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From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Andrew Turnbull KCB CVO

07 August 2003

Dear Hayden,

INTERNAL DISCIPLINARY PROCESS

As in previous Inquiries, the Government expects witnesses to co-operate fully with the Inquiry and to give full and frank testimony. To help witnesses to do so, the Government therefore gives the following undertaking to officials giving evidence to the Inquiry.

Subject to the limitations set out below, nothing which any official provides to the Inquiry by way of evidence, whether orally or in writing, will be used in subsequent disciplinary proceedings against that official or any other official.

This undertaking not to use such evidence is subject to three limitations. First, it does not apply to anyone who is charged with having deliberately misled the Inquiry by telling lies or deliberately omitting important information in their evidence.

Second, it does not apply in relation to allegations of misconduct which is so serious that it would justify summary dismissal for gross misconduct. In disciplinary proceedings for gross misconduct, such evidence from officials may be used.

If an official's employing Department becomes aware of possible misconduct by that official only because of evidence given to the Inquiry by any official witness, that Department will not investigate any such possible misconduct or institute disciplinary proceedings in relation to any allegations of such misconduct, except where those allegations are of misconduct which is so serious that it would justify summary dismissal for gross misconduct.

/I should nevertheless

Sir Hayden Phillips
Department for Constitutional Affairs

I should nevertheless make it clear that disciplinary investigations and proceedings, including in relation to allegations of misconduct falling short of gross misconduct, may be instituted and pursued if there is evidence from sources other than evidence given to the Inquiry by any official witness.

Finally, nothing in these undertakings is intended to provide immunity against prosecution for any criminal offences.

I am copying this letter to Permanent Secretaries, Charles Cochrane at the CCSU and to the Hutton Inquiry with a request for them to place it on their website.

Yours sincerely
Andrew

Andrew Turnbull