

Chilcot's Criticisms of the Civil Service

This note summarises the criticisms of senior civil servants contained in the Report of the Iraq Inquiry - 'The Chilcot Report'.

(I do not include the detailed criticisms of the failure to plan effectively, nor the failures of intelligence community. Text *in italics* is quoted directly from the report.)

There appear to be **seven principal criticisms**:

1. No-one challenged the Prime Ministers' habit of drafting vital inter-governmental communications without consulting his Cabinet colleagues

Mr Blair ... drafted many or most of his Notes to the President himself, showing the drafts to his close advisers in No.10 but not (ahead of despatch) to the relevant Cabinet Ministers.

2. No-one sought to record the reasons why the Prime Minister concluded that Iraq was in breach of resolution 1441, although this was an essential ingredient of the legal basis for the war.

In the letter of 14 March 2003 from Lord Goldsmith's office to No.10 ... Mr Blair was told that an essential ingredient of the legal basis was that he, himself, should be satisfied of the fact that Iraq was in breach of resolution 1441. In accordance with that advice, it was Mr Blair who decided that, so far as the UK was concerned, Iraq was and remained in breach of resolution 1441. Apart from No.10's response to the letter of 14 March, sent the following day, in terms that can only be described as perfunctory, no formal record was made of that decision and the precise grounds on which it was made remain unclear.

3. No-one ensured that Cabinet Ministers were provided with proper legal advice

... the Inquiry concludes that [the Attorney-General] Lord Goldsmith should have been asked to provide written advice which fully reflected the position on 17 March and explained the legal basis on which the UK could take military action and set out the risks of legal challenge.

[The] circumstances in which it was ultimately decided that there was a legal basis for UK participation were far from satisfactory.

4. No-one challenged the Prime Minister's failure to discuss Iraq policy in Defence and Overseas Policy Committee (DOP).

In April 2002, the MOD clearly expected consideration of military options to be addressed through DOP. Mr Simon Webb, the MOD Policy Director, advised Mr Hoon that: "Even these preparatory steps would properly need a Cabinet Committee decision, based on a minute from the Defence Secretary ..." The last meeting of DOP on Iraq before the 2003 conflict, however, took place in March 1999.

There was no substantive discussion of the military options, despite promises by Mr Blair, before the meeting on 17 March.

5. No-one ensured that decisions were properly recorded and explained.

Most decisions on Iraq pre-conflict were taken either bilaterally between Mr Blair and the relevant Secretary of State or in meetings between Mr Blair, Mr Straw and Mr Hoon, with No.10 officials and, as appropriate, Mr John Scarlett (Chairman of the JIC), Sir Richard Dearlove and Admiral Boyce. Some of those meetings were minuted; some were not. As the guidance for the Cabinet Secretariat makes clear, the purpose of the minute of a meeting is to set out the conclusions reached so that those who have to take action know precisely what to do; the second purpose is to "give the reasons why the conclusions were reached".

6. No-one challenged the failure to organise adequate Cabinet discussion of the Iraq strategy.

Cabinet was certainly given updates on diplomatic developments and had opportunities to discuss the general issues. The number of occasions on which there was a substantive discussion of the policy was very much more limited.

7. No-one challenged the Chancellor's determination deliberately to keep the Cabinet Secretariat short of resources.

Sir David had found it quite hard to staff the Cabinet Office at the level he would have wanted and it had been necessary to prioritise. The Treasury had kept [the secretariat], he expected "deliberately", on "a very tight leash in order to restrain the growth of Downing Street".

Chilcot's conclusion, therefore, was as follows:-

The Inquiry considers that there should have been collective discussion by a Cabinet Committee or small group of Ministers on the basis of inter-departmental advice agreed at a senior level between officials at a number of decision points which had a major impact on the development of UK policy before the invasion of Iraq. ...

In addition to providing a mechanism to probe and challenge the implications of proposals before decisions were taken, a Cabinet Committee or a more structured process might have identified some of the wider implications and risks associated with the deployment of military forces to Iraq. It might also have offered the opportunity to remedy some of the deficiencies in planning which are identified in Section 6 of the Report.

No Permanent Secretaries or other senior colleagues are criticised by name, although, in seeking to explain the behaviour of the Cabinet Secretary, the Inquiry noted Sir David Omand's evidence that "... the Cabinet Secretary was not as present as previous Cabinet Secretaries ... would have been. Of course one of the reasons for that is that the Prime Minister had given the Cabinet Secretary a very different agenda ... the new Cabinet Secretary was chosen explicitly on that basis..." the Cabinet Secretary could have "made a fuss" about that: "But it would have been at the direct expense of not being able to devote the time to sorting out reform and delivery across the government's agenda."

As indicated by Sir David, the then Cabinet Secretary, later Lord Turnbull, argued that he could not do every one of the components of the Cabinet Secretary job:

- Coordinating policy and 'delivery – i.e. implementing decisions
- Head of the Civil Service, including reform
- oversight of propriety & ethics
- Oversight of intelligence and security
- Managing the Permanent Secretaries
- Acting as the Prime Minister's principal policy adviser, including making sure that all the right people were involved and active.

Lord Turnbull told the inquiry that Mr Blair "... wanted a step change in the work on delivery and reform, which I hope I managed to give him. ... You have to make choices as to where you make your effort, and I think the policy I followed was not to take an issue over from someone to whom it was delegated simply because it was big and important, but you have to make a judgement as to whether it is being handled competently, whether that particular part is, in a sense, under pressure, whether you think they are getting it wrong in some sense, or they are missing certain important things."

Chilcot noted, however, that:

"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."

