

Patrick Finucane Inquiry

Management Statement

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1. Introduction

- 1.1. This Management Statement has been drawn up by the Northern Ireland Office in consultation with the Patrick Finucane Inquiry (“the Inquiry”). The purpose of the document is to ensure that clear roles and responsibilities are in place to ensure the Inquiry’s independence and facilitate the smooth running of the Inquiry’s work, in accordance with the provisions of the Inquiries Act 2005 (“the Act”) and the Inquiry Rules 2006 (“the Rules”). This document relates specifically to sponsorship of the Inquiry by the Northern Ireland Office.
- 1.2. The Inquiry into the circumstances of Patrick Finucane’s death in February 1989 has been established to enable the UK Government to discharge its obligations under Article 2 of the European Convention on Human Rights, in line with the relevant Supreme Court judgment in 2019 and the Northern Ireland Court of Appeal judgment in 2024. The Inquiry is constituted under the Inquiries Act 2005 by the Secretary of State for Northern Ireland to discharge its Terms of Reference. It is in the public interest for the Inquiry’s work to be conducted independently throughout the life of the Inquiry and at all times in a way that ensures the following overriding principles are met:
 - 1.2.1. the independence of the Chair in determining how to undertake the Inquiry in order to meet the Terms of Reference;
 - 1.2.2. the thorough examination and consideration of all the evidence and issues that the Inquiry reasonably determines to be pertinent to its Terms of Reference in order to ensure that its reports are complete and robust;
 - 1.2.3. the fair and equitable treatment of witnesses, including victims, and the families of victims, and all other parties whose interests are affected by the work of the Inquiry; and
 - 1.2.4. that the Inquiry’s work is conducted in line with section 17(3) of the Act to act with fairness and have regard to the need to avoid unnecessary cost.
- 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 Northern Ireland Office will take all reasonable steps to provide the Inquiry with an appropriate budget in line with section 39 of the Act, having due regard to securing value for public money, so as to enable the Inquiry to fulfil its Terms of Reference in an efficient and expeditious manner.

- 1.5. This Management Statement sets out the broad framework within which the Inquiry will operate and includes:
 - 1.5.1. the conditions under which any public funds are paid to the Inquiry;
 - 1.5.2. how the Inquiry must account for its expenditure;
 - 1.5.3. staff management and security issues; and
 - 1.5.4. other administrative issues.
- 1.6. The Management Statement has been drafted jointly by the Northern Ireland Office and the Inquiry. Amendments may be made jointly by the Northern Ireland Office and the Inquiry at any time. The Management Statement conveys no legal powers or responsibilities.
- 1.7. The Northern Ireland Office has processes in place to ensure there is a clear separation between the management of sponsorship matters and matters related to the Northern Ireland Office's provision of material and/or potential future role as a core participant. The Northern Ireland Office Sponsor and Sponsorship Team will not engage with the Inquiry on any matters relating to the Northern Ireland Office's role as a material provider or, if determined by the Chairman of the Inquiry, a core participant.

2. Statutory Basis

- 2.1. The Inquiry is established under the Inquiries Act 2005. Its Terms of Reference can be found at <https://finucane.independent-inquiry.uk/document/terms-of-reference/>

3. Independence

- 3.1. The Inquiry is independent of Government, and the independence of its investigation is crucial to its effectiveness.
- 3.2. The Northern Ireland Office shall not have access to any of the Inquiry's evidence, findings or reports before publication, unless permitted by the Chair or required by the Act or the Rules.
- 3.3. The Northern Ireland Office will provide appropriate and proportionate corporate support (including IT, HR and finance) to the Inquiry to ensure it has the resources it needs to fulfil its Terms of Reference. The Inquiry and the Northern Ireland Office will liaise regularly on matters concerning corporate support,

funding, the Inquiry's progress in fulfilling the Terms of Reference and the management of public resources and administration issues.

4. Responsibilities and Accountability

4.1. **The Secretary of State for Northern Ireland** is the Inquiry's Sponsor Minister. His responsibilities include:

- 4.1.1. appointing the Inquiry Chair;
- 4.1.2. appointing any Inquiry Panel Members and/or Assessors in accordance with the terms of the Act;
- 4.1.3. setting the Terms of Reference in consultation with the Inquiry Chair;
- 4.1.4. providing appropriate financial and other resources to the Inquiry;
- 4.1.5. setting out the Inquiry's Terms of Reference to Parliament;
- 4.1.6. receiving the Inquiry's reports and laying them before Parliament; and
- 4.1.7. responding to the Inquiry's findings.

4.2. The Secretary of State for Northern Ireland may appoint another minister to assist in the discharge of these functions.

4.3. **The Inquiry Chair** is responsible to the Secretary of State for Northern Ireland for leading the Inquiry in fulfilling its Terms of Reference and reporting the Inquiry's findings. Subject to the principles set out at paragraph 1.2.4, the Chair is responsible and accountable for the proper management of public resources and expenditure on Inquiry business. This accountability will normally be through the Inquiry Secretary to the Principal Accounting Officer for the Northern Ireland Office. The Chair's duties include:

- 4.3.1. conducting the work necessary to discharge the Inquiry's Terms of Reference;
- 4.3.2. providing leadership to the Inquiry;
- 4.3.3. ensuring high standards of probity and impartiality;
- 4.3.4. determining the procedure and conduct of an inquiry - acting with fairness and with regard to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others);

- 4.3.5. collating and assessing evidence relevant and necessary to the terms of reference; and
 - 4.3.6. presenting the Inquiry's findings and recommendations to the Secretary of State for Northern Ireland.
- 4.4. The Chair and all those engaged to support him shall also act in accordance with their wider responsibility to:
- 4.4.1. comply at all times with the Act and the Rules and other rules relating to the use of public funds and to conflicts of interest;
 - 4.4.2. act with impartiality and confidentiality, ensuring conflicts of interests are avoided;
 - 4.4.3. ensure that information gained in the course of their public service on the Inquiry is not disclosed or misused for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
 - 4.4.4. comply with Government guidance on the acceptance of gifts and hospitality, and of business appointments;
 - 4.4.5. ensure that Government information given to the Inquiry is handled in accordance with Government security regulations; and
 - 4.4.6. act in good faith and in the best interests of the Inquiry.
- 4.5. **The Principal Accounting Officer** (Permanent Secretary for the Northern Ireland Office) is responsible for the standard of financial management in the Northern Ireland Office 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 Northern Ireland Office expects to be assured that:
- 4.5.1. the financial and other management controls applied by the Northern Ireland Office to the Inquiry are appropriate and sufficient to safeguard public funds and that the Inquiry's compliance with those controls is effectively monitored;
 - 4.5.2. the internal controls applied by the Inquiry conform to the requirements of regularity, propriety, value for money and good financial management;

- 4.5.3. the Inquiry has an appropriate project planning approach and is making sufficient progress to fulfil its Terms of Reference; and
 - 4.5.4. the Inquiry has in place appropriate governance structures and processes to manage and mitigate risks to the Inquiry and to the Department including any required insurances as agreed with the Northern Ireland Office.
- 4.6. **The Sponsor of the Inquiry** is the Northern Ireland Office Director with responsibility for sponsorship and governance matters. The Sponsor, supported by the Central Sponsorship Team as necessary, is the primary source of advice to the Secretary of State for Northern Ireland on the discharge of their sponsorship responsibilities in respect of the Inquiry. The Sponsor is the primary contact for the Inquiry in dealing with the Northern Ireland Office on matters concerning funding, the Inquiry's progress in fulfilling the Terms of Reference, the management of public resources and administration issues. They are also the primary point of support to the Principal Accounting Officer in ensuring that the requirements set out in paragraph 4.3 are met. They are also responsible for ensuring that the Inquiry receives adequate financial and other resources necessary for the Chairman to fulfil the Terms of Reference.
- 4.7. In support of the Secretary of State for Northern Ireland, the Sponsor shall:
- 4.7.1. provide advice on progress being made by the Inquiry in delivering its Terms of Reference;
 - 4.7.2. provide advice on sponsorship issues that require their attention;
 - 4.7.3. ensure responses are provided to Parliamentary Questions on the work of the Inquiry - usually through Northern Ireland Office ministers.
- 4.8. In support of the Principal Accounting Officer the Sponsor will:
- 4.8.1. monitor the Inquiry's expenditure and progress in fulfilling the Terms of Reference on a continuing basis;
 - 4.8.2. address in a timely manner any significant problems raised by the Inquiry concerning its finances, other resources, potential delays or litigation; and
 - 4.8.3. inform the Inquiry of relevant Government policy and procedures relating to financial management in a timely manner, advise as appropriate on the interpretation of that policy and issue specific guidance to the Inquiry as necessary.

- 4.9. In fulfilling the Secretary of State for Northern Ireland's obligations to provide the Inquiry Chairman with adequate financial and other resources, the Sponsor will:
- 4.9.1. Ensure a timely budget settlement and prompt and timely processes for financial transactions approved by the Inquiry Secretary;
 - 4.9.2. Provide appropriate and proportionate finance, HR, records management, IT, estates and procurement back-office services that are required to enable the Inquiry to conduct its role with appropriate independence;
 - 4.9.3. Where, in the view of the Inquiry Secretary, the Secretariat's scale and resource does not justify individual specialist staff (e.g., contract management, accountancy, legal support for non-Inquiry matters) the Sponsor will work with the Inquiry Secretary to provide such specialist advice, so long as the independence of both the Inquiry and the Department is maintained.
- 4.10. **The Inquiry Secretary** is the Accounting 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 and any subsidiary rules and / or regulations governing expenditure within HM Government. The Inquiry Secretary reports to the Inquiry Chair, and has a particular leadership responsibility for:
- 4.10.1. advising the Inquiry on the efficient and effective use of staff and other resources and ensuring the Inquiry has the necessary infrastructure in place;
 - 4.10.2. ensuring that internal management and financial controls that complement those of its sponsor department are followed, including effective measures against fraud and theft policies, and ensuring that any statutory or administrative requirements for the use of public funds are complied with including any required insurances as agreed with the Northern Ireland Office;
 - 4.10.3. managing the Inquiry budget in accordance with the letter of budget delegation from the Principal Accounting Officer;
 - 4.10.4. ensuring that all public funds made available to the Inquiry are used for the purpose intended by Parliament, and that such monies, together with the Inquiry's assets, equipment and staff, are used economically, efficiently and effectively and with due regard to value for money principles;

- 4.10.5. ensuring that the Inquiry operates within the limits of its remit, of the delegated authority agreed with the Principal Accounting Officer, and in accordance with any other conditions relating to the use of public funds, including Managing Public Money;
- 4.10.6. preparing the Inquiry's programme plan and leading the Inquiry's delivery against that plan;
- 4.10.7. providing the Sponsor and the Northern Ireland Office Finance Business Partner 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;
- 4.10.8. providing the Sponsor or an authorised delegate of at least Deputy Director level with a quarterly update (at a meeting convened by the Sponsor or by any other means agreed) on sponsorship matters; and other relevant information, or, if necessary, as and when the matters emerge;
- 4.10.9. implementing risk management and other relevant financial or management guidance promulgated by HM Treasury and/or the Northern Ireland Office;
- 4.10.10. discussing risk at regular intervals with the Northern Ireland Office Sponsor Team and formally reporting at six monthly intervals to the Sponsorship Team in identifying, assessing, managing and escalating operational risks and in providing an assurance that an effective risk management system is in place and operating to a common standard, including cyber security;
- 4.10.11. ensuring effective personnel management policies covering fair treatment on the basis of merit, performance management and appraisals, continuous professional development, and grievance and disciplinary procedures are in place and maintained. In doing so, the Inquiry must ensure that its policies are in line with the standard guidance appropriate to the Civil Service. The Inquiry Secretary will work closely with the Northern Ireland Office Human Resources team on personnel matters;
- 4.10.12. ensuring that whistle-blowing policies and procedures that complement those of its sponsor department are in place, while recognising the Inquiry's independence from the Northern Ireland Office;

- 4.10.13. regularly reviewing workforce planning to ensure the resources are most efficiently deployed to meet the needs of the Inquiry and focused on delivering the Terms of Reference. Where resourcing creates additional liabilities for the Northern Ireland Office, the Inquiry should consult the Northern Ireland Office Sponsor in advance of any decisions;
- 4.10.14. ensuring that adequate personnel and physical security processes are in place, and those who work for the Inquiry are aware of their responsibilities;
- 4.10.15. providing public-facing communications and responding to media enquiries in matters which relate to the day to day running of the Inquiry;
- 4.10.16. ensuring that the Inquiry meets its obligation in respect of records, including obligations in respect of data security, data protection, records management, copyright considerations and the transfer of records to the National Archives;
- 4.10.17. capturing lessons learned and producing a report - engaging with the sponsor team to ensure that lessons relevant to the administration of inquiries are captured and shared on an ongoing basis and through a final lessons learned report, separate to the formal report of the Inquiry itself.

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

Governance and Assurance

5.1. The Inquiry Secretary shall ensure that:

- 5.1.1. Management structures are in place, and the Secretariat has the appropriate skills to discuss projects, finance, risk, workforce planning, and performance.
- 5.1.2. Effective processes are in place to escalate issues from the Inquiry Team to the NIO Sponsor Team to the correct level for consideration.
- 5.1.3. Decisions made are in line with the Inquiry's Terms of Reference, the Act and Rules, as well as other relevant policies and legislation.
- 5.1.4. Controls and processes for making decisions are in place, understood, documented, reviewed regularly and tested.

Financial Matters

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

Internal Audit

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

Additional Department access to the Inquiry

- 5.6. In addition to the right of access referred to in paragraph 5.5, the Northern Ireland Office shall be given access to the Inquiry's relevant financial management and HR records only to the extent that this is necessary to support the Inquiry Secretary in providing the appropriate level of financial assurance to

the Northern Ireland Office. The Northern Ireland Office will also provide relevant HR information to the Inquiry's staff, where required.

- 5.7. During the course of the Inquiry, the Northern Ireland Office shall not have access to records that relate to the evidence that the Inquiry has obtained, the analysis or interpretation of that evidence, the decisions of the Inquiry, or the Inquiry's dealings with witnesses and other parties to the Inquiry's work, or any other records where this would conflict with the overriding principles outlined at paragraph 1.2. At the conclusion of the Inquiry, its formal record will be deposited in line with The National Archives' rules and guidance.

Procurement

- 5.8. Procurement exercises will be undertaken by the Northern Ireland Office on behalf of the Inquiry, with support from Cabinet Office commercial to run procurement exercises through either the Government's Crown Commercial Service and/or the Northern Ireland Civil Service's Construction and Procurement Delivery function, as appropriate. Any contracts which are awarded will be between the supplier and Northern Ireland Office with contracts being signed by individuals with the appropriate levels of delegation within the Northern Ireland Office. Any exercises will be conducted in accordance with the Public Contracts Regulations 2015 and Northern Ireland Office procurement policies / guidance.
- 5.9. All above threshold contracts will include social value as part of the evaluation criteria (as a minimum of 10%). This will be achieved in a manner which is proportionate and in line with the Inquiry's need to ensure that value for money is actively considered.
- 5.10. Where Northern Ireland Office approval is required for specific areas of the Inquiry's spend, as set out in the guidance from the Northern Ireland Office on Gov.uk, the Inquiry will work with the Northern Ireland Office sponsor team to submit any expenditure proposals to the relevant section of the Northern Ireland Office on the Inquiry's behalf, copying in HM Treasury as appropriate.
- 5.11. All assets procured by the Inquiry contractually rest with the Northern Ireland Office.
- 5.12. The Inquiry will be responsible for managing all contracts to ensure performance delivery and compliance with contract terms and conditions. Any issues with contracts should be escalated to the Deputy Director for Finance and Information Management.

Register of Interests

- 5.13. The Inquiry shall maintain a written register of interests of the Chair, Assessors and/or Panel Members and provide a copy of that document, and any changes to it, to the Sponsor. It will also be published on the Inquiry website.
- 5.14. All those working on the Inquiry and others engaged on the Inquiry's business (including contractors or consultants) should declare any interests they have in respect of the nature of the Inquiry's work. Similarly, records should be kept of any financial interest by Inquiry members or staff in any company / consultant engaged in the Inquiry's work. A record should also be kept if any Inquiry member or member of staff knows any of the information providers, interested parties, core participants or their representatives.

Fraud and Theft

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

Protective Security

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

6. Inquiry Staff

- 6.1. Inquiry Secretariat staff are employed on the same terms and conditions to that of the Ministry of Justice, to which the Northern Ireland Office adheres. Therefore, Northern Ireland Office HR policies, practices and performance management standards apply - subject to any amendments which may be agreed as necessary in order to reflect the Inquiry's statutory independence.

7. Information Management and Data Protection

- 7.1. The Inquiry must comply with the requirement under the Public Records Act 1958 and the Inquiry Rules 2006 to make arrangements for the preservation of inquiry records. The National Archive guidance on storage and transfer should be adhered to. Where sensitive material cannot be transferred to The National

Archives, the Inquiry will make necessary arrangements with the Northern Ireland Office for the transfer of information in a timely manner.

7.2. The Inquiry is a data controller in its own right separately from the Northern Ireland Office. The Inquiry will ensure that data protection and security policies are in place. The Inquiry must also ensure that the Chair, and all those engaged to support him, receive necessary training appropriate to the risks presented by the personal data processing the Inquiry will undertake, and their individual role. The Inquiry will ensure that it adheres to the relevant provisions of the data protection legislation as defined in section 3(9) of the Data Protection Act 2018. Before processing any personal data, it should also ensure that its controller status is confirmed and documented, and consideration has been given to registering with the Information Commissioner. The Secretary should appoint a Data Protection Officer as required by law. The appointment to this position will be carried out in accordance with the legislative requirements of Article 37 UK GDPR. The Secretary should ensure a Senior Information Risk Officer (SIRO) is appointed.

7.3. The Inquiry is not a public authority for the purposes of the Freedom of Information Act 2000 but, in the spirit of openness and transparency, will publish as much information in relation to its work as possible. In particular, the Inquiry will publish expenditure information on a regular basis.

Signed
Holly Clark
Chief Operating Officer
Senior Sponsor

Signed
Alison Bennett
Inquiry Secretary

Signed on behalf of the Northern Ireland
Office

Signed on behalf of the Patrick
Finucane Inquiry

09 MARCH 2026

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