

UNDERCOVER POLICING INQUIRY

MANAGEMENT STATEMENT

INTRODUCTION

1. This Management Statement has been drawn up by the Home Office in consultation with the Undercover Policing Inquiry. The purpose of the document is to ensure that clear roles and responsibilities are in place which will facilitate the smooth running of the Inquiry's work.

2. The Inquiry is an independent, public inquiry established under section 1 of the Inquiries Act 2005 ('the Act'). It is in the public interest for the Inquiry to be conducted at all times in a way that ensures:

- a) The independence of the Chairman in determining how to undertake the Inquiry in order to meet the Terms of Reference;
- b) That the Inquiry's work is conducted as economically and expeditiously as possible.

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.

4. In addition, the Home Office will do everything that is reasonable to support the Inquiry financially 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.

5. The Management Statement sets out the broad framework within which the Inquiry will operate and includes:

- The Inquiry's Terms of Reference;
- The conditions under which any public funds are paid to the Inquiry;
- How the Inquiry must account for its expenditure; and
- Staff management and security issues.

6. The Management Statement conveys no legal powers or responsibilities.

7. This document has been agreed between the Home Office and the Undercover Policing Inquiry. Amendments may be agreed between the Home Office and the Inquiry at any time.

STATUTORY BASIS AND THE INQUIRY'S TERMS OF REFERENCE

8. The Undercover Policing Inquiry has been set up by the Home Secretary, who informed Parliament of her decision to set it up by Written Ministerial Statement on 12 March 2015. Its Terms of Reference, published on 16 March 2015, are:

Purpose

1. *To inquire into and report on undercover police operations conducted by English and Welsh police forces in England and Wales since 1968 and, in particular, to:*
 - i. *investigate the role and the contribution made by undercover policing towards the prevention and detection of crime;*
 - ii. *examine the motivation for, and the scope of, undercover police operations in practice and their effect upon individuals in particular and the public in general;*
 - iii. *ascertain the state of awareness of undercover police operations of Her Majesty's Government;*
 - iv. *identify and assess the adequacy of the:*
 - a. *justification, authorisation, operational governance and oversight of undercover policing;*
 - b. *selection, training, management and care of undercover police officers;*
 - v. *identify and assess the adequacy of the statutory, policy and judicial regulation of undercover policing.*

Miscarriages of justice

2. *The inquiry's investigations will include a review of the extent of the duty to make, during a criminal prosecution, disclosure of an undercover police operation and the scope for miscarriage of justice in the absence of proper disclosure.*
3. *The inquiry will refer to a panel, consisting of senior members of the Crown Prosecution Service and the police, the facts of any case in respect of which it concludes that a miscarriage of justice may have occurred as a result of an undercover police operation or its non disclosure. The panel will consider whether further action is required, including but not limited to, referral of the case to the Criminal Cases Review Commission.*

Scope

4. *The inquiry's investigation will include, but not be limited to, whether and to what purpose, extent and effect undercover police operations have targeted political and social justice campaigners.*
5. *The inquiry's investigation will include, but not be limited to, the undercover operations of the Special Demonstration Squad and the National Public Order Intelligence Unit.*
6. *For the purpose of the inquiry, the term "undercover police operations" means the use by a police force of a police officer as a covert human intelligence source (CHIS) within the meaning of section 26(8) of the Regulation of Investigatory Powers Act 2000, whether before or after the commencement of that Act. The terms "undercover police officer", "undercover policing", "undercover police activity" should be understood accordingly. It includes operations conducted through online media.*
7. *The inquiry will not examine undercover or covert operations conducted by any body other than an English or Welsh police force.*

Method

8. *The inquiry will examine and review all documents as the inquiry chairman shall judge appropriate.*
9. *The inquiry will receive such oral and written evidence as the inquiry chairman shall judge appropriate.*

Report

10. *The inquiry will report to the Home Secretary as soon as practicable¹. The report will make recommendations as to the future deployment of undercover police officers.*

RESPONSIBILITIES AND ACCOUNTABILITY

9. **The Home Secretary** - The Home Secretary is accountable to Parliament for the funding and overall support given to the Inquiry. She may designate another Minister to assist her in the discharge of her duties. The Home Secretary's responsibilities include:

- Appointing the Chairman;
- Setting the Terms of Reference;
- Providing financial and other resources to the Inquiry;
- Responding to requests to the Home Office from the Inquiry;
- Reporting to Parliament on the Inquiry's work;
- Responding to requests under the Freedom of Act 2000, in accordance with the terms of that Act;
- Receiving the Inquiry's report and laying it before Parliament; and
- Responding to the Inquiry's findings.

10. **The Inquiry Chairman** - The Chairman is appointed by the Home Secretary. Subject to the principles set out at paragraphs 2 and 4 above, he 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 Permanent Secretary as Principal Accounting Officer for the Home Office. The Chairman's duties include:

- Conducting the Inquiry;

¹ It is anticipated that the inquiry report will be delivered up to three years after the publication of these terms of reference.

- Providing leadership to the Inquiry;
- Responsibility for the efficient use of resources;
- Ensuring high standards of probity and impartiality; and
- Presenting the Inquiry's findings and recommendations to the Home Secretary.

11. **The Permanent Secretary of the Home Office** - The Permanent Secretary of the Home Office, as the Department's Principal Accounting Officer, is responsible for the standard of financial management in the Department as a whole. In this context, the Principal Accounting Officer is accountable to Parliament for spending by the Inquiry.

12. In particular, the Principal Accounting Officer of the Home Office will want to be assured that:

- The financial and other management controls applied by the Home Office to the Inquiry are appropriate and sufficient to safeguard public funds and for ensuring that the Inquiry's compliance with those controls is effectively monitored; and
- The internal controls applied by the Inquiry conform to the requirements of regularity, propriety and good financial management.

13. **Senior Responsible Owner** - A designated Home Office Civil Servant is the Senior Responsible Owner and Sponsor of the Inquiry. The Senior Responsible Officer, in consultation with others as necessary, is the primary source of advice to the Home Secretary on the discharge of her responsibilities in respect of the Inquiry, and the primary point of contact for the Inquiry in dealing with the Home Office on matters concerning funding, the management of public resources, administration issues and the Inquiry's progress in fulfilling the Terms of Reference. The Senior Responsible Officer shall advise the Home Secretary of:

- The agreed budget/forecast for the Inquiry;
- Progress being made by the Inquiry; and
- Issues that the Inquiry would like brought to the attention of the Home Secretary, other than those concerning the Home Office as a Core Participant to the Inquiry.

14. In support of the Principal Accounting Officer the Senior Responsible Officer will:

- Monitor the Inquiry's expenditure and keep abreast of its project plans and progress in fulfilling the Terms of Reference on a continuing basis through regular meetings with the Inquiry Secretary;
- Address in a timely manner any significant problems raised by the Inquiry concerning its finances or other resources; and

- 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.

15. **The Inquiry Secretary** - The Inquiry Secretary shall ensure that the Inquiry's affairs are conducted with due probity in line with the requirements of Managing Public Money and any subsidiary rules and or regulations governing expenditure in the Home Office. Under the direction of the Chairman, the Secretary has a particular responsibility for:

- Promoting and advising the Inquiry on the efficient and effective use of staff and other resources;
- Ensuring that adequate internal management and financial controls are maintained by the Inquiry, including effective measures against fraud and theft, and ensuring that any statutory or administrative requirements for the use of public funds are complied with;
- 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;
- Ensuring that the Inquiry operates within the limits of its remit and any delegated authority agreed with the Senior Responsible Officer, and in accordance with any other conditions relating to the use of public funds, and taking corrective or appropriate action as necessary in response to likely overspends or other adverse financial risks;
- Preparing the Inquiry's project plan and forecast expenditure and liaising as appropriate with the Senior Responsible Officer;
- Keeping the Senior Responsible Officer informed of the Inquiry's progress in delivering the Terms of Reference and how resources are being used to achieve that;
- Providing the Senior Responsible Officer with monthly forecasts and monitoring information on performance and finance, and notifying it promptly if overspends or underspends are likely or any other significant management or financial problems;
- Implementing risk management and other relevant financial or management guidance promulgated by the Treasury and/or the Cabinet Office and advising the sponsor of emerging risks or issues in a commensurate time frame.
- Ensuring that Government information given to the Inquiry is handled in accordance with Home Office security regulations; and
- Ensuring that effective personnel management policies are maintained.

- Responding to media enquiries in matters which relate to the day to day running of the Inquiry.
- Providing public facing communications in relation to the Inquiry.

16. The Inquiry Secretary shall consult with the Senior Responsible Officer and other relevant units within the Home Office, and other sources of financial, procurement or other expertise within central Government as necessary to assist in the efficient, effective and expeditious pursuit of the Inquiry's Terms of Reference.

17. **Inquiry staff and those engaged to support them** shall act in accordance with their wider responsibility to:

- Comply at all times with the rules relating to the use of public funds and to conflicts of interest;
- Have heed to any relevant paragraphs on impartiality and conflicts of interest in their terms and conditions;
- Ensure that information gained in the course of their public service is not 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 organisations;
- Comply with Government guidance on the acceptance of gifts and hospitality, and of business appointments;
- Ensure that Government information given to the Inquiry is handled in accordance with Home Office security regulations; and
- Act in good faith and in the best interests of the Inquiry.

PLANNING, BUDGETING AND AUDIT

18. The Inquiry shall produce a project plan and indicative budget. The project plan shall include key targets and milestones for the establishment and running of the Inquiry's work and shall be linked to budgeting information so that resources are allocated to achieve specific objectives.

Reporting financial performance to the Home Office

19. 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 project plan.

20. As noted above, the Inquiry Secretary is responsible for notifying the Senior Responsible Officer if there are any external conditions which 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

21. All the Inquiry's procedures and processes should comply with audit requirements. Auditors should be given access to the Inquiry's management records, 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 principle outlined at paragraph 3 above.

Additional Departmental access to the Inquiry

22. In addition to the right of access referred to in paragraph 21 above, the Home Office shall be given access to all the Inquiry's relevant management and personnel records only to the extent that this is necessary to support the Inquiry Secretary in providing the appropriate level of financial assurance to the Home Office, and in supporting the duty of care owed to the Inquiry's staff.

23. The Home Office shall not have access to records which relate to the information obtained by the Inquiry, the analysis or interpretation of that information, 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 2 above.

Register of Interests

24. The Inquiry shall maintain a written register of interests and provide a copy of that document, and any changes to it, to the Senior Responsible Officer. Inquiry members, staff 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, representatives, interested parties or core participants.

STAFF MANAGEMENT

25. The Inquiry Secretary shall ensure that:

- Staff are treated fairly on the basis of merit;
- There is no discrimination or harassment on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age;
- Procedures are in place to ensure that the performance of its staff at all levels is satisfactorily appraised in order to deliver the Inquiry's Terms of Reference;
- Its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the Inquiry's Terms of Reference;

- Proper consultation with staff takes place on key issues affecting them;
- Adequate grievance and disciplinary procedures are in place; and
- Staffs are aware of whistleblowing procedures.

[A copy with signatures is available at the Inquiry's premises]

**Signed on behalf of the Home Office
Inquiry**

Signed on behalf of the

December 2015