

MOD BACKGROUND NOTE ON DR DAVID KELLY

1 Dr Kelly began his career in the public sector in November 1973 when he was appointed as a Senior Scientific Officer (SSO) in the Unit of Invertebrate Virology at the National Environment Research Establishment (NERC). He remained there for 11 years, being promoted to Principal Scientific Officer (PSO) in 1977, and awarded a merit promotion to Senior Principal Scientific Officer (SPSO) in 1982.

2 In July 1984 Dr Kelly joined the MOD and was appointed Superintendent of the Defence Microbiology Division of the (then) Chemical Defence Establishment at Porton Down. This was a substantive SPSO post. In 1991 Dr Kelly was recommended for Individual Merit (IM) Promotion to Grade 5 based on his quality and value as a specialist microbiologist. IM promotion provides the opportunity for staff to undertake their scientific or technological work unencumbered by the organisational and managerial responsibilities normally associated with the grade. He was awarded the promotion in July 1992, and was appointed Senior Adviser in Biological Defence at Porton Down.

3 From 1992 – 1996 Dr Kelly spent a good deal of time working as a United Nations Special Commission (UNSCOM) inspector, and was appointed senior adviser to UNSCOM in 1995. His home base continued to be the Chemical and Biological Defence Establishment (CBDE) at Porton Down.

4 On 1 Apr 95 the Defence Evaluation and Research Agency (DERA) was established. This Agency embraced CBDE (renamed CBD Porton Down) and Dr Kelly's personnel management and employment formally passed from MOD to DERA. The following year, on 1 Apr 96, Dr Kelly was appointed on secondment to the Proliferation & Arms Control Secretariat (PACS) within MOD, where he continued to work as an adviser to PACS and to the Non-Proliferation Department of the FCO on Iraq's chemical and biological weapons capabilities and on the work of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC). He contributed to UNMOVIC activities – particularly advising on chemical and biological weapons, and on inspector training – and provided advice on Chemical Weapons Convention (CWC) and Biological and Toxin Weapons Convention (BWC) issues. He was also responsible for providing advice to the Defence Intelligence Staff (DIS) and the Secret Intelligence Service (SIS) on Iraq. Finally, he had responsibilities in relation to communicating Iraq WMD issues externally by providing informed contributions to international institutions, the media and the press.

5 This secondment was principally funded by the FCO, for whom Dr Kelly carried out a substantial proportion of his work.

6 In 2001 the bulk of what had been DERA moved into the private sector as Qinetiq. CBD Porton Down was not included in this transfer and on 2 July 01 became part of the Defence Science and Technology Laboratory (Dstl).

This organisation, which was set up to undertake those activities that needed to be retained within Government, and which is a Trading Fund of the MOD, was Dr Kelly's employer for the remainder of his secondment to MOD

The Terms and Conditions of Dr Kelly's employment

7 At the time of his death Dr Kelly was an employee of Dstl, (and therefore subject to Dstl terms and conditions), and he was appointed on secondment to the MOD through the Dstl/MOD interchange programme. The conditions of employment relating specifically to contact with the press are flagged at A and B which list the disclosure rules for the MOD and for Dstl (at para 8.4.2) respectively. The Civil Service Code is flagged at C. Paragraphs 9 and 10 apply broadly to this case.

Dr Kelly's history of employment with the Government

8 A synopsis of his career is flagged at D.

The Department of State for which Dr Kelly worked

9 He was employed by Dstl, which is a Trading Fund Agency of the Ministry of Defence.

Dr Kelly's salary and grade status

10 At the time of his death Dr Kelly's salary was £63,496 but MOD and Dstl are reviewing whether any further payments are due. He had been awarded merit promotion to Grade 5 in July 1992 (while CBDE was still part of MOD). His substantive grade in the new Dstl "levels" structure was Level 9. Dstl career levels do not read across exactly to the more traditional grade structure used in MOD, but broadly MOD B1 (Grade 6/SPSO) equates to Dstl level 7/8. There is no equivalent of Dstl Level 9 in the MOD but it is not regarded as falling within the Senior Civil Service.

Dr Kelly's holiday entitlement and days taken in the last three years

11. Dr Kelly's holiday entitlement was 30 days plus 10½ days public and privilege holiday. In the leave year 1999/2000 Dr Kelly was unable to take any leave largely because of UNSCOM and UNMOVIC commitments and his 30 days' entitlement was paid in lieu. In 2000/01 he took 28 days (carrying 2 days forward). There is no evidence either in his personal file or locally in PACS to indicate how much leave Dr Kelly was able to take in 2001/02 but he did not claim any payment in lieu. In 02/03 he booked leave from 10 August – 4 September (though would have been in New York on UNMOVIC commissioners business for part of that time) and was away from the office over Christmas/New Year and Easter. It seems likely therefore that he took his full entitlement (or close to it) in 02/03. His line manager is currently

checking whether any pay in lieu is owed for the current leave year which began on 1 May 03.

The Disciplinary Code relevant to Dr Kelly's employment

12 The Discipline Codes relating to Dr Kelly's employment in Dstl and secondment to MOD are flagged at E and F respectively. The disciplinary procedures are similar as they are both based on an ACAS Code of Practice