain arrangements for internal audit in accordance with the Public Sector Internal Audit Standards as adopted by HM Treasury. Auditors should be given access to the Inquiry's management records as necessary, but not to records concerning the evidence obtained by the Inquiry, the analysis or interpretation of that evidence, the decisions of the Inquiry, the Inquiry's dealings with witnesses and other parties to the Inquiry's work or any other records where this would conflict with the overriding principles outlined at paragraph 1.2. The Government Internal Audit Agency will present findings of any internal audit to the Secretary, and the Secretary will share headlines with the Sponsor if appropriate.

Additional Department access to the Inquiry

- 5.6. In addition to the right of access referred to in paragraph 5.5, the Ministry of Defence shall be given access to the Inquiry's relevant financial management and HR records only to the extent that this is necessary to support the Inquiry Secretary in providing the appropriate level of financial assurance to the Ministry of Defence, and in supporting the duty of care owed to the Inquiry's staff.
- 5.7. During the course of the Inquiry, the Ministry of Defence shall not have access to records that relate to the evidence the Inquiry has obtained, the analysis or interpretation of that evidence, the decisions of the Inquiry, or the Inquiry's dealings with witnesses and other parties to the Inquiry's work, or any other records where this would conflict with the principles outlined at paragraph 1.2. At the conclusion of the Inquiry, its formal record will be deposited in line with National Archives rules and guidance and taking account of government security regulations.

Procurement

- 5.8. The Ministry of Defence is guided by the Inquiry Chair in making all appointments. Appointments should be done in line with the Cabinet Office Guidance on Inquiries. The Cabinet Office Guidance makes it clear that the Inquiry Chair can directly appoint Legal Support and Counsel and that they should do so in conjunction with the Sponsoring Department in order to manage any cost implications.
- 5.9. Where Ministry of Defence approval is required for specific areas of the Inquiry's spend, as set out in the guidance from the Cabinet Office on Gov.uk,³ the Ministry of Defence sponsor team will work with the Inquiry to submit any expenditure proposals to the relevant section of the Ministry of Defence on the Inquiry's behalf, copying in HM Treasury as appropriate.
- 5.10. All assets procured by the Inquiry contractually rest with the Ministry of Defence. The inquiry will establish and maintain an asset inventory. At the close down of the Inquiry, the Sponsor shall direct how assets are to be treated.

³ <https://www.gov.uk/government/publications/cabinet-office-controls>

- 5.11. The Inquiry will be responsible for managing all contracts to ensure performance delivery and compliance with contract terms and conditions. The Inquiry will act as the first point of contact for any enquiries relating to contracts.
- 5.12. The Inquiry will have regard to Ministry of Defence's procurement policy, although reserves the right on occasion to make alternative arrangements where the Chair deems appropriate, for example when the Inquiry has pressing time constraints or very specialist requirements. Subject to the foregoing, all procurement decisions will be made in line with best practice where appropriate and in accordance with procurement legislation.

Register of Interests

- 5.13. The Inquiry shall maintain a written register of interests of the Chair and Panel Members, which it will consider sharing more widely if and when appropriate.
- 5.14. All those working on the Inquiry and others engaged on the Inquiry's business (including contractors or consultants) should declare any interests they have in respect of the nature of the Inquiry's work. Similarly, records should be kept of any financial interest by Inquiry members or staff in any company / consultant engaged in the Inquiry's work. A record should also be kept if any Inquiry member or member of staff knows any of the information providers, interested parties, core participants or their representatives.

Fraud and Theft

- 5.15. The Inquiry shall adopt and implement policies and practices to safeguard itself against fraud and theft in line with Government guidance.
- 5.16. All cases of attempted, suspected or proven fraud shall be reported to the Ministry of Defence immediately, irrespective of the amount involved. The Ministry of Defence may report such matters onward as required by internal procedures.

Protective Security

- 5.17. The Inquiry must ensure that personnel and physical security processes and controls are in place, and those who work there are aware of their responsibilities.

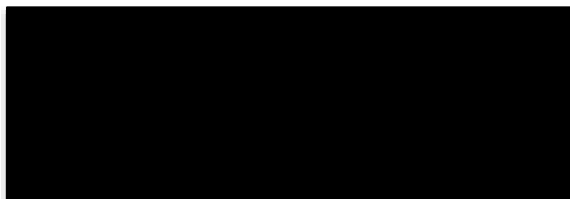
6. Information Management and Data Protection

- 6.1. The Inquiry must comply with the requirement under the Public Records Act 1958 and the Inquiry Rules 2006 to make arrangements for the preservation of inquiry records which ought to be permanently preserved and for their safe keeping. The National Archives guidance on storage and transfer should be adhered to. Where records worthy of permanent preservation contain sensitive material that cannot be transferred to The National Archives at the close of the inquiry, the inquiry will make

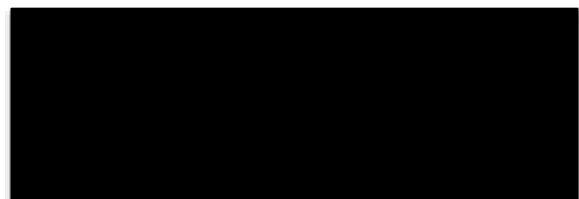
necessary arrangements with the Ministry of Defence for the transfer of information in a timely manner.

- 6.2. The Inquiry is a data controller in its own right separately from the Ministry of Defence. The Inquiry will ensure that data protection and security policies are in place and a nominated member of the Inquiry acts as the records and data manager in relation to ensuring such policies are developed, implemented and monitored. The Inquiry must also ensure that the Chair, and all those engaged to support him, receive necessary training appropriate to the risks presented by the personal data processing the Inquiry will undertake, and their individual role. The Inquiry will ensure that it adheres to the relevant provisions of the data protection legislation as defined in section 3(9) of the Data Protection Act 2018. Before processing any personal data, it should also ensure that its controller status is confirmed and documented and register as a data controller with the Information Commissioner as required. The Secretary should appoint a Data Protection Officer as required by law. The appointment to this position will be carried out in accordance with the legislative requirements of Article 37 UK GDPR.
- 6.3. The Inquiry is not a public authority for the purposes of the Freedom of Information Act 2000 but, in the spirit of openness and transparency, will publish as much information in relation to its work as possible. In particular, the Inquiry will publish high-level expenditure information from the end of financial year 2023-24 and subsequent financial years.

Signed on behalf of the Independent
Inquiry related to Afghanistan



Signed on behalf of the Ministry of Defence



DATE

20 October 2023