



House of Commons
Public Administration
and Constitutional Affairs
Committee

**Lessons still to be
learned from the
Chilcot Inquiry**

Tenth Report of Session 2016–17

*Report, together with formal minutes
relating to the report*

*Ordered by the House of Commons to be printed
27 February 2017*

Public Administration and Constitutional Affairs

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

Current membership

[Mr Bernard Jenkin MP](#) (*Conservative, Harwich and North Essex*) (Chair)

[Ronnie Cowan MP](#) (*Scottish National Party, Inverclyde*)

[Paul Flynn MP](#) (*Labour, Newport West*)

[Marcus Fysh MP](#) (*Conservative, Yeovil*)

[Mrs Cheryl Gillan MP](#) (*Conservative, Chesham and Amersham*)

[Kate Hoey MP](#) (*Labour, Vauxhall*)

[Kelvin Hopkins MP](#) (*Labour, Luton North*)

[Gerald Jones MP](#) (*Labour, Merthyr Tydfil and Rhymney*)

[Dr Dan Poulter MP](#) (*Conservative, Central Suffolk and North Ipswich*)

[John Stevenson MP](#) (*Conservative, Carlisle*)

[Mr Andrew Turner MP](#) (*Conservative, Isle of Wight*)

The following members were also members of the committee during the Parliament: [Oliver Dowden MP](#) (*Conservative, Hertsmere*), [Adam Holloway MP](#) (*Conservative, Gravesham*), [Mr David Jones MP](#) (*Conservative, Clwyd West*) and [Tom Tugendhat MP](#) (*Conservative, Tonbridge and Malling*).

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No. 146. These are available on the internet via www.parliament.uk.

Publication

Committee reports are published on the Committee's website at www.parliament.uk/pacac and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are: Dr Rebecca Davies (Clerk), Ms Rhiannon Hollis (Clerk), Dr Sean Bex (Second Clerk), Jonathan Bayliss (Committee Specialist), Ms Penny McLean (Committee Specialist), Rebecca Usden (Committee Specialist), Mr Alex Prior (PhD Scholar), Ana Ferreira (Senior Committee Assistant), Iwona Hankin (Committee Assistant), and Alex Paterson (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Public Administration and Constitutional Affairs Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 3268, the Committee's email address is pacac@parliament.uk.

Contents

Summary	3
Introduction	5
1 The Iraq Inquiry: shortcomings in the inquiry process	9
Understanding delays and cost	9
Scope of the terms of reference	9
Agreeing the release of sensitive documents	10
The ‘Maxwellisation’ process	11
Resource and capacity	12
The Involvement of Parliament	12
2 Implications for the Machinery of Government	15
The Government response to the Iraq Inquiry	15
Decision-making in Government	17
Culture of challenge	22
Challenge from Parliament	25
Cross-departmental Coordination	28
Conclusions and recommendations	31
Annex: Note from the Chair of PACAC to the Cabinet Office on Leaving the EU and the Machinery of Government	35
Formal Minutes	41
Witness	42
List of Reports from the Committee during the current Parliament	43

Summary

The decision to invade Iraq has left an indelible scar on British politics. The consequences of that decision remain profound for the domestic politics of the UK and the US, and for our relations with other countries, as well as for the stability of the region. The continuing loss of life of Iraqis underlines the failure of the post-conflict strategy. The Iraq Inquiry Report (Chilcot) was published on 6 July 2016. The Chilcot Inquiry was set up in order to provide some closure to the controversy but, for many, it has failed to do so and the seven-year inquiry itself has been controversial. The Public Administration and Constitutional Affairs Committee (PACAC) therefore launched a short inquiry into lessons for the conduct of inquiries and for the machinery of government.

The length of the inquiry process is a matter for regret. It has undermined both the very public confidence that the Inquiry was established to strengthen, as well as the confidence in the Inquiry itself. PACAC agrees that in the future, there must be a much clearer setting of expectations at the outset of an inquiry. PACAC has concluded that further lessons can and must be learned about how to prevent such unacceptable delays in future inquiries. In relation to these points, PACAC recommends that the Government must assess, as a matter of urgency, how the Iraq Inquiry could have been carried out more quickly and must report its findings to Parliament.

In line with previous recommendations by The Public Administration Select Committee (PASC), our predecessor Committee, we conclude that Parliament should have been much more actively involved in establishing and setting up the Iraq Inquiry. In future there should be a full debate and a vote on an amendable motion, setting out the precise terms of reference, an estimated time-frame and a proposed budget for the inquiry. Before such a debate, Parliament should establish an ad-hoc Select Committee to scrutinise the terms under which the proposed inquiry is to be established, so that Parliament can act on the considered recommendations of the Select Committee.

On the substantive conclusions of the Iraq Inquiry itself, the Government is conducting a 'lessons learned' investigation across Whitehall coordinated by the National Security Adviser. The Government must provide the date when this exercise will be completed and report the findings to Parliament for scrutiny.

Our predecessor Committee, PASC, published three reports in the 2010–15 Parliament on strategic thinking in government. In this report we again press for the National Security Council to have far more of its own capability for cross-government strategic analysis and assessment. Discussion in the National Security Council is still far too limited to the competing perspectives of different departmental briefs.

PACAC looked in particular at the role of the Cabinet Secretary and senior officials, and their ability to ensure Ministers take proper advice on the provision of evidence and on how decisions should be made. Beyond making representations to Ministers and to the Prime Minister, short of resignation, the Cabinet Secretary does not have any formal recourse to object to a Prime Minister's chosen course of action in the event that the Prime Minister of the day wishes to disregard the procedures for decision-making set out in the Cabinet Manual. We are in no doubt whatsoever that this absence of safeguards

cannot persist. We recommend, in line with a proposal from the Better Government Initiative, that there should be a mechanism of written Ministerial direction, similar to that used by Departmental Accounting Officers.

We have also considered the implications of Chilcot's findings both around the handling of legal advice, as well as presentation of intelligence to Parliament. On the quality of collective decision-making, it is welcome that the Government recognises that a culture and spirit of challenge is essential for good decision-making in government. However, this means not only having the right meetings and the right people in the meetings, but making sure that meetings are effective. The National Security Adviser should conduct an analysis of meetings of, and around, the National Security Council, to establish what makes meetings effective. PACAC also concludes that Parliament must reflect upon how it could have been more critical and challenging of the Government at the time. The question of whether Parliament was misled is constantly raised. We do not pass over this matter at all lightly, but after taking advice, we do not feel that Chilcot or any other inquiries provide a sufficient basis for PACAC to conduct such an inquiry. However, we think Parliament should be prepared to establish such an inquiry into the matter if any new and relevant material or facts emerge.

Chilcot found that Government cross-departmental coordination for the delivery of complex policies was insufficient. We note the growth of permanent cross-departmental 'joint units' in Whitehall with approval. However, we agree with the recommendation of the Iraq Inquiry that a senior Minister with lead responsibility should be appointed to manage cross-departmental issues when they are of a scale and importance comparable to UK post-conflict engagement in Iraq. The present Government can be seen to have done exactly this by appointing a lead Secretary of State for Exiting the European Union. The Government must also set out how it is going to encourage a positive attitude amongst officials towards joint departmental working, to promote the right behaviours that support cross-departmental coordination.

Introduction

1. The decision taken by the House of Commons on 18 March 2003 to support the invasion of Iraq has left an indelible scar on British politics and on decision-making, which still haunts a great many people to this day. That decision remains as controversial in the minds of many as it was at the time, not least because it became apparent after the invasion that the occupation of Iraq by coalition forces was to become a protracted and bloody affair, costing the lives of 179 UK service men and women as well as those from Allies.¹ The consequences of that decision remain profound for the domestic politics of the UK, and the US, and for our relations with other countries, as well as for the stability of the region. The continuing loss of life of Iraqis underlines the failure of the post-conflict strategy.

2. Many Members of Parliament who voted in support of the invasion have since denounced their decision, as it was based on the false assertion that the then President of Iraq, Saddam Hussein, was in possession of weapons of mass destruction. Many have said that if they had known then what is known now, they would have voted differently. The Government of the day has been widely accused of failing to be open and frank with both Parliament and the public at the time. The Iraq Inquiry (the Chilcot Inquiry) was set up in order to provide some closure to the controversy, but for many, it has failed to do so.

3. The aftermath of ten years of military operations in Iraq has also had a profound effect on UK foreign and security policy. There is little appetite today for foreign military interventions and this was reflected in the reluctance with which Parliament supported intervention in Libya², where the substantial majority in the final vote masked the unease with which Members supported the motion, and in the subsequent refusal by the House of Commons to support possible military action in Syria in 2013.³ Sir John Chilcot himself has said that the way the then Government made the case for the Iraq war has served to damage politics and undermine trust in Government⁴ - the impact of which is still evident in British politics today.

4. Most reporting and discussion of the Report of the Iraq Inquiry (Chilcot)⁵ has been preoccupied with the substance of the decision to go to war and its legality, and with what happened in the aftermath of the invasion. The Public Administration and Constitutional Affairs Committee (PACAC)'s inquiry has been altogether more limited, focussing on i) lessons to be learned from the shortcomings of the Iraq Inquiry process, and ii) lessons for the machinery of government.

5. During the course of our inquiry, on 30 November 2016, there was an SNP Opposition Day debate on the 'Chilcot Inquiry and Parliamentary Accountability'. The debate called specifically upon PACAC "further to its current investigation into the lessons to be learned from the Chilcot Inquiry for the machinery of government, to conduct a further specific examination of this contrast in public and private policy and of the presentation of

1 *BBC News*, July 2016, '[UK military deaths in Iraq](#)'.

2 Commons Hansard, 21 March 2011, [Vol. 525 col. 700](#).

3 Commons Hansard, 29 August 2013, [Vol. 566 col. 1425](#).

4 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q34; The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.131 para, 838.

5 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry](#), HC 264– HC 265IX.

intelligence, and then to report to the House on what further action it considers necessary and appropriate to help prevent any repetition of this disastrous series of events”.⁶ The motion was defeated by a margin of 439 to 70.⁷

6. During the debate, both those for and against the motion emphasised their hope that this Committee would put forward practical recommendations which draw on the lessons learned from the Iraq Inquiry in order to ensure that the failings that have been brought to light by the Inquiry Report are never repeated.⁸ We recognise the concern across the House that practical lessons are learned from the Chilcot Inquiry and, as was always our intention, this report includes recommendations that will help to safeguard against such failings in the future.

7. We have not, however, sought to re-open all the issues explored by Chilcot, nor do we explore whether Parliament was deliberately misled by the then Prime Minister, Rt Hon Tony Blair. The Chilcot report does not seek to adjudicate on this point either, though in oral evidence, Sir John Chilcot himself made it clear that:

I absolve him [Tony Blair] from a personal and demonstrable decision to deceive Parliament or the public—to state falsehoods, knowing them to be false. That I think he should be absolved from. However, he also exercised his very considerable powers of advocacy and persuasion, rather than laying the real issues, and the information to back the analysis of them, fairly and squarely in front of Parliament or the public. It was an exercise in advocacy, not an exercise in sharing a crucial judgment—as has been said already this afternoon, one of the most important, if not the most important, since 1945.⁹

8. We do not pass over this matter at all lightly, and we have received representations that we should conduct such an inquiry. The Chair of the Committee took informal advice from the Clerk of the House and others about how such an inquiry would have to be conducted. We have concluded that in order for such an inquiry to be fair and objective, a Select Committee would have to establish new procedures, in order to try the facts of the case in accordance with accepted principles of natural justice. We do not feel that Chilcot or any of the other prior inquiries provides a sufficient basis for PACAC to conduct such an inquiry. Moreover, the House voted down the SNP motion on 30 November 2016 which called upon PACAC to look into this matter further. However, we think Parliament should be prepared to establish such an inquiry into the matter if any new and relevant material or facts emerge.

9. The Iraq war began on the night of the 19–20 March 2003 with the US-led invasion, ‘Operation Iraqi Freedom’. In a television address on 20 March, the then Prime Minister, Rt Hon Tony Blair, announced the UK military’s involvement in the invasion and its objective: “Tonight, British servicemen and women are engaged from air, land and sea. Their mission: to remove Saddam Hussein from power, and disarm Iraq of its weapons of mass destruction”.¹⁰ The main UK military mission in Iraq was completed in April 2009.¹¹

6 Commons Hansard 30 November 2016, [Vol. 617 col. 1527](#).

7 Commons Hansard 30 November 2016, [Vol. 617 col. 1582 – 1584](#).

8 Commons Hansard 30 November 2016. See for example, Mr Kenneth Clarke, [Vol 617. Col. 1530](#); Mr Alex Salmond, [Vol 617. col 1536](#); Mr Fabian Hamilton, [Vol. 617 col. 1543](#); Sir Roger Gale [Vol. 617 col. 1545](#).

9 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q114.

10 Tony Blair’s Address, 20 March 2003, [BBC Radio 4 Today](#).

11 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.145.

10. On 15 June 2009 the then Prime Minister, Rt Hon Gordon Brown announced that an independent Privy Counsellor committee of inquiry would be set up to consider:

the period from summer 2001, before military operations began in March 2003, and our subsequent involvement in Iraq right up to the end of July this year.¹²

The announcement followed mounting pressure for an inquiry into the Iraq war, with calls for an inquiry dating back to 2003.¹³ Members of Parliament had cited a number of issues that required investigation including, whether intelligence had been misrepresented in advance of the war, what legal advice the then Government had been given, and the failures in post-conflict planning.¹⁴

11. At the launch of the Iraq Inquiry on 30 July 2009, Sir John Chilcot outlined the Inquiry's terms of reference as follows:

Our terms of reference are very broad, but the essential points, as set out by the Prime Minister and agreed by the House of Commons, are that this is an Inquiry by a committee of Privy Counsellors. It will consider the period from the summer of 2001 to the end of July 2009, embracing the run-up to the conflict in Iraq, including the way decisions were made and actions taken, to establish, as accurately as possible, what happened and to identify the lessons that can be learned. Those lessons will help ensure that, if we face similar situations in future, the government of the day is best equipped to respond to those situations in the most effective manner in the best interests of the country.¹⁵

12. The report of the Iraq Inquiry was published on 6 July 2016, over seven years after Mr Brown's announcement. The length of time taken by the Inquiry to conclude its investigations and publish its findings had been a matter of extensive criticism.¹⁶

13. Following publication, PACAC held a single evidence session with the Cabinet Secretary, Sir Jeremy Heywood, to examine how the Government intends to absorb and implement the lessons learned from the inquiry. The Liaison Committee held an oral evidence session with Sir John Chilcot on 2 November, in which the Chair of PACAC participated.¹⁷

14. The Iraq Inquiry Report is a substantial, comprehensive document. Many of the lessons drawn out in the report fall within the remit of other Select Committees and are not for PACAC to pursue. As previously noted, we restricted the focus of our follow-up to: i) lessons to be learned from the shortcomings of the Iraq Inquiry process; and ii) lessons to be learned in relation to the operation of the machinery of government.¹⁸

12 Commons Hansard 15 June 2009, [Vol. 494. col 23](#).

13 House of Commons Library Briefing Paper, June 2015, ['Iraq: calls for an inquiry and historical precedents'](#), SN02713.

14 *Ibid.*

15 The Iraq Inquiry website, July 2009, [Statement by Sir John Chilcot](#), Chairman of the Iraq Inquiry.

16 *BBC News*, January 2015, ['Iraq war report: MP's anger as Chilcot inquiry delayed until after general election'](#); *Guardian*, August 2015, ['David Cameron tells John Chilcot to 'get on with it' and publish Iraq war report'](#)

17 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689.

18 In this report, machinery of government is understood as the different parts of government, such as No. 10, the Cabinet Office and Government Departments, and the way in which they interact and function together.

15. In Chapter 1, we have sought to establish why the Iraq Inquiry took such a long time, in a way that was unanticipated by both the Government and the Inquiry Committee. We draw on the work of our predecessor Committee, the Public Administration Select Committee (PASC), which scrutinised the role and effectiveness of public inquiries, to inform our analysis and evaluation of the Iraq inquiry. In particular, we have revisited PASC's report 'The Iraq Inquiry', which recommended that consideration be given to splitting the inquiry into two stages.¹⁹ We also consider the conclusions of PASC's substantial work on public inquiries to inform our thinking around how Parliament could have been more meaningfully involved in the process of establishing the Iraq Inquiry. PASC published two reports, 'Government by Inquiry' in 2005,²⁰ and 'Parliamentary Commissions of Inquiry' in 2008,²¹ both of which argued for greater parliamentary involvement in inquiries into the conduct of government, through the mechanism of a Parliamentary Commission of Inquiry. Following the announcement of the Iraq Inquiry by the then Government in 2009, PASC, in its report, 'The Iraq Inquiry', expressed its dismay that Parliament had not been more formally involved in setting up the Inquiry and made recommendations for how this could be rectified. In this report, we set out what role Parliament should play in setting up future public inquiries initiated by the Government.²²

16. It appears that mistakes were also made when the Saville Inquiry²³ was established, and similar mistakes were again repeated with the Independent Inquiry into Child Sexual Abuse.²⁴ The complexity of subject matter being addressed by these inquiries underpins the need to have better procedures in place for establishing and setting up inquiries in the future.

17. In Chapter 2, we consider the implications for the machinery of government, and highlight what the Iraq Inquiry reveals about the weaknesses in the Government's decision-making procedures. We focus on the question of whether the machinery of government changes implemented since the Iraq war have fully addressed the Inquiry's criticisms. We also consider the implications of Chilcot's findings around the handling of legal advice and the presentation of intelligence to Parliament, for the role of both Ministers and Parliamentarians respectively in providing challenge to No. 10. Finally, we reflect on the Government's apparent failure to coordinate across Departments, in both the planning and implementation of post-conflict strategy for Iraq, and consider what changes are necessary to ensure that such failures are not repeated.

18. We are grateful to Sir Jeremy Heywood for providing oral evidence to PACAC's inquiry.

19 Ninth Report from the Public Administration Select Committee, Session 2008–09, '[The Iraq Inquiry](#)', HC 721.

20 First Report from the Public Administration Select Committee, Session 2004–05, '[Government by Inquiry](#)', HC 51–I.

21 Ninth Report from the Public Administration Select Committee, Session 2007–08, '[Parliamentary Commissions of Inquiry](#)', HC 473.

22 Ninth Report from the Public Administration Select Committee, Session 2008–09, '[The Iraq Inquiry](#)', HC 721.

23 The Bloody Sunday Inquiry, June 2010, '[Report of the Bloody Sunday Inquiry](#)', HC 29–30.

24 Twelfth Report from the Home Affairs Committee, Session 2014–15, '[Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse](#)', HC 710.

1 The Iraq Inquiry: shortcomings in the inquiry process

Understanding delays and cost

19. When announcing the Inquiry in June 2009, the then Prime Minister, Rt Hon Gordon Brown, outlined its expected timeframe: “Given the complexity of the issues it will address, I am advised that it will take a year”.²⁵ The Inquiry finished conducting hearings in 2011 and the report was eventually published on 6 July 2016, more than seven years after the Inquiry was originally announced. The total expenditure of the Iraq Inquiry since 2009 is estimated to be £13,126,900.²⁶

20. It is apparent that neither the Government, nor the Inquiry Committee, anticipated that the Inquiry would take so long to conclude. Sir John Chilcot said in a letter, dated 26 January 2015, to the then Chair of the Foreign Affairs Committee (FAC), Sir Richard Ottoway, that “my colleagues and I have served as members of this Inquiry longer than any of us expected would be necessary”.²⁷ In the same month, Sir Jeremy Heywood told our predecessor Committee, the Public Administration Select Committee (PASC):

like everybody else I am very frustrated and you are right to raise the question [about lessons learned from the delays]. To be honest, when the inquiry finally does publish, we will need to talk to John Chilcot and his team and the secretariat to see what insights they have got on that question, but nobody expected it to go on this long... It has gone a lot longer than anybody conceived of, and we do need to learn the lessons from that.²⁸

21. The length of time taken by the Inquiry to conclude its investigations and publish its findings has drawn significant criticism.²⁹ Some suggested that the delays revealed efforts within the establishment to defer proper scrutiny.³⁰ We have sought to understand why the Inquiry took such a long time to complete its work and in doing so, have considered a number of possible reasons: the scope of the terms of reference; agreeing the release of sensitive documents; the Maxwellisation process as well as resource and capacity.

Scope of the terms of reference

22. In his evidence to the Public Administration and Constitutional Affairs Committee (PACAC) in September 2016, Cabinet Secretary Sir Jeremy Heywood, presented the time taken to complete the inquiry as an “almost inevitable” consequence of the scope of the terms of reference.³¹ He explained:

25 Commons Hansard 15 June 2009, [Vol. 494. col 23](#).

26 The Iraq Inquiry website, [Inquiry Costs](#).

27 Iraq Inquiry website, January 2015, [Sir John agrees to give evidence to the Foreign Affairs Committee](#).

28 Public Administration Select Committee, January 2015, Oral evidence: [Whitehall: capacity to address future challenges](#), HC 669, Q352.

29 *BBC News*, January 2015, [‘Iraq war report: MP’s anger as Chilcot inquiry delayed until after general election’](#); *Guardian*, August 2015, [‘David Cameron tells John Chilcot to ‘get on with it’ and publish Iraq war report’](#).

30 *The Guardian*, 29 August 2015, [‘Chilcot report delays blamed on vested interests’](#); *The Telegraph*, 19 October 2015, [Sir Jeremy Heywood denies Chilcot Inquiry cover up](#).

31 [Q2](#).

I think with those terms of reference, and that is the crux in a sense, if you wanted a thorough piece of work that was going to stand the test of time and be incontrovertible in its [comprehensiveness], and the issues that it looked at, I think it was going to take something like that length of time.³²

When giving evidence to the FAC in 2015, Sir John Chilcot also pointed to the scope of the inquiry as a key factor that had influenced the timetable.³³

23. The “strongest lesson” that Sir Jeremy Heywood drew from the inquiry process was that when establishing future inquiries “there should be a much clearer setting of expectations ...”³⁴ He explained that whilst it would have been desirable for the Inquiry to be published more quickly he was “struggling to think of something that would have allowed that to happen”.³⁵ He indicated that he would consider this question again following further conversation with Sir John Chilcot, and completion of a Whitehall-wide lessons learned exercise, but was doubtful that he would be able to draw further practical lessons for how to speed up future inquiries.³⁶

24. In July 2009, three days after the Government announced that there would be an inquiry into the Iraq war, PASC published its report, ‘The Iraq Inquiry’, which recommended that “consideration be given to splitting the inquiry into two stages: the first stage to concentrate on the British decision to go to war; and the second stage to consider the broader lessons from the conflict and its aftermath”.³⁷ In PASC’s view, this could have clarified the terms of reference and reduced the length of time before initial lessons about the decision to go to war could be published. This model was not adopted by the Inquiry Committee. When we asked Sir Jeremy Heywood for his view on this recommendation, he responded that it was “difficult to think of something other than having a narrower set of terms of reference, which would have led to a shorter inquiry” but that he could consider again whether dividing the terms of reference would have been helpful.³⁸ There has so far been no further official response to this recommendation.

Agreeing the release of sensitive documents

25. When announcing the inquiry in June 2009, Mr. Brown, committed the Government to providing the Inquiry Committee with “access to all government papers”.³⁹ The Inquiry Committee subsequently requested access to over 150,000 government documents.⁴⁰ Some of the documents drawn on by the Inquiry were sensitive and classified. The Inquiry agreed with the Government in June 2009 a protocol to govern the handling of sensitive information.⁴¹ Before publishing any information provided by the Government, the Inquiry was required by this protocol to agree with the Government whether the information could be released into the public domain, and in what form. The range of documents under discussion included, but was not limited to, notes of Cabinet and Cabinet Committee meetings, notes from Prime Minister Tony Blair to President George

32 [Q10](#).

33 Foreign Affairs Committee, February 2015, Oral evidence: [Progress of the Iraq Inquiry](#), HC 1027, Q1.

34 [Q3](#).

35 [Q4](#).

36 [Q10](#).

37 Ninth Report from the Public Administration Select Committee, Session 2008–09, [‘The Iraq Inquiry’](#), HC 721.

38 [Q 19](#).

39 Commons Hansard 15 June 2009, [Vol. 494. col 23](#).

40 Foreign Affairs Committee, February 2015, Oral evidence: [Progress of the Iraq Inquiry](#), HC 1027, Q75.

41 The Iraq Inquiry Website, [Protocols](#).

W. Bush and records of their conversations. We note that discussions between the Inquiry Committee and Sir Jeremy Heywood on the release of material from communications between Mr Blair and President Bush attracted particular attention in the press.⁴² Sir John Chilcot indicated to the Foreign Affairs Committee that it took approximately 13 months, from August 2013 to September 2014, to reach an agreement with Sir Jeremy on what aspects of those communications would be disclosed.⁴³ Sir John pointed specifically to such discussions when outlining the factors that had influenced the Inquiry timeline:

But in addition to the challenges of scope and scale I have described, the inquiry has, of course, had some well-documented and quite difficult exchanges about the release of Government documents... My colleagues and I have consistently said that the minutes of Cabinet and communications between Mr Blair and President Bush were essential to establish an account of what happened—an account that people can trust. We have therefore spent time and effort ensuring that we can publish the material we need from those documents.⁴⁴

26. Sir John was careful to emphasise that he did not think the Government was being deliberately obstructive in the time it had taken to declassify documents, but he did express some frustration at the impact that these lengthy processes had on the progress of the inquiry: “I don’t think I could accuse Government Departments of unreasonableness, but substantial amounts of time were taken up at critical points”.⁴⁵

27. Sir Jeremy Heywood attributed no significance to declassification when giving us evidence on why the inquiry had taken so long. Instead, he focused only on the inquiry scope and the breadth of the terms of reference. He told us that following conversations with Sir John Chilcot, he understood that “they [the Inquiry] were perfectly capable of carrying on the work they were doing while final decisions were achieved on those various other points”.⁴⁶

The ‘Maxwellisation’ process

28. ‘Maxwellisation’ is the term used to describe the process by which those criticised in inquiry reports are notified in advance of publication and given the opportunity to respond to those criticisms. The process is named after publisher Robert Maxwell, who was criticised in a 1969 inquiry report by the Department of Trade and Industry, and subsequently brought legal action against the Department. The judge noted that the inquiry should have given Mr Maxwell the opportunity to respond to criticism before publication.⁴⁷ In the introduction to the Iraq Inquiry report, the authors outline how they carried out the Maxwellisation process:

In July 2013, the Inquiry told a number of individuals that they would be given an opportunity to make representations on points of potential criticism... Relevant extracts from the Inquiry’s draft report were sent to

42 *The Guardian*, January 2015, ‘[Sir Jeremy Heywood denies blame for Chilcot Inquiry delay](#)’. *Daily Mail*, January 2015, ‘[Heywood is accused of defying vow to release all documents](#)’

43 Foreign Affairs Committee, February 2015, Oral evidence: [Progress of the Iraq Inquiry](#), HC 1027, Q20.

44 *Ibid*, Q1.

45 *Ibid*, Q60.

46 [Q16](#).

47 House of Commons Library Briefing Paper, July 2016, [Chilcot Inquiry](#), SN06215.

those individuals on a confidential basis from October 2014, following completion of the process of declassifying material from the minutes of Cabinet meetings and from communications between Mr Blair and President Bush. A small number of individuals received further material in early 2016.⁴⁸

29. The Iraq Inquiry has not indicated that any of the individuals involved in the process were obstructive, and the report recognises “the constructive manner in which all who were engaged in the Maxwellisation process responded”.⁴⁹ In his evidence to the Liaison Committee, Sir John Chilcot emphasised that the Maxwellisation process had not obstructed the work of the inquiry. Rather, through conducting the process, the Inquiry Committee had been alerted to relevant documents that they had not previously seen.⁵⁰

Resource and capacity

30. In evidence to the Liaison Committee on 2 November 2016, Sir John suggested that the Inquiry may have been able to process material more quickly, although to a limited extent, had they started out with a larger number of staff. He also commented that, in Government, requests from the Inquiry Committee for archive material “imposed an extreme strain on different Departments”, particularly those in the process of digitising archive material.⁵¹

31. **The Iraq Inquiry took far longer to conclude its work and to publish its findings than was intended. This is a matter for regret, especially for the men and women who were killed or injured in the conflict, and for their families. The protracted process has also undermined the very public confidence the Inquiry was established to strengthen, as well as undermining confidence in the Inquiry itself. For some, the delays have left the impression that the Chilcot Inquiry was a device to delay proper scrutiny and to obscure who should be held accountable. Others have suggested the sheer scope of the Inquiry’s terms of reference made its length inevitable. We agree that, in future, there must be a much clearer setting of expectations at the outset of an inquiry, but PACAC has concluded that further lessons can and must be learned about how to prevent such unacceptable delays in future inquiries. *The Cabinet Secretary indicated that the Government would consider further the question of how the Iraq Inquiry could have been carried out more quickly. We urge that this assessment is concluded as a matter of urgency and its findings reported to Parliament, so that both Government and Parliament can take the necessary steps to ensure that future Inquiries, particularly those with comparable scope and scale to the Iraq Inquiry, do not experience such unacceptable delays.***

The Involvement of Parliament

32. PACAC’s predecessor committee, PASC, took a strong interest in the role and effectiveness of public inquiries, calling in particular for a greater role for Parliament in establishing and conducting inquiries. PASC’s 2005 report, ‘Government by Inquiry’, makes a number of recommendations for how inquiries established by Ministers

48 The Iraq Inquiry, *The Report of the Iraq Inquiry, Vol 1, Introduction*, HC 265–I, p.19, para 114–115

49 *Ibid*, para 116.

50 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q79.

51 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q91.

should be conducted.⁵² In the report, PASC also “expresses its concern at the long-term diminution in Parliament’s role in the process of public inquiries”,⁵³ and argues that “in those inquiries where public concern is centred on the conduct, actions or inactions of government and ministers, Parliament should be directly involved”.⁵⁴ The 2005 report proposes that “future inquiries into the conduct and actions of government should exercise their authority through the legitimacy of Parliament in the form of a Parliamentary Commission of Inquiry composed of parliamentarians and others, rather than by the exercise of the prerogative power of the Executive”.⁵⁵ In its ninth report of session 2007–8, ‘Parliamentary Commissions of Inquiry’, PASC concluded that Parliament should be able to initiate and conduct its own inquiries into “matters of the highest significance and greatest public concern”, such as the Iraq war.⁵⁶

33. Following the announcement of the Iraq Inquiry in 2009, PASC published its report, ‘The Iraq Inquiry’, in which it criticised the Government for taking a “top-down” approach when establishing the Inquiry.⁵⁷ PASC’s report expressed the need for Parliament to have “a formal role in establishing the inquiry” and urged the Government “to allow, at minimum, a debate and free vote in the House of Commons on its proposal for an inquiry”.⁵⁸

34. Following the publication of this PASC report, the House of Commons discussed the Government’s proposal for an inquiry, but only in an Opposition Day debate on 24 June 2009. As part of the debate, the then Shadow Foreign Secretary, the Rt Hon William Hague, admonished the Government for having given Parliament “no opportunity to debate the inquiry’s terms of reference in the House” as the then Government had done when it established the Franks Inquiry into the Falklands war in 1982.⁵⁹ However, the Government amendment carried and the House resolved:

That this House welcomes the announcement by the Government of a wide ranging and independent inquiry to establish the lessons to be learnt from the United Kingdom’s engagement in Iraq, which will consider the run-up to the conflict, the military action and reconstruction.⁶⁰

35. At the launch of the inquiry on 30 July 2009, Sir John Chilcot outlined the terms of reference that he would use in conducting the inquiry. The introduction to the Inquiry Report outlines how Sir John consulted Parliament on these terms of reference:

Before the formal launch of the Iraq Inquiry, Sir John Chilcot met leaders of the main opposition parties and chairs of relevant House of Commons select committees (Defence, Foreign Affairs and Public Administration) as well as the Intelligence and Security Committee. Those discussions helped to shape the Inquiry’s thinking on its remit and approach.⁶¹

52 First Report from the Public Administration Select Committee, Session 2004–05, ‘[Government by Inquiry](#)’, HC 51–I.

53 *Ibid*, p.3.

54 *Ibid*, p.70.

55 *Ibid*, p.76.

56 Ninth Report from the Public Administration Select Committee, Session 2007–08, ‘[Parliamentary Commissions of Inquiry](#)’, HC 473.

57 Ninth Report from the Public Administration Select Committee, Session 2008–09, ‘[The Iraq Inquiry](#)’, HC 721.

58 *Ibid*.

59 Commons Hansard, 24 June 2009, [Vol. 494, col. 806](#).

60 Commons Hansard, 24 June 2009, [Vol. 494, col. 910](#).

61 The Iraq Inquiry, [The Report of the Iraq Inquiry, Vol 1, Introduction](#), HC 265–I, p.2, para 5.

36. As a non-statutory, Privy Council inquiry, there was no requirement on the Government to involve Parliament in the process of setting up the inquiry. Even when an inquiry is set up under the Inquiries Act 2005, the Government has a responsibility only to inform Parliament that they are establishing an inquiry or amending an inquiry's terms of reference. We note that in 2014, the Prime Minister, Rt Hon Theresa May, who was then Home Secretary, invited the Home Affairs Committee to conduct a pre-appointment hearing with the proposed Chair of the Independent Inquiry into Child Sexual Abuse, Justice Lowell Goddard.⁶² There is, however, no obligation for the Government to consult Parliament.⁶³ **We remain concerned about the lack of mechanisms for meaningful Parliamentary oversight over the establishment of both statutory and non-statutory inquiries.**

37. **In line with previous recommendations by the Public Administration Select Committee (PASC), our predecessor Committee, we conclude that Parliament should have been much more actively involved in establishing and setting up the Iraq Inquiry. There was only informal consultation with opposition parties and Select Committee Chairs by Sir John Chilcot, and an Opposition Day debate on the Floor of the House of Commons. *In future, there should be a full debate and a vote on an amendable motion, setting out the precise terms of reference, an estimated time-frame and a proposed budget for the inquiry. Before such a debate, Parliament should establish an ad-hoc Select Committee to take evidence on the proposed remit and to present formal conclusions and recommendations to the House. The Select Committee should also recommend whether the inquiry should be a Privy Council or statutory inquiry, and it should conduct a pre-appointment hearing with the proposed inquiry Chair. Only then should the remit and the Chair of the inquiry be put before Parliament for final approval, along with a timetable and a budget for the inquiry, so that Parliament can act on the considered recommendations of the Select Committee.***

62 Twelfth Report from the Home Affairs Committee, Session 2014–15, [‘Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse’](#), HC 710.

63 [Inquiries Act 2005, Clause 6.](#)

2 Implications for the Machinery of Government

The Government response to the Iraq Inquiry

38. Sir Jeremy Heywood told us that the National Security Adviser (NSA), Sir Mark Lyall Grant, is currently undertaking a “lessons learned investigation across Whitehall” in which he is “reviewing all aspects of the way we look at post-conflict stabilisation, conflict prevention and so on, whether or not there are new things we can learn in light of both Libya and the Chilcot report”.⁶⁴ This was corroborated by the Parliamentary Secretary, Chris Skidmore MP, in the opposition day debate on the Chilcot report on 30 November.⁶⁵ On completion of this exercise, the findings will be presented to Ministers.⁶⁶ There are currently no declared plans for these findings to be published or presented to the House. The Public Administration and Constitutional Affairs Committee (PACAC) has requested information from the Government on this matter. At the time of writing, we have not received a response.

39. The Government maintains that there have already been changes to the machinery of government that address some of the weaknesses in decision-making, planning and implementation which have since been made acutely apparent by the Iraq Inquiry Report. In his statement to the House of Commons on 6 July, the then Prime Minister, Rt Hon David Cameron, presented the establishment of the National Security Council (NSC) as a conscious effort to create a more formalised decision-making structure, “to ensure proper co-ordinated decision-making across the whole of government” and provide a forum for discussion and challenge.⁶⁷ In his evidence to this Committee, Sir Jeremy Heywood pointed to the NSC as a source of improved cross-departmental working. He also highlighted the creation of ‘joint units’, designed to facilitate work across departmental boundaries, reduce duplication between Departments and improve overall efficiency.⁶⁸ We are already aware of joint units, such as the Joint Intelligence and Counter Terrorism Unit (JICTU), which combines officials from the Home Office and the Foreign Office and is based in the Home Office. The Stabilisation Unit, to which the Iraq Inquiry Report makes particular reference, combines officials from twelve government departments as well as military and police officers, and reports to the NSC.⁶⁹

40. However, there is little evidence to suggest that these structures will prove to be an adequate safeguard against the failings in Government decision-making, planning and implementation set out in the Iraq Inquiry Report. Since the NSC was established in 2010, the Government has pursued policies in respect of Libya and Syria, as well as continued a measure of engagement in Iraq and Afghanistan. The Foreign Affairs Committee’s Third report of 2016–17, ‘Libya: Examination of intervention and collapse and the UK’s future policy options’ found that the Government’s policy in Libya was “not informed by accurate intelligence” and “was not underpinned by a strategy to support and shape post-

64 [Q 10](#); [Q 76](#).

65 Commons Hansard 30 November 2016, [Vol. 617 col. 1537](#).

66 [Q 10](#); [Q 81](#).

67 Commons Hansard 6 July 2016, [Vol. 612, col. 887](#).

68 [Q 72](#).

69 [Gov.uk, ‘Stabilisation Unit, About Us’](#).

Gaddafi Libya”.⁷⁰ When asked for his thoughts on the matter on the morning that report was published, Sir Jeremy Heywood responded that “whatever happened was despite good process, because there was very good process”.⁷¹

41. The Public Administration Select Committee (PASC) first raised concerns about the National Security Council in its first report of session 2010–11, ‘Who does UK National Strategy?’, in which it concluded: “The functioning of National Strategy requires a proper deliberative forum with access to proper analysis and assessment”.⁷² PASC’s twenty-fourth report of session 2010–12, ‘Strategic thinking in Government: without National Strategy, can viable Government strategy emerge?’, also concluded that the NSC should have greater capacity for strategic assessment and analysis.⁷³ In 2015, PASC said again, in its report, ‘Leadership for the long term: Whitehall’s capacity to address future challenges’, “the centre of government must strengthen its capacity for analysis and assessment of long-term issues and challenges”.⁷⁴ In 2015, the Defence Select Committee raised similar concerns in its report, ‘Decision-making in Defence Policy’, where it cautioned that “discussion in NSC meetings is too tactical and discursive, and does not sufficiently draw on authoritative expert opinion”. It concluded that the NSC had “failed to eliminate the risk of a personal, private and reactive style of decision-making involving only the Prime Minister and his closest advisers”.⁷⁵ These criticisms were rejected by the Government in its response to the Defence Committee’s report.⁷⁶ More recently, the Foreign Affairs Committee (FAC) has also raised concerns about the National Security Council in their report on Libya.⁷⁷ The FAC recommends that the Government must commission an independent review of the National Security Council which “should be informed by the conclusions of the Iraq Inquiry and examine whether the weaknesses in governmental decision-making in relation to the Iraq intervention in 2003 have been addressed by the introduction of the NSC”.⁷⁸

42. Notably, Sir John Chilcot told the Liaison Committee that the question of whether the NSC lacked capacity for strategic analysis was one “of much wider significance” than the NSC alone. He told the Committee that it is an issue that “goes right across the business of Government, where the ability and the capability to do strategic analysis of options and risks before big policy decisions are settled is not there”. He suggested that a greater level of cooperation between Departments could help to promote more strategic analysis of this kind and that the NSC was in a position to promote such cooperation.⁷⁹

70 Third Report from the Foreign Affairs Committee, Session 2016–17, [‘Libya: Examination of intervention and collapse and the UK’s future policy options’](#), HC 119.

71 [Q 45](#).

72 First Report from the Public Administration Select Committee, Session 2010–11, [‘Who does UK National Strategy?’](#), HC 435.

73 Twenty Fourth Report from the Public Administration Select Committee, Session 2010–12, [‘Strategic thinking in Government: without National Strategy, can viable Government strategy emerge?’](#), HC 1625.

74 Third Report from the Public Administration Select Committee, Session 2014–15, [‘Leadership for the long term: Whitehall’s capacity to address future challenges’](#), HC 669.

75 Eleventh Report from the Defence Committee, Session 2014–15, [‘Decision-making in Defence Policy’](#), HC 682.

76 Third Special Report from the Defence Committee, Session 2015–16, [‘Decision-making in Defence Policy: Government response to the Committee’s Eleventh Report of Session 2014–15’](#), HC 367.

77 Third Report from the Foreign Affairs Committee, Session 2016–17, [‘Libya: Examination of intervention and collapse and the UK’s future policy options’](#), HC 119.

78 *Ibid.*

79 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q69.

43. **The Government is conducting a ‘lessons learned’ investigation across Whitehall, coordinated by the National Security Adviser, into the substantive criticisms of the machinery of government made by the report of the Iraq Inquiry. *The Government must provide, in its formal response to this Report, a date for when this exercise will be completed. The findings should be reported to Parliament so that PACAC and other relevant Select Committees can scrutinise and comment on the investigation, and so that Parliament is able to hold the government to account for the implementation of its recommendations.***

44. **We remain concerned that the National Security Council (NSC) continues to lack capacity for strategic analysis and assessment. This was highlighted both by the Public Administration Select Committee in the previous Parliament, and by other Select Committees of this House. The Government has not accepted the various recommendations to address this lack of capacity, and yet the way in which successive governments have approached issues such as Libya underlines this fundamental weakness in the operation of NSC. A review coordinated by the National Security Adviser within the constraints of Whitehall is neither independent nor sufficient for reviewing the effectiveness of the NSC. *We therefore reiterate the recommendations of our predecessor Committee, PASC, across its three reports on strategic thinking in government, that the NSC requires far greater capability in strategic thinking and analysis and would greatly benefit from having its own capacity to synthesise assessment and analysis from across Whitehall and elsewhere. We also fully support the recommendation of the Foreign Affairs Committee, that the Government should commission an independent review of the National Security Council. The Government should consider how the NSC can promote more robust collective strategic analysis and assessment as part of decision-making, both within the NSC itself and across Government.***

Decision-making in Government

45. The Iraq Inquiry report reveals the striking extent to which Cabinet government was side-lined in advance of the Iraq war. The report draws a comparison between the recorded discussions on Iraq in advance of the conflict in 2003 and the discussions that took place around Operation Desert Fox, a four-day campaign of air strikes on Iraq by the US and the UK in December 1998. According to the then Cabinet Secretary, Lord Wilson of Dinton, there were 21 recorded Ministerial discussions on Iraq between January 1998 and January 1999, five of which were in the Defence and Overseas Policy Committee (DOP).⁸⁰ By contrast, the report reveals that “The last meeting of DOP on Iraq before the 2003 conflict... took place in March 1999”.⁸¹ This lack of discussion within DOP is made more notable by the fact that “In April 2002, the MOD [Ministry of Defence] clearly expected consideration of military options to be addressed through DOP”.⁸² As made clear in the Iraq Inquiry Report:

Most decisions on Iraq preconflict were taken either bilaterally between Mr Blair and the relevant Secretary of State or in meetings between Mr

80 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p. 55, para 395.

81 *Ibid*, p.56, para 397.

82 *Ibid*, p.56, para 398.

Blair, Mr Straw and Mr Hoon, with No.10 officials and, as appropriate, Mr John Scarlett (Chairman of the JIC), Sir Richard Dearlove and Adm [Lord] Boyce. Some of those meetings were minuted; some were not.⁸³

46. Sir John Chilcot emphasised the Cabinet’s limited involvement in decision-making on Iraq in his evidence to the Liaison Committee:

Cabinet was promised it would have a hand in the decision on major deployments to and in Iraq, and that never took place. We did an analysis of all of the Cabinet papers, minutes and meetings throughout the relevant period, and we published a great deal of that material. Quite frequently, the Cabinet itself was simply being given information updates, which were not always of a completely detailed or updated kind. There was very little substantive Cabinet discussion leading to a collective decision, and that seems to me to be the lack that is characterised, certainly throughout the period of 2002 to 2006 or so.⁸⁴

In his evidence to this Committee, Sir Jeremy Heywood acknowledged that the principle of collective responsibility had not been observed “at all times” in the run up to the Iraq war.⁸⁵

47. The Inquiry report shows how the Cabinet Secretary was not fully involved in decisions on how collective Cabinet responsibility should operate with regards to Iraq. Sir David Manning, who from 2001 to 2003 was simultaneously Head of the Overseas and Defence Secretariat (OD Sec) and the Prime Minister’s Foreign Policy Adviser, sent a minute to the Prime Minister in September 2002, proposing to set up both official level groups and a ministerial group on Iraq. Mr Blair accepted the proposal for the official level groups but asked for the ministerial group to be put on hold.⁸⁶ Speaking to the Liaison Committee, Sir John Chilcot explained how the Cabinet Secretary was left out of this initial discussion and decision not to have a ministerial group. Only after the Prime Minister had made his preferences clear was this draft proposal, without reference to a ministerial group, put to the Cabinet Secretary for him to present to the Prime Minister “for formal endorsement”. Sir John said, “That is screwing up the proper arrangement in rather a big way”.⁸⁷

48. In the section on ‘Decision-making within government’, the Inquiry report examines the impact of the September 2001 decision, to combine the role of Head of the OD Sec with the role of Prime Minister’s Foreign Policy Adviser. Sir David Omand, former Security and Intelligence Coordinator, told the Inquiry that: “I hesitate to say this, but I think it does over a period of time tend to disenfranchise the Cabinet Secretary”.⁸⁸ Sir John, drawing from the conclusions of Lord Butler of Brockwell’s 2004 Review of Intelligence on Weapons of Mass Destruction, as well as his own Inquiry, said that such an arrangement drew the post-holder “too far towards No.10 responsibility to the Prime Minister and too far away from the collective responsibility to and of the Cabinet”. He said that the decision to combine the two posts “should not be replicated”.⁸⁹

83 The Iraq Inquiry, July 2016, *The Report of the Iraq Inquiry, Executive Summary*, HC 264, p.56, para 399.

84 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q49.

85 Q 59.

86 The Iraq Inquiry, July 2016, *The Report of the Iraq Inquiry, Vol 1, Section 2*, HC 265–I, p.274, para 149–154.

87 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q53.

88 Quoted in The Iraq Inquiry, July 2016, *The Report of the Iraq Inquiry, Vol 1, Section 2*, HC 265–I, p.274, para 48.

89 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q102.

49. Beyond these potentially problematic structures, the Iraq Inquiry report illustrates how a Prime Minister, if so inclined, is able to override the proper procedures of collective government decision-making without obstacle. The report argues that the now infamous note that Mr Blair sent to President Bush on 28 July 2002, which began “I will be with you, whatever”, should have been circulated to key ministers before it was sent. However, Mr Blair, who wrote the note himself, marked it as ‘Personal’ and shared it only with No.10 officials before sending it to the President.⁹⁰ He included the opening phrase against the advice of Sir David Manning and Jonathan Powell, then Mr Blair’s Chief of Staff.⁹¹ The Inquiry report concludes, “the Foreign and Defence Secretaries should certainly have been given an opportunity to comment on the draft in advance”.⁹²

50. In this particular instance, the Cabinet Secretary was not aware of the note that Mr Blair had drafted.⁹³ However, the Iraq Inquiry report comments that it is ultimately the Cabinet Secretary who is responsible for ensuring that Cabinet Ministers are appropriately engaged in decision-making:

The responsibility of the Cabinet Secretary to ensure that members of Cabinet are fully engaged in ways that allow them to accept collective responsibility and to meet their departmental obligations nevertheless remains.⁹⁴

Sir Jeremy Heywood concurred:

... my view is the Cabinet Secretary has responsibility for making sure that Cabinet Government is working properly, that Cabinet Committees meet with the right people in them to take the key decisions.⁹⁵

51. However, it is not clear from our evidence, as things stand, how the Cabinet Secretary can discharge this responsibility without the support of the Prime Minister. The Better Government Initiative (BGI) has similarly raised this concern regarding the report’s statement about the role of the Cabinet Secretary:

The report therefore clearly implies that the Cabinet Secretary is deemed to have what has been termed a “guardianship role” in support of collective government and proper decision-making for which he or she can be held to account - and the same consideration might apply to other top officials. If so, the question arises of how this is to be discharged or at least to be attempted to be discharged, if this role does not find favour with the Prime Minister or other Ministerial colleagues.⁹⁶

In short, as Sir John Chilcot acknowledged, our system currently lacks “a statutory or a convention-based enforcement system to ensure compliance with proper standards and accepted rules of how government should be conducted”.⁹⁷

90 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.58, para 409.

91 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Vol 2, Section 3.3](#), HC 265-II p.76, para 443.

92 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.58, para 409.

93 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q58.

94 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.62, para 430.

95 [Q 51](#).

96 Better Government Initiative, September 2016, [‘The Chilcot Report: Lessons for the Machinery of Government’](#), p.3.

97 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q58.

52. When we asked Sir Jeremy Heywood what actions a Cabinet Secretary can take if he or she is concerned that collective responsibility is not being achieved, he did not offer much reassurance that there are now mechanisms in place that enable the Cabinet Secretary to ensure that members of the Cabinet are engaged in ways that allow them to accept collective responsibility. Instead he suggested that the idea of the Prime Minister overriding the Cabinet Secretary's advice on matters of proper decision-making procedure was hypothetical.⁹⁸ However, he conceded that if a Cabinet Secretary were to object to how a decision was being made, they would have very few tools of influence at their disposal:

Under our current constitution the Cabinet Secretary can continue to provide advice but Ministers decide, and if the Cabinet Secretary, therefore, feels that his or her job is becoming completely impossible then they would have to resign. There are no other levers than those, but that is not the position that obtains at the moment.⁹⁹

In the opposition day debate on the Chilcot Report on 30 November, the Rt Hon Alex Salmond MP described the Cabinet Secretary's comments as lacking in reassurance.¹⁰⁰

53. It is generally agreed that the Prime Minister of the day should never have written "I will be with you whatever" in his letter to the President of the United States, against the official advice and without the explicit agreement of his key ministers. This is just one of a number of examples identified by the Iraq Inquiry of the breakdown of collective ministerial decision-making over the development of UK policy on Iraq before the invasion. It is no longer acceptable that the present arrangements should continue without stronger means to prevent key ministers, or even the whole Cabinet, from being side-lined. Beyond making representations to Ministers and to the Prime Minister, short of resignation, the Cabinet Secretary does not have any formal recourse to object to a Prime Minister's chosen course of action in the event that he or she wishes to disregard the procedures for decision-making set out in the Cabinet Manual. We are in no doubt whatsoever that this absence of safeguards cannot persist.

54. The BGI has suggested clarifying the responsibility of the Cabinet Secretary, and possibly of other top officials, for ensuring that government is conducted according to accepted procedures and principles. The BGI proposes a mechanism of written Ministerial direction, similar to that used by Departmental Accounting Officers. The BGI explains the proposal:

If the Prime Minister or the government wish to conduct business in another way they can transparently amend the published Cabinet Manual and address the case for change in Parliament. If, however, officials are asked in effect to ignore established procedure for good government, they would be expected to seek a direction which would be reported to Parliament - perhaps as for other directions to the PAC [Public Accounts Committee] and the Comptroller and Auditor General, but in addition to the Public Administration and Constitutional Affairs Committee.¹⁰¹

98 [Q 50.](#)

99 [Q 59.](#)

100 Commons Hansard 30 November 2016, [Vol. 617 col. 1530.](#)

101 Better Government Initiative, September 2016, ['The Chilcot Report: Lessons for the Machinery of Government'](#), p.3.

While BGI accept that this might create difficulties in the relationships between ministers and officials, they express the hope that “it might act as a constraint on the most egregious abuses of accepted standards of conduct of business”.¹⁰² Notably, the Foreign Affairs Committee have proposed consideration of a similar mechanism, for non-ministerial members of the National Security Council “to request prime ministerial direction to undertake actions agreed in the NSC”.¹⁰³

55. Sir Jeremy Heywood expressed concern about the risk of such a mechanism creating tension between the Cabinet Secretary and the Prime Minister.¹⁰⁴ He argued that this Committee’s scrutiny is sufficient for holding government to account for following the proper procedures, without the need for written directions.¹⁰⁵ He also emphasised the Government’s belief that in the current circumstances, there was no need for safeguards:

If that situation obtained today or in the recent past, then I would be looking for possible new mechanisms... but at the moment there is no such problem. Cabinet Government is working well. I have all the access to the Prime Minister I need.¹⁰⁶

56. Sir John Chilcot told the Liaison Committee that he did “have a little sympathy, but not total” with the BGI’s proposal.¹⁰⁷ He was reluctant to give his direct support to the BGI’s recommendation, but elsewhere in the session, Sir John argued that regardless of whether or not it is made immediately known to Parliament, all dissent on major decisions should be recorded. He said:

... it is vital—not merely important, but vital—for serious decisions and the reasons behind them to be recorded in the public archive; not for immediate release, necessarily, but they should be written down. If someone is in serious disagreement with a decision taken collectively, the reason for that decision and the fact of it should be recorded. I think that also goes to a similar suggestion from the Better Government Initiative. I’d be reluctant to say that it should be placed on the same footing as that which permanent secretaries as accounting officers are on vis-à-vis the National Audit Office and the Public Accounts Committee, because I think the two things are separable ...¹⁰⁸

57. The Cabinet Secretary’s assurance that there is no risk to collective Cabinet decision-making under the current administration, provides no assurance for the future. Collective Cabinet decision-making, having broken down, must be reinstated in order to restore trust. The time to learn these lessons from the Iraq Inquiry and to implement them is now. PACAC recommends that the substance of the proposal of the Better Government Initiative should be adopted. There should be a mechanism of written Ministerial direction, similar to that used by Departmental Accounting Officers, reflecting the responsibility of the Cabinet Secretary and other senior officials to ensure

102 Better Government Initiative, September 2016, *The Chilcot Report: Lessons for the Machinery of Government*, p.3.

103 Third Report from the Foreign Affairs Committee, Session 2016–17, *Libya: Examination of intervention and collapse and the UK’s future policy options*, HC 119.

104 [Q 52](#).

105 [Q 54](#).

106 [Q 61](#).

107 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q58.

108 *Ibid*, Q40.

that proper procedure is followed as set out in the Cabinet Manual. If a senior official requests such a direction, it should be at his or her discretion whether this direction should be made immediately known to Parliament, through PACAC or the relevant Select Committee, or placed in the public archive for delayed release. As an alternative, the official should also be able to notify Privy Counsellors. Such a mechanism would dispel any doubt about the Cabinet Secretary's direct responsibilities. Furthermore, it would make clear to Ministers the vital importance of following proper procedure and of taking proper advice on matters of procedure.

Culture of challenge

58. The Iraq Inquiry reported that the Blair Government did not expose key policy decisions to rigorous review.¹⁰⁹ The failure to open up key decisions to sufficient, high-level challenge is drawn out by Sir John Chilcot in his statement at the launch of the report:

Above all, the lesson is that all aspects of any intervention need to be calculated, debated and challenged with the utmost rigour.¹¹⁰

In evidence to the Liaison Committee, Sir John emphasised the responsibility of both Civil Servants¹¹¹ and Cabinet Ministers¹¹² to challenge the administration. He also suggested that for good decision-making “... structures and institutions are all very well... but they are not by any means enough. It is the people and the way they work that really matter”.¹¹³

59. The Cabinet Secretary commented that he believed the most important lesson of the Iraq Inquiry was the necessity of maintaining a culture of challenge, which exists and thrives within the formal machinery of government:

... one of the most important lessons of all from Chilcot... is not so much what meetings you fix up or do not fix up, it is what culture and spirit of challenge you have within those meetings... So a lot of this is not so much a binary question: do you have the right meetings and the right people in the meetings? It is: how are those meetings operating in practice, which is a much more subjective and difficult to analyse issue.¹¹⁴

60. The absence of robust challenge within government gains particular significance when considering how the legal advice underpinning the Government's case for war was presented and discussed within Cabinet. Overall, the Inquiry Report considers the “circumstances in which it was ultimately decided that there was a legal basis for UK participation” to be “far from satisfactory”.¹¹⁵ The Inquiry Report outlines how the then Attorney General, the Rt Hon Lord Goldsmith, was asked by No.10, the Foreign and Commonwealth Office and the Ministry of Defence, on 9 December, to provide advice on whether military action in Iraq would be lawful without a second Security Council

109 See for example 11 points on which the Inquiry concludes that there “should have been collective discussion by a Cabinet Committee or small group of Ministers”. The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.58–59, para 409.

110 Iraq Inquiry website, July 2016: [Sir John Chilcot's public statement](#).

111 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q50.

112 *Ibid*, Q115.

113 *Ibid*, Q70.

114 [Q54](#).

115 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.62, para 432.

Resolution, in addition to resolution 1441. Lord Goldsmith, on 7 March 2003, set out a series of alternative views concluding that the “safest legal course” would be to have a second resolution. Lord Goldsmith advised that he thought a “reasonable case” could be made that military action was legal without a second resolution, but made clear that he was not certain a court of law would support this. After being asked to refine this view by senior officials in the Civil Service and Armed Forces, who were dissatisfied with the lack of definitive response, Lord Goldsmith returned on 13 March with a “better view” that military action was lawful without a second resolution.¹¹⁶

61. Lord Goldsmith requested from the Prime Minister confirmation that Iraq had committed “further material breaches” of its obligations under resolution 1441. The existence of these breaches underpinned his legal case for military action. The Prime Minister confirmed this, but provided no evidence of these breaches and did not explain the grounds on which he had reached this conclusion.¹¹⁷ In evidence to the Liaison Committee, Sir John said that instead, the Prime Minister should have:

sought carefully thought through, argued and fact-based advice and had it discussed collectively and agreed before being able to sign, if you like, a certificate that, in his view, Saddam was in breach of Security Council resolutions.¹¹⁸

62. On 17 March 2003 Cabinet was presented with the final view—that military action was legal:

Cabinet was not provided with written advice which set out, as the advice of 7 March had done, the conflicting arguments regarding the legal effect of resolution 1441 and whether, in particular, it authorised military action without a further resolution of the Security Council.¹¹⁹

63. According to Chilcot, in Cabinet “there was little appetite to question Lord Goldsmith about his advice, and no substantive discussion of the legal issues was recorded”.¹²⁰ Chilcot concludes that:

Cabinet was... being asked to confirm the decision that the diplomatic process was at an end and that the House of Commons should be asked to endorse the use of military action to enforce Iraq’s compliance. Given the gravity of this decision, Cabinet should have been made aware of the legal uncertainties.

Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March, explained the legal basis on which the UK could take military action and set out the risks of legal challenge.¹²¹

116 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.119, para 810.

117 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.63, para 434–436.

118 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q90.

119 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.68, para 486.

120 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.68, para 490.

121 *Ibid*, p.68–69, para 492–3.

64. Chilcot recommends that “this advice should have been provided to Ministers and senior officials whose responsibilities were directly engaged and should have been made available to Cabinet”.¹²² In evidence to the Liaison Committee, Sir John added:

... the Cabinet should have had formal written advice from the Attorney General and the opportunity to consider it around a table, and not simply to say, “Do you say it’s okay?”, “Yes, it’s okay”, “Oh well,” and move on. That simply did not begin, in my view, to be an acceptable way of deciding whether or not there was a sufficient legal base for us to participate in the invasion of a sovereign country.¹²³

65. Cabinet Ministers were not in control over the advice that they were initially provided with. Sir John Chilcot acknowledged, however, that Cabinet Ministers had been “passive” in their treatment of the legal advice and “it was not the approach that Cabinet members should have taken to the seriousness of the legal question about the invasion of Iraq”.¹²⁴

66. More generally, when asked who should have stood up to Mr Blair, Sir John responded that Cabinet Ministers had failed to play a crucial role:

I suppose my short answer is that Cabinet Ministers—I am not naming individual ones—were given promises by him in Cabinet that they would have the opportunity to consider and reflect, and therefore to decide on, a number of big decisions in the course of the Iraq case. He didn’t give them that opportunity, and they did not insist on it being given to them. That, I think, is a failing.¹²⁵

67. While members of the Cabinet did not initially have a say in what legal advice they were presented with, or the extent to which they were consulted on key decisions, they were in a position to demand more rigorous consultation when this did not materialise. The case of the legal advice underlines this point: in our view, more robust scrutiny of the legal advice by Cabinet Ministers could have exposed and mitigated the unsatisfactory process through which the legal basis for war was compiled. *In future, when the Cabinet is being asked to support significant decisions, such as whether the UK Government should commit to military action, which are based on legal considerations, the Cabinet Manual should be clear about proper procedure. The Cabinet Secretary should be under an obligation to ensure the Cabinet receives comprehensive legal advice, and he or she should have recourse to the proposed mechanism of written Ministerial direction we recommend above to ensure this happens.*

68. It is welcome that the Government acknowledges that a culture and spirit of challenge is essential for good decision-making in government. And that this means not only having the right meetings and the right people in the meetings, but making sure that meetings are effective. We also agree with Sir John Chilcot that structures and institutions are all very well, but that it is the people and the way they work that really matter. *We recommend that the National Security Adviser conducts an analysis of meetings of, and around, the National Security Council (NSC), to establish what makes meetings effective. This might include considering how to promote openness*

122 The Iraq Inquiry, July 2016, *The Report of the Iraq Inquiry, Executive Summary*, HC 264, p.69, para 495.

123 Liaison Committee, November 2016, Oral evidence: *Follow up to the Chilcot Report*, HC 689, Q72.

124 *Ibid*, Q96.

125 *Ibid*, Q115.

and candour within meetings, and an atmosphere of trust, as well as the use of briefs that synthesise cross-departmental analysis and assessment, rather than the normal departmental briefs. The Government should report on the NSA's findings to PACAC, in confidence if necessary.

Challenge from Parliament

69. In the House of Commons debate on the Report of the Iraq Inquiry on 13 July 2016, a number of MPs highlighted implications of the report for role of Parliament and Government's accountability to Parliament. For example, the Rt Hon Kenneth Clarke QC MP drew parallels between the Blair administration's reluctance to consult Cabinet, and its reluctance to engage and consult Parliament: "Both were essentially seen as hurdles to be surmounted".¹²⁶ Mr Clarke went on to argue, "Parliament should be consulted when it can be, and given proper information. One should not rely on clever timing of the debate and the work of the Whips to get it through and afterwards say that there is a democratic endorsement".¹²⁷

70. In his evidence to the Liaison Committee, Sir John Chilcot said that he believed there was room for Parliament, "whether on the Floor of the Chamber, in Select Committees or in other respects, to exert more influence on Government and to hold Government more effectively to account." He acknowledged, however, that an obstacle to Parliament conducting such scrutiny is its inability to access highly sensitive information: "That is a serious question that would have to be answered. That is a negotiation between Government and Parliament".¹²⁸

71. We believe that the ongoing issue of Parliament's access to sensitive information underpins the need for an open conversation between Government and Parliament on this matter, so that Parliament can be confident of its full ability to scrutinise Government decisions.

72. The way in which intelligence briefings were presented to Parliament further underlines the importance of Parliamentary scrutiny. In September 2002, the then Prime Minister presented to Parliament a dossier, which had been prepared by the Joint Intelligence Committee (JIC). According to the Iraq Inquiry, this dossier was "designed to "make the case" and secure Parliamentary (and public) support for the Government's position that action was urgently required to secure Iraq's disarmament".¹²⁹ Mr Blair included a Foreword with the dossier in which he stated:

that he believed the "assessed intelligence" had "established beyond doubt" that Saddam Hussein had "continued to produce chemical and biological weapons, that he continues in his efforts to develop nuclear weapons, and that he had been able to extend the range of his ballistic missile programme".¹³⁰

126 Commons Hansard, 13 July 2016, [Vol. 613, col. 342](#).

127 *Ibid.*

128 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q71.

129 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.72, para 525.

130 Quoted in The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.73, para 536.

73. This, however, had not been established beyond doubt by the JIC.¹³¹ The Iraq Inquiry criticises the JIC for failing to make these uncertainties clear to the then Prime Minister. According to the Report:

The process of seeking the JIC's views, through [Sir John] Scarlett, on the text of the Foreword shows that No.10 expected the JIC to raise any concerns it had.¹³²

74. The Iraq Inquiry finds that there is a “need for clear separation of the responsibility for analysis and assessment of intelligence from the responsibility for making the argument for a policy”.¹³³ The report concludes:

When assessed intelligence is explicitly and publicly used to support a policy decision, there would be benefit in subjecting that assessment and the underpinning intelligence to subsequent scrutiny, by a suitable, independent body, such as the Intelligence and Security Committee, with a view to identifying lessons for the future.¹³⁴

75. The importance of such scrutiny was highlighted further by Sir John Chilcot's response to a question from our Chair, when giving evidence to the Liaison Committee. When asked whether the Prime Minister had been more concerned with evaluating the evidence before him, or making a case for a decision that he had already made, Sir John replied:

I find that a very helpful question, because I think my response to it is a clear and unqualified one. It was the second and not the first. There was no attempt to challenge or seek re-evaluation of the intelligence advice.¹³⁵

76. We also note that Sir John Scarlett, the Chairman of the JIC, was subsequently promoted to be Head of MI6, an appointment approved by Mr Blair as Prime Minister.

77. We recognise that sensitive intelligence information cannot be scrutinised openly by Parliament. Nevertheless, the case of the September dossier highlights the critical importance of strengthening the checks and assessments on intelligence information when it is used to make the case for Government policies. We agree with the Iraq Inquiry that the Intelligence and Security Committee should play a key role in this regard. We also recommend that the Government considers how to bolster the independence of the Chair of the Joint Intelligence Committee. It would be more independent if its place in the career structure were altered. It should be a matter of policy that those appointed to the role should not also be seeking promotion to a more senior role. We recognise that this may mean upgrading the post to the equivalent of Permanent Secretary, in order to attract the necessary quality of individual.

78. In addition to considering how to enable more robust Parliamentary scrutiny in the future, we are mindful of the need to acknowledge how Parliament at the time could have done more to assess and dissect the Government's case for war in Iraq. During the

131 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.74, para 540–541.

132 *Ibid*, p.74, para 545.

133 *Ibid*, p.131, para 840.

134 *Ibid*, p.132, para 841.

135 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q20.

SNP Opposition Day debate on the Chilcot Inquiry and Parliamentary Accountability, one member of this Committee, Paul Flynn MP, pointed to the role of Committees in championing the case for the Iraq War:

Three Committees of people who are great experts—the Intelligence and Security Committee, the Foreign Affairs Committee and the Defence Committee—all took the same view [that the UK should go to war in Iraq]. They were all told stories about the weapons of mass destruction. The evidence was, and the evidence is there now, that those did not exist, and there was a very selective choice of evidence... that the Committee members believed and chose to believe.

If we do not recognise that as a problem for this House, we will make the same mistakes again. We are going to face such decisions in future. The House will have to decide whether we are going to order—that is our power—young men and women to put their lives on the line, on the basis of what? Faulty evidence, ineffective evidence. That was the conclusion of Chilcot.¹³⁶

79. PACAC agrees with the assessment that alongside our criticism of the procedures of government in relation to the decision to go to war in Iraq, and together with our consideration of how the machinery of government can be improved to safeguard against such failings in the future, there is a further task. We, as Parliamentarians, must also reflect upon how Parliament could have been more critical and challenging of the Government at the time. This, we believe, is a vital consideration, not just for the Intelligence and Security Committee, the Foreign Affairs Committee and the Defence Committee but for every Committee of this House. It is a lesson of which we must be consistently mindful, throughout all aspects of our work and scrutiny of Government.

80. During the Opposition Day debate on 30 November, the SNP, motivated by the conclusions of a report by Dr Glen Rangwala of Trinity College, Cambridge, called upon PACAC “to conduct a further specific examination of this contrast in public and private policy and of the presentation of intelligence, and then to report to the House on what further action it considers necessary and appropriate to help prevent any repetition of this disastrous series of events”.¹³⁷ Dr Rangwala argues in his report that “evidence presented in the Chilcot report shows that Mr Blair was deliberately misleading the House of Commons”.¹³⁸ He draws on evidence presented by the Iraq Inquiry as well as evidence that was already publically available. We note that Sir John Chilcot himself, drawing on the same available evidence, told the Liaison Committee that:

I absolve him [Tony Blair] from a personal and demonstrable decision to deceive Parliament or the public—to state falsehoods, knowing them to be false. That I think he should be absolved from. However, he also exercised his very considerable powers of advocacy and persuasion, rather than laying the real issues, and the information to back the analysis of them, fairly and squarely in front of Parliament or the public. It was an exercise in advocacy,

136 Commons Hansard 30 November 2016, [Vol. 617 col. 1548](#).

137 Commons Hansard 30 November 2016, [Vol. 617 col. 1527](#).

138 Dr Glen Rangwala, November 2016, [‘The deliberate deception of Parliament’](#), p.1.

not an exercise in sharing a crucial judgment—as has been said already this afternoon, one of the most important, if not the most important, since 1945.¹³⁹

81. **Dr Glen Rangwala’s report makes a case, drawing from evidence presented in the Chilcot report, that the former Prime Minister, Rt Hon Tony Blair deliberately misled the House of Commons in advance of the decision to go to war in Iraq. We acknowledge the seriousness of Dr Rangwala’s conclusions and recognise that his report supports the view held by many members of the House. We note, however, that Sir John Chilcot believes that there was no personal and demonstrable decision by the then Prime Minister to deceive Parliament or the public. This Committee is not in a position to take up and investigate further Dr Rangwala’s conclusions. Should further evidence, beyond the Chilcot report, come to light that supports Dr Rangwala’s arguments, the House may wish to refer this matter to the Privileges Committee to take further.**

Cross-departmental Coordination

82. The Iraq Inquiry highlights the lack of cross-departmental coordination as an area of persistent weakness throughout the UK’s engagement with Iraq. At the start of the UK’s military operations, the Government had not, among other things, “established mechanisms within Whitehall which could coordinate and drive postconflict reconstruction” or “allocated responsibility to any department or unit for planning and delivering the UK’s contribution to postconflict reconstruction”.¹⁴⁰ Weaknesses in cross-departmental coordination persisted throughout the reconstruction effort. Sir John Chilcot, responding to a question from the Chair of the International Development Committee about lessons for the Department for International Development, emphasised how Departments had operated in silos:

The truth of the matter is that there was between Whitehall Departments, not least the Ministry of Defence and the Department for International Development, a wide gap, and bridges were not constructed across that gap with any effectiveness, at least until right at the end and never throughout our long engagement in Iraq, to any great effect.¹⁴¹

83. The Inquiry report shows that while the Prime Minister was leading on the UK’s strategy in Iraq, Whitehall did not operate as a coherent unit and strategy was not properly implemented at the Departmental level. As the report says:

A recurring issue between 2003 and 2007 was the difficulty of translating the Government’s strategy for Iraq into action by departments. The system that drove policy on the invasion of Iraq, which centered on No.10, could not be easily transformed into a system for the effective management of the aftermath, in which a coherent collective effort was needed to pull together the many interrelated strands of activity required. Although Iraq

139 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q114.

140 The Iraq Inquiry, July 2016, *The Report of the Iraq Inquiry*, [Vol 9, Section 10.4](#), HC 265–IX, p.529, para 4.

141 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q44.

was designated the UK's highest foreign policy priority, it was not the top priority within individual departments. As a consequence, Whitehall did not put significant collective weight behind the task.¹⁴²

84. As outlined above, the Cabinet Secretary indicated two changes that have been made to improve the coordination between departments when delivering cross-cutting priorities: i) the establishment of the National Security Council, and; ii) the creation of 'joint units'. The Cabinet Secretary stressed that in particular, the officials' subcommittee of the National Security Council "themselves drive a much greater appreciation of cross-departmental challenges and cross-departmental partnership and working".¹⁴³ Sir John Chilcot acknowledged that the National Security Council could play a role in promoting cross-departmental cooperation.¹⁴⁴

85. In relation to joint units, the Inquiry report cautions that the existence of cross-departmental units alone will not be sufficient for ensuring coherence across Whitehall. In their lessons on reconstruction, the authors of the report warn:

Departmental priorities and interests will inevitably continue to diverge even where an inter-departmental body with a cross-government role, currently the Stabilisation Unit (SU), is in place. Therefore, cooperation between departments needs continual reinforcement at official and Ministerial levels.¹⁴⁵

86. In evidence to the Liaison Committee, Sir John Chilcot suggested that the role of the Prime Minister is too demanding for the post-holder to be able to personally dedicate the necessary level of attention to a task like Iraq. He asked:

can a modern British Prime Minister, with the 24-hour-a-day, seven day-a-week pressures coming in from every side, be expected to retain a running consciousness of detail... about one thing along with everything else at the same time?¹⁴⁶

87. The Iraq Inquiry report recommends that for an effort comparable to the UK's post-conflict engagement in Iraq, there should be a lead Minister who is responsible for coordinating Departments:

The management, in Whitehall, of a cross-government effort on the scale which was required in Iraq is a complex task. It needs dedicated leadership by someone with time, energy and influence. It cannot realistically be done by a Prime Minister alone, but requires a senior Minister with lead responsibility who has access to the Prime Minister and is therefore able to call on his or her influence in resolving problems or conflicts. A coherent inter-departmental effort, supported by a structure able to hold departments to account, is required to support such a Minister.¹⁴⁷

142 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Vol 8, Section 9.8](#), HC 265–VIII, p.501, para 181.

143 Sir Jeremy Heywood [Q72](#).

144 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q69.

145 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.135, para 878.

146 Liaison Committee, November 2016, Oral evidence: [Follow up to the Chilcot Report](#), HC 689, Q145.

147 The Iraq Inquiry, July 2016, [The Report of the Iraq Inquiry, Executive Summary](#), HC 264, p.135, para 865.

88. When we put this recommendation to Sir Jeremy Heywood, he acknowledged that he could “see the case for it” but expressed some doubt that a Prime Minister would be willing to delegate to another Minister the responsibility for coordinating a programme as significant as UK engagement with Iraq.¹⁴⁸

89. Whatever Sir Jeremy Heywood’s advice, the Government has adopted a “lead minister” model with regard to the implementation of the UK’s decision to leave the European Union. The Iraq Inquiry’s recommendation was foreshadowed in the proposal made by the Chair of this Committee following the EU referendum, that a non-departmental Minister within the Cabinet Office should be appointed to coordinate the cross-government effort of leaving the EU. This proposal is attached as Annex 1. In fact, the Prime Minister went even further, appointing Rt Hon David Davis MP as Secretary of State for Exiting the European Union and establishing a whole new Department of State to lead on this policy.

90. **We note with approval the Government’s efforts to improve cross-departmental coordination through the National Security Council and through the growth of permanent cross-departmental ‘joint units’. However, these alone are insufficient for improving cross-departmental coordination for the delivery of complex policies. We agree with the recommendation of the Iraq Inquiry that a senior Minister with lead responsibility should be appointed to manage cross-departmental issues when they are of a scale and importance comparable to UK post-conflict engagement in Iraq. The present Government can be seen to have done exactly this by appointing a lead Secretary of State for Exiting the European Union. The Government must also set out how it is going to encourage a positive attitude amongst officials towards joint departmental working, to promote the right behaviours that support cross-departmental coordination.**

Conclusions and recommendations

The Iraq Inquiry: shortcomings in the inquiry process

1. The Iraq Inquiry took far longer to conclude its work and to publish its findings than was intended. This is a matter for regret, especially for the men and women who were killed or injured in the conflict, and for their families. The protracted process has also undermined the very public confidence the Inquiry was established to strengthen, as well as undermining confidence in the Inquiry itself. For some, the delays have left the impression that the Chilcot Inquiry was a device to delay proper scrutiny and to obscure who should be held accountable. Others have suggested the sheer scope of the Inquiry's terms of reference made its length inevitable. We agree that, in future, there must be a much clearer setting of expectations at the outset of an inquiry, but PACAC has concluded that further lessons can and must be learned about how to prevent such unacceptable delays in future inquiries. *The Cabinet Secretary indicated that the Government would consider further the question of how the Iraq Inquiry could have been carried out more quickly. We urge that this assessment is concluded as a matter of urgency and its findings reported to Parliament, so that both Government and Parliament can take the necessary steps to ensure that future Inquiries, particularly those with comparable scope and scale to the Iraq Inquiry, do not experience such unacceptable delays.* (Paragraph 31)
2. We remain concerned about the lack of mechanisms for meaningful Parliamentary oversight over the establishment of both statutory and non-statutory inquiries. (Paragraph 36)
3. In line with previous recommendations by the Public Administration Select Committee (PASC), our predecessor Committee, we conclude that Parliament should have been much more actively involved in establishing and setting up the Iraq Inquiry. There was only informal consultation with opposition parties and Select Committee Chairs by Sir John Chilcot, and an Opposition Day debate on the Floor of the House of Commons. *In future, there should be a full debate and a vote on an amendable motion, setting out the precise terms of reference, an estimated time-frame and a proposed budget for the inquiry. Before such a debate, Parliament should establish an ad-hoc Select Committee to take evidence on the proposed remit and to present formal conclusions and recommendations to the House. The Select Committee should also recommend whether the inquiry should be a Privy Council or statutory inquiry, and it should conduct a pre-appointment hearing with the proposed inquiry Chair. Only then should the remit and the Chair of the inquiry be put before Parliament for final approval, along with a timetable and a budget for the inquiry, so that Parliament can act on the considered recommendations of the Select Committee.* (Paragraph 37)

Implications for the Machinery of Government

4. The Government is conducting a 'lessons learned' investigation across Whitehall, coordinated by the National Security Adviser, into the substantive criticisms of the machinery of government made by the report of the Iraq Inquiry. *The Government*

must provide, in its formal response to this Report, a date for when this exercise will be completed. The findings should be reported to Parliament so that PACAC and other relevant Select Committees can scrutinise and comment on the investigation, and so that Parliament is able to hold the government to account for the implementation of its recommendations. (Paragraph 43)

5. We remain concerned that the National Security Council (NSC) continues to lack capacity for strategic analysis and assessment. This was highlighted both by the Public Administration Select Committee in the previous Parliament, and by other Select Committees of this House. The Government has not accepted the various recommendations to address this lack of capacity, and yet the way in which successive governments have approached issues such as Libya underlines this fundamental weakness in the operation of NSC. A review coordinated by the National Security Adviser within the constraints of Whitehall is neither independent nor sufficient for reviewing the effectiveness of the NSC. *We therefore reiterate the recommendations of our predecessor Committee, PASC, across its three reports on strategic thinking in government, that the NSC requires far greater capability in strategic thinking and analysis and would greatly benefit from having its own capacity to synthesise assessment and analysis from across Whitehall and elsewhere. We also fully support the recommendation of the Foreign Affairs Committee, that the Government should commission an independent review of the National Security Council. The Government should consider how the NSC can promote more robust collective strategic analysis and assessment as part of decision-making, both within the NSC itself and across Government. (Paragraph 44)*

6. It is generally agreed that the Prime Minister of the day should never have written “I will be with you whatever” in his letter to the President of the United States, against the official advice and without the explicit agreement of his key ministers. This is just one of a number of examples identified by the Iraq Inquiry of the breakdown of collective ministerial decision-making over the development of UK policy on Iraq before the invasion. It is no longer acceptable that the present arrangements should continue without stronger means to prevent key ministers, or even the whole Cabinet, from being side-lined. Beyond making representations to Ministers and to the Prime Minister, short of resignation, the Cabinet Secretary does not have any formal recourse to object to a Prime Minister’s chosen course of action in the event that he or she wishes to disregard the procedures for decision-making set out in the Cabinet Manual. We are in no doubt whatsoever that this absence of safeguards cannot persist. (Paragraph 53)

7. The Cabinet Secretary’s assurance that there is no risk to collective Cabinet decision-making under the current administration, provides no assurance for the future. Collective Cabinet decision-making, having broken down, must be reinstated in order to restore trust. The time to learn these lessons from the Iraq Inquiry and to implement them is now. *PACAC recommends that the substance of the proposal of the Better Government Initiative should be adopted. There should be a mechanism of written Ministerial direction, similar to that used by Departmental Accounting Officers, reflecting the responsibility of the Cabinet Secretary and other senior officials to ensure that proper procedure is followed as set out in the Cabinet Manual. If a senior official requests such a direction, it should be at his or her discretion whether*

this direction should be made immediately known to Parliament, through PACAC or the relevant Select Committee, or placed in the public archive for delayed release. As an alternative, the official should also be able to notify Privy Counsellors. Such a mechanism would dispel any doubt about the Cabinet Secretary's direct responsibilities. Furthermore, it would make clear to Ministers the vital importance of following proper procedure and of taking proper advice on matters of procedure. (Paragraph 57)

8. While members of the Cabinet did not initially have a say in what legal advice they were presented with, or the extent to which they were consulted on key decisions, they were in a position to demand more rigorous consultation when this did not materialise. The case of the legal advice underlines this point: in our view, more robust scrutiny of the legal advice by Cabinet Ministers could have exposed and mitigated the unsatisfactory process through which the legal basis for war was compiled. *In future, when the Cabinet is being asked to support significant decisions, such as whether the UK Government should commit to military action, which are based on legal considerations, the Cabinet Manual should be clear about proper procedure. The Cabinet Secretary should be under an obligation to ensure the Cabinet receives comprehensive legal advice, and he or she should have recourse to the proposed mechanism of written Ministerial direction we recommend above to ensure this happens. (Paragraph 67)*
9. It is welcome that the Government acknowledges that a culture and spirit of challenge is essential for good decision-making in government. And that this means not only having the right meetings and the right people in the meetings, but making sure that meetings are effective. We also agree with Sir John Chilcot that structures and institutions are all very well, but that it is the people and the way they work that really matter. *We recommend that the National Security Adviser conducts an analysis of meetings of, and around, the National Security Council (NSC), to establish what makes meetings effective. This might include considering how to promote openness and candour within meetings, and an atmosphere of trust, as well as the use of briefs that synthesise cross-departmental analysis and assessment, rather than the normal departmental briefs. The Government should report on the NSA's findings to PACAC, in confidence if necessary. (Paragraph 68)*
10. We believe that the ongoing issue of Parliament's access to sensitive information underpins the need for an open conversation between Government and Parliament on this matter, so that Parliament can be confident of its full ability to scrutinise Government decisions. (Paragraph 71)
11. We recognise that sensitive intelligence information cannot be scrutinised openly by Parliament. Nevertheless, the case of the September dossier highlights the critical importance of strengthening the checks and assessments on intelligence information when it is used to make the case for Government policies. *We agree with the Iraq Inquiry that the Intelligence and Security Committee should play a key role in this regard. We also recommend that the Government considers how to bolster the independence of the Chair of the Joint Intelligence Committee. It would be more independent if its place in the career structure were altered. It should be a matter of policy that those appointed to the role should not also be seeking promotion to a more*

senior role. We recognise that this may mean upgrading the post to the equivalent of Permanent Secretary, in order to attract the necessary quality of individual. (Paragraph 77)

12. PACAC agrees with the assessment that alongside our criticism of the procedures of government in relation to the decision to go to war in Iraq, and together with our consideration of how the machinery of government can be improved to safeguard against such failings in the future, there is a further task. We, as Parliamentarians, must also reflect upon how Parliament could have been more critical and challenging of the Government at the time. This, we believe, is a vital consideration, not just for the Intelligence and Security Committee, the Foreign Affairs Committee and the Defence Committee but for every Committee of this House. It is a lesson of which we must be consistently mindful, throughout all aspects of our work and scrutiny of Government. (Paragraph 79)
13. Dr Glen Rangwala's report makes a case, drawing from evidence presented in the Chilcot report, that the former Prime Minister, Rt Hon Tony Blair deliberately misled the House of Commons in advance of the decision to go to war in Iraq. We acknowledge the seriousness of Dr Rangwala's conclusions and recognise that his report supports the view held by many members of the House. We note, however, that Sir John Chilcot believes that there was no personal and demonstrable decision by the then Prime Minister to deceive Parliament or the public. This Committee is not in a position to take up and investigate further Dr Rangwala's conclusions. Should further evidence, beyond the Chilcot report, come to light that supports Dr Rangwala's arguments, the House may wish to refer this matter to the Privileges Committee to take further. (Paragraph 81)
14. We note with approval the Government's efforts to improve cross-departmental coordination through the National Security Council and through the growth of permanent cross-departmental 'joint units'. However, these alone are insufficient for improving cross-departmental coordination for the delivery of complex policies. *We agree with the recommendation of the Iraq Inquiry that a senior Minister with lead responsibility should be appointed to manage cross-departmental issues when they are of a scale and importance comparable to UK post-conflict engagement in Iraq. The present Government can be seen to have done exactly this by appointing a lead Secretary of State for Exiting the European Union. The Government must also set out how it is going to encourage a positive attitude amongst officials towards joint departmental working, to promote the right behaviours that support cross-departmental coordination.* (Paragraph 90)

Annex: Note from the Chair of PACAC to the Cabinet Office on Leaving the EU and the Machinery of Government

Leaving the EU and the Machinery of Government

The heart of the process of leaving the EU comprises the negotiation of the UK's "withdrawal agreement" with the EU, as referred to in Article 50. Leaving the EU represents perhaps the most significant test to face Whitehall since 1945, not least because of the absence of pre-referendum contingency planning in Whitehall.

A key question for the new Prime Minister is to decide the extent to which negotiations should extend beyond the process of leaving the EU to include a comprehensive agreement which defines future UK-EU relations. In order to minimise uncertainty, the UK government should wish to leave the EU as swiftly as possible. The withdrawal agreement should reflect this political urgency and be capable of swift implementation.

Whitehall now faces three distinct tasks:

- (1) Agree the terms of the Article 50 withdrawal agreement, covering issues such as the acquired rights of EU and UK nationals; budget matters; and arrangements for the transfer of programmes and vital activities under EU institutional jurisdiction to the UK Government and/or placed on to a government-to-government basis.¹⁴⁹ It may also be necessary to address some issues covered by pan-EU regulation, such as civil aviation, and data protection and control.
- (2) Agree the terms of the UK's future relationship with the EU. For example, in the case of leaving the EU customs union, this will include the need to negotiate a free trade agreement with the European Union, based on the WTO's 'trade by rules of origin'.¹⁵⁰
- (3) Establish a new relationship with non-EU nations and international organisations. This also involves the additional task of negotiating with the 50–60 non-EU countries which have a trade agreements with the EU.

Key questions about the coordination of the machinery of Government, and the capability and capacity of the Civil Service, must be addressed in order to carry out these tasks concurrently. For example, should a new 'Brexit' Department be established, drawing in both the Cabinet Office's EU unit and other arms of Government (e.g. UK Trade and Investment), headed by a dedicated 'Secretary of State for Brexit'? And how can the Civil Service quickly develop the capability necessary to conduct trade negotiations with both the EU and non-EU member states when this function has been outsourced since 1972?

149 For example: research and science funding; agricultural support; regional and structural funds; and on an intergovernmental level; security coordination and counterterrorism.

150 WTO, [Technical Information on Rules of Origin](#).

How to structure the required negotiating capacity?

It is instructive to look at Whitehall's preparation for, and organisation during, the 1970–71 European Communities (EC) accession negotiations. During this period, there was a single ministerial lead on negotiations (who had a seat in Cabinet by virtue of being Chancellor of the Duchy of Lancaster) and alongside this a Ministerial Group on the Approach to Europe (AE), chaired by the Foreign Secretary. While this ministerial group was supported by an official level committee, entitled AE (O), consisting of Deputy Secretaries (equivalent to Director Generals today), the detailed preparation of negotiations was coordinated through a Working Group on Europe (WGE).

The Cabinet Office European Unit (COEU) played a key role in coordination both during negotiations and in terms of preparing Whitehall departments for the accession. The WGE, which brought together officials from relevant departments and members of the negotiating team, was chaired by a COEU Deputy Secretary (Peter Thornton), while the COEU also took charge of the preparations for accession from the drafting of the Government's formal statement on entry to overseeing the drafting of the European Communities Act 1972.¹⁵¹

With the COEU playing a leading role in the process of coordinating Whitehall during the accession negotiations, every government department had to acquire a sense of what EC membership implied. This involved the establishment of several permanent new functions, such as UKREP in FCO, a new division in MAFF with over 400 staff to run the new CAP, and in Treasury to understand the new budget requirements and to forecast the net contributions to the EC.

Leaving aside the absence of a contingency plan for delivering Brexit, pre-referendum, the actual tasks now facing Whitehall may not necessarily be any more challenging or complicated than in 1970–71. Some additional capacity will be required (policy development, trade negotiating, increased diplomatic representation) and this will require some more resources. However, the process of leaving the EU can make use of the acquired knowledge and expertise which resides in the Whitehall EU machinery, and so will not require the same kind of adaptation.

Impact of Devolution

Today's machinery of government will have to take account of one other change of circumstance since the early 1970s, namely devolution to Scotland, Wales and Northern Ireland. Arrangements will have to be put in place to consult and involve the devolved administrations and their legislatures so that their concerns and aspirations are immediately and continually represented in the process. This will have to be mindful that neither Scotland nor Northern Ireland voted to leave the European Union in the referendum. Gibraltar will also require special consideration.

Options for the structure of government

There are a number of options for ministerial oversight of Brexit, including the possibility of a 'Secretary of State for Brexit' based in a new 'Ministry for Brexit'; or the appointment

151 See Bulmer and Burch, *The Europeanisation of Whitehall: UK Central Government and the European Union* (Manchester University Press, 2009).

of a lead Secretary of State in another government department (e.g. Treasury, FCO or DBIS); or a lead Brexit minister of cabinet rank based in the Cabinet Office and working to the Prime Minister and with other government departments. Again, the experience of the early 1970s is instructive.

Tony Barber, followed by Geoffrey Rippon, was given cabinet rank as Chancellor of the Duchy of Lancaster and made responsible for the Cabinet Office machinery and for coordinating across accession negotiations all government departments. This suited the then Prime Minister who wanted to be closely involved in the negotiations and preparations for EC membership. He wanted all departments to think and act European. The possibility of a new Ministry for Europe was discussed but not seriously considered. Either it would have had to be given such extensive powers over other government departments, with the potential for conflicts at the centre, or it would too easily be marginalised. It was also felt that a lead department such as Treasury or FCO would never be wholly trusted to be impartial with the rest of Whitehall.

The arguments made against a Ministry for Europe in 1970–71, are just as applicable to a Department for Brexit today. The reality is that, as with joining the EC in the 1970s, leaving the EU is a whole-of-government project. The Prime Minister, supported by the Cabinet Secretary as Head of the Civil Service, must be able to provide overall leadership to both the Civil Service, and to the Cabinet, to provide oversight and to approve key policy decisions. No other arrangement could provide as effectively for these key elements. The chosen minister will take over responsibility for the emerging Cabinet Office Brexit unit and would report to the Prime Minister, just as Oliver Robins, the new Second Permanent Secretary in charge of the new EU Unit, already reports to the Cabinet Secretary. Together they will service the relevant Cabinet Sub-Committee and coordinate officials and ministers across Whitehall. This approach avoids duplication, and puts the new Prime Minister with the Cabinet Secretary in overall control of policy and process. It would also remove the risk of rival power structures, by providing a clear chain of political authority, while the Brexit unit in the Cabinet Office can optimise policy and resource coordination across Whitehall.

How to develop the right capability and skills?

The new Cabinet Office EU Unit is in the process of conducting a capability audit. This audit should address what resources the Unit requires to scope the terms of withdrawal from the EU, as well as where these resources should be drawn from. This audit should be led by a dedicated HR director with the task of drawing together the right people and talent. Civil servants from across Whitehall will need to be brought into the new Unit, with the emphasis on quality rather than quantity. The Unit should draw on the resources and capability of the UK Permanent Representation to the EU (UKRep), to support intergovernmental discussions before the invocation of Article 50, as well as actual negotiations with and through the EU institutions.

UKRep is practiced at working to a cross-government remit. Where there are gaps identified by the capability audit, steps should be taken to recruit lawyers, sectoral analysts and specialists on short term contracts. This will require some increase in headcount, and the government must be prepared to recruit some key skills and experience from outside, perhaps at considerable cost.

This applies particularly to expertise in trade and trade negotiations. Having “outsourced” competence in trade negotiations to the EU for the past 40 years the Civil Service now lacks any significant capacity to conduct trade negotiations. It has been estimated that currently there are only between 12 and 20 officials in Whitehall with direct knowledge of trade negotiations.

However, several hundred are likely to be required and Sir Simon Fraser, former Permanent Secretary to the FCO, has been clear about the scale of this capability gap. It is worth emphasising that this is not a shortfall which can be addressed by adopting Lord Kerslake’s calls to reverse recent and forthcoming cuts to Government departments: this is a capability and responsibility which the Civil Service has not required much for over 40 years.¹⁵²

Developing negotiating capacity will have to proceed with haste. As a first step, contact is being made with friendly countries that have recently concluded, or are in the process of concluding, trade agreements with the EU e.g. Canada and the United States¹⁵³, and we can draw on the negotiating expertise of our Commonwealth partners such as Australia, New Zealand and India. This contact should focus on the different resources that have been expended on these trade negotiations and include secondments aimed at bolstering our domestic negotiating capacity. In terms of international examples of the resources that may be required, it should be noted that Canada, which has recently negotiated a (yet to be ratified) Free Trade Agreement with the European Union, spends over 80,000,000 Canadian dollars on its Integrated Foreign Affairs, Trade, and Development Policy.¹⁵⁴ This policy area commands 830 (FTEs) officials working in this area, and while many of these officials will not be involved with the Canada-EU agreement, Canada’s Trade Commissioner Service has representation in 26 of the 28 EU capitals.¹⁵⁵

The Government must be prepared to invest in crucial skills, expertise and knowledge and to pay accordingly to attract top negotiators from overseas and from the private sector to lead the process. Particularly strenuous efforts should be made to convince the 1,000 plus UK nationals currently working for the European Commission to return to Whitehall, especially those working in key areas such as Financial Services and Trade, by offering more than competitive pay and conditions.¹⁵⁶ Their knowledge of European institutions will be crucial to providing the UK with the best possible basis with which to go into withdrawal and trade negotiations. During this capacity building period, the Government may wish to consider asking suitably experienced and recently retired Civil Servants to become involved on a part-time/short-term basis.

At the same time, the Civil Service should take steps to quickly upskill a new profession of talented and effective negotiators. A training programme to develop expertise in, for example, trade negotiations and tariff agreements, could be quickly established. The development of the new Civil Service Leadership Academy at Shrivenham should be accelerated. It should offer intensive training to turn out graduates with the basic skills and knowledge in trade and trade negotiations to augment the expertise brought in from elsewhere.

152 Civil Service World. Former civil service head Lord Kerslake: [Brexit challenge should prompt rethink on job cuts](#).

153 European Commission, [Overview of FTA and other Trade Negotiations, May 2016](#).

154 Canadian Government, Global Affairs Canada: [Report on Plans and Priorities 2016–17](#).

155 Canadian Government, [The Canadian Trade Commissioner Service](#).

156 European Commission, [Officials, temporary staff and contract staff by nationality and directorate-general, February 2016](#).

Civil Service Learning should also rapidly institute a new programme of residential courses to provide a framework to enable all civil servants to explore, understand and to embrace both the consequences and the opportunities opened up by leaving the EU. There is more need than ever for the “unified approach” to Civil Service Skills called for in PASC’s 2015 report.¹⁵⁷

What other capacity will be required for Government departments?

As civil servants are loaned from departments such as the FCO, HMT, BIS and Defra to the new Cabinet Office Unit, it is crucial that the capacity of these other departments is not hollowed out, resulting in them becoming dangerously reactive in other policy areas. Where resources have been stripped out to facilitate EU negotiations they must be replaced. In addition, every Government department must now consider as a matter of urgency what extra activities will need to be undertaken before and after leaving the EU, and consider what extra resources are required for this.

This challenge is particularly critical for the FCO, which must be properly resourced to make the most of the opportunities for new global partnerships offered by leaving the EU, but has seen its operating budget cut substantially in recent years. In 2008–9, the Department spent £2.116 billion pounds, but in 2014–15 spent only £1.878 billion. The Foreign Affairs Select Committee said in 2014–15 that FCO only had discretion over £700 million of that budget.¹⁵⁸ The Foreign Secretary told the committee that “we are pretty close to the irreducible minimum of UK-based staff on the network”, a minimum based on pre-Brexit demands upon that network.¹⁵⁹ In particular, some FCO expenditure counts towards the UK’s Official Development Assistance (ODA) target (0.7% of GNI) and officials suggested to the committee that non-ODA budgets in FCO were particularly under strain.¹⁶⁰ In the spending review the Chancellor announced that FCO’s budget would be protected in real terms.¹⁶¹ However the Foreign Office will require real terms increases to assist in the “major diplomatic set of initiatives” called for by Sir Simon Fraser in the wake of the referendum result.¹⁶²

Across Whitehall, there is a danger that Brexit could distract from other policies and activity, limiting the overall effectiveness of the Government. To gauge the appropriate level of resources required across Whitehall as a whole, and the specific needs of each department, each department should conduct its own capacity audit. This will assess what extra capacity is required to absorb the likely impact of Brexit, taking into account each department’s existing capacity and workload.

What should happen to BIS?

There should be a new trade directorate set up within the Department for Business, Innovation and Skills (which might itself be renamed the Department for Trade and Industry to reflect its new role) responsible for negotiating trade deals. Negotiations with

157 Public Administration Select Committee, *Developing Civil Service Skills: a unified approach*, Fourth Report of Session 2014–15, HC 112.

158 Foreign Affairs Select Committee, *The FCO and the 2015 Spending Review* October 2015 p.3

159 *Ibid*, p.8.

160 *Ibid*, p.12.

161 HM Treasury, *Spending Review and Autumn Statement*, November 2015.

162 Civil Service World, *Boost Foreign Office budget for Brexit fallout, says former top diplomat Sir Simon Fraser*.

the 50–60 countries which the EU currently has trade deals with, and with countries such as the United States, Australia and New Zealand who have already expressed a strong interest in agreeing trade deals with the UK, must begin straight away, ready to be signed off on the day the UK formally leaves the EU.¹⁶³ This directorate should have a high level advisory group drawn from the City, business, and think tanks to inform its broader strategy.

The imperative of improving Civil Service Engagement

Perhaps the greatest challenge concerns how to address the hopes and fears of officials in Whitehall. The Civil Service of the 1970s was well prepared and oriented for the task of negotiating entry to the EC following years of policy development under successive governments. Today, the referendum decision has arrived like a bolt from the blue, leaving much of the Civil Service, and indeed many ministers, initially in a state of shock, without any idea of the implications of Brexit. As well as equipping Whitehall with the necessary capabilities and capacity, it will be vital to understand the impact of the referendum result and forthcoming negotiations on civil servants, both collectively and individually.

Leaving the EU quickly and smoothly will depend on officials across Whitehall. The senior leadership of the Civil Service should consider how best to motivate civil servants across Whitehall on a sustained basis. It is not just a challenge, but an opportunity for permanent secretaries to renew efforts to raise levels of engagement throughout their departments. The Prime Minister, as Minister for the Civil Service, has a vital role in ensuring that all ministers also understand the importance of this.

This is an important moment in the history of Whitehall and of the Civil Service. There are critics of today's civil servants who no longer support the continuation of the Northcote-Trevelyan settlement. They are looking for Whitehall to prove incapable of implementing this dramatic and fundamental reverse of post-war policy towards Europe. The SCS leadership must imbue their departments with the enthusiasm and determination to pursue this new policy, but without closing down the discussion of concerns which are essential to the development of new learning and to securing the best outcomes.¹⁶⁴

163 Civil Service World, [Brexit trade deals will need beefed-up Department for Business, Innovation & Skills – Bernard Jenkin](#)

164 Public Administration Select Committee, [Truth to power: how Civil Service reform can succeed](#), Eighth Report of Session 2013–14, HC 74, September 2013.

Formal Minutes

Monday 27 February 2017

Members present:

Mr Bernard Jenkin, in the Chair

Ronnie Cowan Mr Andrew Turner

Kelvin Hopkins

Draft Report (*Lessons still to be learned from the Chilcot Inquiry*), proposed by the Chair, brought up and read.

Paragraphs 1 to 90 read and agreed to.

Annex agreed to.

Summary agreed to.

Resolved, That the Report be the Tenth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Tuesday 28 February at 9.15am.]

Witness

The following witness gave evidence. The transcript can be viewed on the [inquiry publications page](#) of the Committee's website.

Wednesday 14 September 2016

Question number

Jeremy Heywood, Cabinet Secretary and Head of the Civil Service

[Q1–84](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2015–16

First Report	Follow-up to PHSO Report: Dying without dignity	HC 432 (HC 770)
Second Report	Appointment of the UK's delegation to the Parliamentary Assembly of the Council of Europe	HC 658 (HC 962)
Third Report	The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators	HC 431 (HC 980)
Fourth Report	The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall	HC 433 (HC 963)
Fifth Report	The Future of the Union, part one: English Votes for English laws	HC 523 (HC 961)
Sixth Report	Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd	HC 793 (HC 258)
Seventh Report	Appointment of the Commissioner for Public Appointments	HC 869
Eight Report	The Strathclyde Review: Statutory Instruments and the power of the House of Lords	HC 752
Ninth Report	Democracy Denied: Appointment of the UK's delegation to the Parliamentary Assembly of the Council of Europe: Government Response to the Committee's Second Report of Session 2015–16	HC 962
Eleventh Report	Better Public Appointments? Follow-up and the Government Response to the Committee's Third Report, Better Public Appointments?: The Grimstone Review on Public Appointments	HC 1062
First Special Report	Developing Civil Service Skills: a unified approach: Government Response to the Public Administration Select Committee's Fourth Report of Session 2014–15	HC 526
Second Special Report	Lessons for Civil Service impartiality for the Scottish independence referendum: Government Response to the Public Administration Select Committee's Fifth Report of Session 2014–15	HC 725

Third Special Report	Follow-up to PHSO Report: Dying without dignity: Government response to the Committee's First Report of Session 2015–16	HC 770
Fourth Special Report	The Future of the Union, part one: English Votes for English laws: Government response to the Committee's Fifth Report of Session 2015–16	HC 961
Fifth Special Report	The collapse of Kids Company: lessons for charity trustees, professional firms, the Charity Commission, and Whitehall: Government Response to the Committee's Fourth Report of Session 2015–16	HC 963
Sixth Special Report	The 2015 charity fundraising controversy: lessons for trustees, the Charity Commission, and regulators: Government response to the Committee's Third Report of Session 2015–16	HC 980

Session 2016–17

First Report	PHSO review: Quality of NHS complaints investigations	HC 94 (HC 742)
Second Report	Appointment of the Chief Investigator of the Healthcare Safety Investigation Branch	HC 96
Third Report	Better Public Appointments?: The Grimstone Review on Public Appointments	HC 495
Fourth Report	Appointment of the First Civil Service Commissioner	HC 655
Fifth Report	Follow-up to PHSO report on unsafe discharge from hospital	HC 97 (HC 1016)
Sixth Report	The Future of the Union, part two: Inter-institutional relations in the UK	HC 839
Seventh Report	Will the NHS never learn? Follow-up to PHSO report 'Learning from Mistakes' on the NHS in England	HC 743
Eighth Report	Appointment of the Parliamentary and Health Service Ombudsman	HC 810
Ninth Report	Appointment of the Chair of the UK Statistics Authority	HC 941
First Special Report	Follow up to PHSO Report of an investigation into a complaint about HS2 Ltd: Government and HS2 Ltd responses to the Committee's Sixth Report of Session 2015–16: First Special Report of Session 2016–17	HC 258
Second Special Report	PHSO review: Quality of NHS complaints investigations: Government response to the Committee's First Report of Session 2016–17	HC 742
Third Special Report	Follow-up to PHSO report on unsafe discharge from hospital: Government Response to the Committee's Fifth Report of Session 2016–17	HC 1016