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Sir Jonathan Stephens
Northern Ireland Office

23 May 2017

Dear Jonathan

National Defence Medal: Complaint

I have been asked to look in to complaints made by Col Scriven, Chairman of the UK National Defence Medal Campaign, against Mr ██████████ and Mr ██████████ of the Cabinet Office Honours Secretariat. The details of the complaints are set out in Col Scriven's letter of 14 February to Mr ██████████. Col Scriven set out his complaints as follows:

Complaint Part 1

1.0 During the period August 2013 to February 2015 Mr ██████████ as the Head of the Honours and Appointments Secretariat of the Cabinet Office and Secretary to the Honours, Decorations and Medals Committee (HDC) is alleged to have:

1.1 Failed to provide sufficient guidance to the newly formed Advisory Military Sub Committee (AMSC) of the HDC as to its expected responsibilities in relation to the independent military medal review.

1.2 Failed to ensure due process of the AMSC at its meeting in December 2012 and on 29th August 2013, by ensuring its members had conducted their deliberations of

the medal submissions on their merits in a careful, thorough and fully considered manner.

1.3 Failed to validate fully the recommendations prepared by the AMSC, pursuant of its meeting on 29th August 2013, which were submitted to the HDC to facilitate its informed judgement and decision making process on the military medal review.

1.4 Failed to ensure the HDC was in a position, through the evidence based recommendations provided by Sir John Holmes and the AMSC, to make informed and justifiable decisions as to whether or not to support the various military medal submissions and in particular the institution of the proposed NDM.

1.5 Failed to provide the necessary openness and transparency in accordance with government policy, the Prime Minister's direction on the issue of transparency, and the significant public interest involved in the military medal review.

Complaint Part 2

The complaint in part two relates to the period from March 2014 to January 2017. During this time, Mr [REDACTED], and Mr [REDACTED] appear to have disseminated spurious information in respect of the independent military medal review process and in particular about the NDM. Their correspondence has involved letters and emails to Members of Parliament; representatives of the various medal campaigns groups, Chairman of the UK NDM campaign; other interested persons; and it is believed the Deputy Prime Minister. These statements are also considered to have contributed to a Minister misleading Parliament in a debate on the NDM and in the Government taking a position to oppose a private members bill on the institution of the NDM.

Approach

In considering these complaints I have looked at the papers provided by Col Scriven, including the background arguments set out in his letter. I have also looked at a range of official documents, many of which are in the public domain. I have consulted a number of those closely involved with the consideration of the NDM,

including Sir John Holmes, author of the 2012 Independent review; Sir Hew Strachan, independent member of the Advisory Military Sub-committee; Rear Admiral Simon Williams, Defence Services Secretary at the relevant time; and Sir Christopher Geidt.

The following paragraphs set out my views on each of the complaints.

Complaint 1.1

The AMSC was set up as a result of a recommendation from the Holmes Review to establish a group with a broad membership, including up to five outside figures. In the event, the sub-committee was chaired by the MOD Permanent Secretary. Its members included senior retired officers from the three services, and – in Sir Hew Strachan – a distinguished military historian as the independent member. Col Scriven is critical of this structure and of the processes adopted by the sub-committee, particularly its lack of discussion of the case for a National service and/or Cold War medal. The sub-committee had access to the Review and was briefed by Sir John Holmes.

I agree that the membership of the sub-committee did not follow the detailed Review recommendations. But it does seem reasonable to have delegated this to the MOD as the purpose was to provide expert military advice to HD. The Chair and independent member were strong and effective players, aware of the wider context but with no apparent axes to grind. The sub-committee had access to the Review and was briefed by Sir John Holmes. The decision to “wrap up” the Cold War and National Service medals with the NDM reflected the close similarity in underlying arguments for these medals and the links between the campaigns. Nothing here convinces me that arrangements were so far from satisfactory that the Cabinet Office Secretariat should have intervened or that Mr [REDACTED] should have provided additional guidance.

Complaint 1.2

Col Scriven considers the AMSC meeting on 13 August was deficient in a number of respects (paragraph 5 of his background paper). These include absence of the independent member the fact that Sir John Holmes' submission had not been seen or discussed with the Chairman of the NDM campaign. None seem to me to be points that put the meeting seriously in question. Sir Hew was aware of the arguments and of the position adopted by the AMSC. It was a matter for Sir John Holmes to decide who to consult. I do not agree that they indicate failures on the part of Mr [REDACTED]. Additionally, Col Scriven suggests that members may have ignored the distinction between a campaign medal and a recognition of Service medal. I think the minutes show that this difference was recognised and taken in to account.

Complaint 1.3

Col Scriven complains that Mr [REDACTED] failed to validate the advice of the AMSC to HD. The advice inevitably reflected the views of the Committee members. Validation would seem to be applicable only if there was some serious fault in the way these conclusions were reflected to HD. I see no evidence of this and nothing in it that could have required action by the Cabinet Office.

Complaint 1.4

The complaint is that Mr [REDACTED] failed to ensure that HDC failed to benefit from the evidence based recommendations from Sir John Holmes and the AMSC. But HD received the Holmes report, heard directly from Sir John, and saw the outcome of AMSC discussions. I see no evidence to justify the complaint.

Complaint 1.5

This complaint is that Mr [REDACTED] failed to provide the necessary openness and transparency in line with government policy and the Prime Minister's direction. Col Scriven points to a letter from the then Deputy Prime Minister (dated 24 February 2015) agreeing that HD should do more to achieve transparency and accountability.

He also refers to a number of findings from First Tier Tribunals supporting release of documents despite Cabinet Office opposition. My reading of the papers indicates that key decisions on transparency have been taken by HD rather than by Mr [REDACTED] and that the complaint is therefore mistaken.

Complaint Part 2

This complaint concerns Mr [REDACTED] as well as Mr [REDACTED]. It says that they appear to have disseminated spurious information about the medals review and the NDM, leading to a Minister misleading Parliament. Paragraph 12.3 of Col Scriven's paper lists a number of statements as questionable. They strike me as generally innocuous. While campaigners may not accept the statements that consideration of the case for various medals has been "thorough and full", I think the combination of Sir John Holmes' various studies and the work by HD and the AMSC does merit this sort of statement.

Two of the listed statements relate to the question of the difference between campaign medals and recognition of Service, raised earlier by Col Scriven. In one case, the quoted statement says "British campaign medals are not awarded as a record of service". This might be considered tautologous. A further statement says "medals are generally awarded to those who have participated in campaigns which have involved considerable risk and rigour". This might be seen to discount recognition of service as an issue that can receive medalic recognition. But it is factually correct, and seems to me to reflect the spirit of discussions in the AMSC and HD.

On the question of costs, however, I think there has been an error. Col Scriven cites two occasions when Ministers have attributed an estimate of £475M to the Holmes Review. However, the original 2012 Review quotes a MOD estimate that the NDM could "exceed £300M". The Options paper produced subsequently includes a MOD estimate of £475M on the basis of their understanding of the NDM Campaign proposal, and at 100% uptake. But the Options paper itself concludes (paragraph 7 of Annex C) that "the total cost of production and distribution of the National Defence Medal is likely to be over £100M". While the written answer from Mr Hancock (25

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April 2016) correctly set out the assumptions about numbers eligible and uptake, both this and the earlier comment by Mr Wilson (12 April 2016) were wrong to attribute the figure of £475m to the Review.

I have considered whether this issue could call in to question the decisions of HD Committee. However, the Committee had the Options paper and advice from Sir John Holmes. The Committee also regarded affordability as a factor to be considered only if a decision had first been taken that a NDM was right in principle. It did not reach such a decision. Overall, I am confident that the erroneous attribution of the £475M cost to the Review did not influence HD's position.

Nonetheless, the error was real. While it is not clear how it arose, it is contained in the briefing provided by the Secretariat to Ministers at a time when Mr [REDACTED] was absent. I judge that an apology to Col Scriven and the NDM Campaign would be appropriate. I also recommend that an opportunity be found to set the Parliamentary record straight; Sir John Holmes agrees.

A copy goes to Sue Gray (Cabinet Office).

Yours sincerely

[Signed]

[REDACTED]