

**ANTHONY GRAINGER INQUIRY  
MANAGEMENT STATEMENT**

**29 November 2017**

## INTRODUCTION

- 1.1. This Management Statement has been drawn up by the Home Office ("HO") in consultation with the Anthony Grainger Inquiry (Inquiry). The purpose of the document is to ensure that clear roles and responsibilities are in place which will facilitate the smooth running of the Inquiry's work. This document relates specifically to sponsorship of the Inquiry by the Home Office. It does not seek to detail how the operational activity of the Inquiry will be conducted.
- 1.2. The Inquiry has been set up by the Home Secretary to discharge the Terms of Reference set out in Annex A. It is in the public interest for the Inquiry's work to be conducted at all times in a way that ensures:
  - 1.2.1. the independence of the Inquiry to determine how to undertake its work in order to meet the Terms of Reference;
  - 1.2.2. the thorough examination and consideration of all the evidence and issues that the Inquiry determines to be pertinent to its Terms of Reference in order to ensure that its report is complete and robust;
  - 1.2.3. the fair and equitable treatment of witnesses and all other parties whose interests are affected by the work of the Inquiry; and
  - 1.2.4. that the Inquiry's work is conducted as economically and expeditiously as possible.
- 1.3. None of the provisions in this document shall be read or applied in such a way as to derogate from or compromise these principles.
- 1.4. In addition, the HO will take all reasonable steps to provide the Inquiry with an appropriate budget having due regard to securing value for public money so as to enable the Inquiry to fulfil its Terms of Reference in an efficient and expeditious manner.
- 1.5. The Management Statement sets out the broad framework within which the Inquiry will operate and includes:
  - 1.5.1. the Inquiry's Terms of Reference;
  - 1.5.2. the conditions under which any public funds are provided to the Inquiry;
  - 1.5.3. how the Inquiry must account for its expenditure; and
  - 1.5.4. Other staffing and administrative issues.
- 1.6. This document has been agreed by the Inquiry and the HO. Amendments may be agreed between the Inquiry and the HO at any time. The statement does not

convey any legal powers or responsibilities. A separate Ways of Working document details the processes by which the HO and Inquiry will conduct sponsorship-related business, including: financial management and risk management.

- 1.7. The HO has processes in place to ensure there is clear separation between the Home Office's role as sponsor of the Inquiry and its policy roles. A Sponsorship Statement has been signed by the Director of Resources, Planning and Performance which makes clear that at all times the independence of the Inquiry to meet its Terms of Reference must be secured.

## **2. RESPONSIBILITIES AND ACCOUNTABILITY**

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

- 2.1.1. appointing Inquiry members, to include an Inquiry Chair;
- 2.1.2. setting the Terms of Reference;
- 2.1.3. providing appropriate financial and other resource to the Inquiry;
- 2.1.4. responding to requests to the HO from the Inquiry;
- 2.1.5. reporting to Parliament on the Inquiry's work;
- 2.1.6. responding to requests under the Freedom of Information Act 2000, in accordance with the terms of the Act;
- 2.1.7. receiving the Inquiry's report and laying it before Parliament; and
- 2.1.8. responding to the Inquiry's findings.

2.2. **The Inquiry Chair** is responsible to the Home Secretary for leading the Inquiry in fulfilling its Terms of Reference and reporting the Inquiry's findings. The Chair's duties include:

- 2.2.1. conducting the work necessary to discharge the Inquiry's Terms of Reference;
- 2.2.2. providing strategic leadership to the staff working for the Inquiry;
- 2.2.3. being responsible for the efficient use of resources;
- 2.2.4. ensuring high standards of probity and impartiality; and

- 2.2.5. collating and assessing all the evidence and presenting the Inquiry's findings and recommendations to the Home Secretary.
- 2.3. The Permanent Secretary of the Home Office**, as the Department's Principal Accounting Officer, is responsible for the standard of financial management in the Department as a whole. In this context, the Principal Accounting Officer is accountable to Parliament for spending by the Inquiry. In particular, the Principal Accounting Officer of the HO expects to be assured that:
- 2.3.1. the financial and other management controls applied by the HO to the Inquiry are appropriate and sufficient to safeguard public funds and that the Inquiry's compliance with those controls is effectively monitored; and
  - 2.3.2. the internal controls applied by the Inquiry conform to the requirements of regularity, propriety, value for money and good financial management.
- 2.4. The Sponsor of the Inquiry** is a Director in the Home Office. The Sponsor, in consultation with others as necessary, is the primary source of advice to the Home Secretary on the discharge of her responsibilities in respect of the Inquiry, and the primary point of contact for the Inquiry in dealing with the HO on matters concerning funding, the Inquiry's progress in fulfilling the Terms of Reference, the management of public resources and administration issues. The Sponsor shall advise the Home Secretary of:
- 2.4.1. the agreed budget/forecast for the Inquiry and any material changes;
  - 2.4.2. progress being made by the Inquiry; and
  - 2.4.3. sponsorship issues that the Inquiry would wish brought to the attention of the Home Secretary.
- 2.5. In support of the Principal Accounting Officer, the Sponsor will:**
- 2.5.1. manage the delegation of budget to the Inquiry in accordance with the conditions of delegation;
  - 2.5.2. monitor the Inquiry's expenditure on a monthly basis and progress in fulfilling the Terms of Reference on a continuing basis through regular meetings with the Inquiry Secretary;
  - 2.5.3. address in a timely manner any significant problems raised by the Inquiry concerning its finances or other resources; and
  - 2.5.4. inform the Inquiry of relevant Government policy and procedures relating to financial management in a timely manner, advise as appropriate on the

interpretation of that policy and issue specific guidance to the Inquiry as necessary.

**2.6. The Inquiry Secretary** is the Senior Accountable Officer for the Inquiry and shall ensure that the Inquiry's affairs are conducted with due probity in line with the requirements of Managing Public Money<sup>1</sup> and any subsidiary rules and/or regulations governing expenditure within HM Government. Under the direction of the Inquiry Chair, the Secretary has a particular leadership responsibility for:

- 2.6.1. advising the Inquiry on the efficient and effective use of staff and other resources;
- 2.6.2. ensuring that adequate internal management and financial controls are in place, including effective measures against fraud and theft, and ensuring that any statutory or administrative requirements for the use of public funds are complied with;
- 2.6.3. managing the Inquiry budget in accordance with the letter of budget delegation from the Sponsor;
- 2.6.4. ensuring that all public funds made available to the Inquiry are used for the purpose intended by Parliament, and that such monies, together with the Inquiry's assets, equipment and staff, are used economically, efficiently and effectively and with due regard to value for money principles;
- 2.6.5. ensuring that the Inquiry operates within the limits of its remit and any delegated authority agreed with the Sponsor, and in accordance with any other conditions relating to the use of public funds, including Managing Public Money and HM Treasury approval via the Sponsor for novel and contentious spend, and taking corrective or appropriate action as necessary in response to likely overspends or other adverse financial risks;
- 2.6.6. preparing the Inquiry's programme plan to support the regular liaison between the Inquiry and Sponsor about the expenditure of the allocated budget and progress against the timescales within which the Inquiry expects to fulfil its Terms of Reference;
- 2.6.7. liaising as appropriate with the Sponsor including providing appropriate information to the Sponsor to support the establishment and management of cross-government cost-sharing arrangements;

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<sup>1</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/212123/Managing\\_Public\\_Money\\_AA\\_v2\\_-\\_chapters\\_annex\\_web.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212123/Managing_Public_Money_AA_v2_-_chapters_annex_web.pdf)

- 2.6.8. providing the Sponsor with monthly forecasts and monitoring information on finance (with follow-up meetings if required), and notifying the Sponsor promptly if overspends or underspends are likely or if there are any other significant management or financial or resource problems;
  - 2.6.9. providing the Sponsor with a quarterly update (at a meeting convened by the Sponsor or by any other means agreed) on sponsorship matters;
  - 2.6.10. implementing risk management and other relevant financial or management guidance promulgated by HM Treasury and/or the Cabinet Office;
  - 2.6.11. ensuring effective personnel management policies are in place and maintained. In doing so, the Inquiry must ensure that its policies are in line with the standard guidance appropriate to the Civil Service;
  - 2.6.12. ensuring that suitable whistle-blowing policies and procedures are in place, recognising the Inquiry's independence from the HO.
- 2.7. The Chair and all those engaged to support them shall act in accordance with their wider responsibility to:
- 2.7.1. comply at all times with the rules relating to the use of public funds and to conflicts of interest;
  - 2.7.2. observe and comply with all relevant paragraphs on impartiality, confidentiality and conflicts of interest contained in their terms and conditions;
  - 2.7.3. ensure that information gained in the course of their public service on the Inquiry is not disclosed or misused for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
  - 2.7.4. comply with Government guidance on the acceptance of gifts and hospitality, and of business appointments;
  - 2.7.5. ensure that Government information given to the Inquiry is handled in accordance with Government security regulations; and
  - 2.7.6. act in good faith and in the best interests of the Inquiry.
- 2.8. The HO is responsible for replying to Parliamentary Questions about the Inquiry and to any Freedom of Information Act 2000 requests in relation to information which it holds on the Inquiry for the purposes of the Act. The Inquiry is not a public body as listed by the Freedom of Information Act 2000 but, to ensure openness and transparency, will publish as much information in relation to its work as possible. In

particular the Inquiry will publish information on expenses and costs at the conclusion of the Inquiry.

- 2.9. The Inquiry Sponsor and the Inquiry Secretary will fulfil their respective functions in relation to financial and risk management in accordance with the procedures set out in the agreed Ways of Working document.

### **3. FINANCIAL MATTERS**

3.1. The Inquiry shall operate management information and accounting systems which enable it to review in a timely and effective manner its performance against the budgets and targets set out in its plan and identify the need for corrective or appropriate action as necessary in response to likely underspends, overspends or other adverse financial risks.

3.2. The Inquiry shall present its budget to the Home Office as part of its annual business planning round. This will include a detailed assessment of the budget required to allow the Inquiry to deliver its remit successfully for the following year. The Department's budget, including that of the Inquiry, will be agreed by the Home Secretary annually. Following approval of the budget, the Inquiry will be issued with the following documents:

3.2.1. a sub-delegation letter; and

3.2.2. a statement of any planned change in policies affecting the Inquiry, for example any changes to central cost controls from HM Treasury or the Cabinet Office.

### **4. PROCUREMENT**

4.1. The Inquiry is responsible for its own procurement through the provision of a delegated authority, with an agreed suitable financial limit. The Inquiry must be able to demonstrate that value for money has been secured in relation to each procurement exercise. As required by legislation or policy, consideration will be given to the requirement for competitive tenders to be undertaken as part of the procurement procedures. Any procurement exercise will be conducted in accordance with the relevant Public Procurement Regulations and HO procurement policies. Any contracts that the Inquiry wishes to enter as a result of a procurement exercise that fall outside of the scope and value of the delegated authority will revert to the HO to authorise as Contracting Authority and will be subject to all relevant HO governance and approval processes as may be appropriate.



4.2. Where Cabinet Office approval is required for specific areas of the Inquiry's spend, as set out in the guidance from the Cabinet Office on Gov.uk<sup>2</sup> the Inquiry will work with the HO, as the sponsor department. The HO will, in turn, submit any expenditure proposals to the Cabinet Office on the Inquiry's behalf, copying in HM Treasury, for Cabinet Office approval. The HO will inform the Inquiry of the outcome of submitted proposals.

4.3. All assets procured by the Inquiry contractually rest with the HO.

4.4. The Inquiry will be responsible for managing all contracts to ensure performance delivery and compliance with contract terms and conditions.

## **5. AUDIT**

5.1. All the Inquiry's procedures and processes should comply with HM Government audit requirements. Auditors should be given access to the Inquiry's management records as necessary, but not to records concerning the evidence obtained by the Inquiry, the analysis or interpretation of that evidence, the decisions of the Inquiry, the Inquiry's dealings with witnesses and other parties to the Inquiry's work or any other records where this would conflict with the overriding principles outlined at paragraph 1.2 above.

## **6. REGISTER OF INTERESTS**

6.1. The Inquiry shall maintain written registers of interests of the Chair, updated copies of which will be provided to the Sponsor.

All those working on the Inquiry (which includes the Chair, Counsel, Secretariat staff, contractors and consultants) must declare any interests they have in respect of any nature of the Inquiry's work. Similarly, records should be kept of any financial interest by the Inquiry Chair (to include Panel Members, if these are appointed) or staff in any company and/or consultant engaged in the Inquiry's work. A record should also be kept if any Inquiry staff member knows (social as opposed to a professional context) any of the service providers, interested parties, witnesses or their representatives.

## **7. FRAUD AND THEFT**

7.1. The Inquiry shall adopt and implement policies and practices to safeguard itself against fraud and theft in line with Government guidance.

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<sup>2</sup> <https://www.gov.uk/government/publications/cabinet-office-controls>



7.2. All cases of attempted, suspected or proven fraud shall be reported to the HO immediately, irrespective of the amount involved. The HO may report such matters onward as required by internal procedures.

## **8. DATA PROTECTION**

8.1. The Inquiry will ensure that data security policies are in place and that the Chair, the Inquiry and all those engaged to support them will receive necessary training. The Inquiry will ensure that it adheres to the relevant provisions of the Data Protection Act 1998 and Public Records legislation.

**Signed on behalf of the Inquiry**

Date:

**Signed on behalf of the Home Office**

Date:

### **Terms of Reference**

The Inquiry Terms of Reference are:

To ascertain when, where, how and in what circumstances Mr Anthony Grainger came by his death during a Greater Manchester Police operation, and then to make any such recommendations as may seem appropriate. In particular, it will investigate:

1. The objectives and planning of the operation;
2. The information available to those who planned the operation, and the accuracy, reliability, interpretation, evaluation, transmission and dissemination of such information;
3. The decision to deploy armed police officers and to make arrests, and the criteria applied in reaching those decisions;
4. The command and control of the operation, its implementation, the actions of officers during the arrest phase, and the circumstances in which the officer who fired the fatal shot came to discharge his weapon;
5. The suitability or otherwise of the firearms, ammunition and other munitions deployed in the operation;
6. Any relevant firearms policies, protocols or manuals in force at the material time, together with any subsequent revisions or amendments;
7. Whether (and, if so, to what extent) the judgment, reactions or operational effectiveness of any of the planners, commanders or firearms officers were compromised by extended hours of duty or by limitations in their professional capabilities;
8. The extent to which Mr Grainger's injuries would have incapacitated him whilst he remained conscious;
9. Whether, after Mr Grainger was shot, his life could have been saved.