Home Office

NCA
National Crime Agency

Revised Framework document for the National Crime Agency

May 2015

Revised Framework document for the National Crime Agency

Presented to Parliament pursuant to paragraph 6 (2)(c) of Schedule 2 to the Crime and Courts Act 2013

May 2015



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Print ISBN 9781474117012
Web ISBN 9781474117029

Printed in the UK by the Williams Lea Group on behalf of the Controller of
Her Majesty's Stationery Office

ID 20031503 05/15

Printed on paper containing 75% recycled fibre content minimum

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NCA000006_0005

FRAMEWORK DOCUMENT FOR THE NATIONAL CRIME AGENCY

This Framework Document replaces the first Framework Document signed by the Home Secretary and the Director General of the National Crime Agency on 15 October 2013.

1. Introduction

1.1 The National Crime Agency (NCA) is accountable to the Home Secretary and, through the Home Secretary, to Parliament. The NCA's core mission, as set out by the Government in *National Crime Agency: A Plan for the Creation of a National Crime Fighting Capability* (published in June 2011), is to lead the UK's fight to cut serious and organised crime. An integral part of UK law enforcement, the NCA will have strong, two-way links with local police forces and other law enforcement and intelligence agencies. The NCA will respect the devolution of powers, recognising the primacy of those in whose territories it operates. The NCA will have open and transparent working relationships with its key operational partners and partners in the private sector, in order to maximise overall impact in disrupting criminal activity.

1.2 The NCA will be responsible for publishing an authoritative annual assessment of the threat to the UK from organised crime and an authoritative assessment of threats to border security. It will also publish a range of information about its own performance and contribution to reducing that threat, including how the NCA allocates its resources and manages its risks.

2. The NCA Framework Document

2.1 This Framework Document sets out the respective roles and responsibilities of the Secretary of State for the Home Department ('the Home Secretary') and the Director General of the NCA ('the Director General') and the principles which will govern the relationship between the Home Office and NCA. It further sets out the ways in which the NCA is to operate as set out in the Crime and Courts Act 2013 ('the Act'). The purpose of the document is to set out the NCA's accountability, management, operational and financial arrangements and to explain how the relationship between the Home Secretary and the National Crime Agency is intended to function as a direct and open working relationship, in which both support and scrutiny can apply in equal measures. These principles will apply to NCA activity both in the UK and overseas.

2.2 The framework document is issued by the Home Secretary pursuant to the Act.[1] The Home Secretary and Director General will be under a statutory duty to have regard to this document in exercising their functions in relation to the NCA.[2] Nothing in this framework document will supersede or vary the duties and/or functions exercisable by the Secretary of State, the Director General or NCA officers which are set out in the Act and other relevant enactments.

3. Status

3.1 The NCA is formed under Part 1 of the Act; the NCA became operational on 7th October 2013. The Director General and NCA officers will operate within the provisions of the Act and other relevant enactments. The NCA's functions are exercisable on behalf of the Crown. The NCA is classified as a Non-Ministerial Department (NMD), which means that it operates as a government

[1] Paragraph 2, Schedule 2 to the Crime and Courts Act 2013.
[2] Section 4(2)(c) and paragraph 3, Schedule 2 to the Crime and Courts Act 2013.

department in its own right but does not have its own dedicated minister.[3] Instead it is headed by the Director General, who is accountable to the Home Secretary as sponsoring minister, and through the Home Secretary to Parliament. This framework document sets out further detail on what NMD status means in practice for the NCA.

4. Roles and Responsibilities

Home Secretary

4.1 The Home Secretary is charged with safeguarding the public, preventing crime and protecting the UK's borders and national security. The Home Secretary will have a legal duty to determine the 'strategic priorities' for the NCA, in consultation with the Director General and with the NCA's strategic partners.[4] The Home Secretary will hold the Director General to account for the discharge of the 'NCA functions' while also respecting the Director General's operational independence (as explained at paragraph 4.2b) and, where appropriate, the Home Secretary will account to Parliament. The Home Secretary will also select and appoint the Director General[5] and will designate the Director General with operational powers as required.[6]

NCA Director General

4.2 The NCA will be under the direction and control of the Director General. As the head of the NCA, the Director General will:

a. determine 'operational priorities' for the NCA,[7] in line with the 'strategic priorities' set by the Home Secretary;

b. be responsible (including through a senior NCA officer acting on his or her behalf) for all decisions about which operations to conduct and how they should be conducted.[8] This would include, for example, decisions about whether to continue or stop a criminal investigation;

c. have direction and control over all NCA officers (including NCA specials and secondees);[9]

d. ensure that NCA officers operate within the legislative framework set out in the Act and other relevant enactments;[10]

e. account to the Home Secretary for the discharge of the NCA's functions in accordance with the strategic priorities;

f. provide information to the Home Secretary, if requested, about any aspect of the NCA's undertakings including resources;

g. be responsible for issuing an annual plan at the start of the financial year setting out how the NCA will deliver the strategic and operational priorities, and an annual report at the end of the year on progress made;[11]

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3 Categories of public bodies: a guide for departments (Cabinet Office, December 2012).
4 Section 3, Crime and Courts Act 2013.
5 Paragraph 7, Schedule 1 to the Crime and Courts Act 2013.
6 Paragraph 7, Schedule 1 and Section 9(2), Crime and Courts Act 2013.
7 Section 4(5), Crime and Courts Act 2013.
8 Section 4(1), Crime and Courts Act 2013.
9 Any reference to NCA officers (unless otherwise stated) includes NCA specials and secondees under the direction and control of the Director General. NCA specials are part-time, unpaid officers volunteering their time and specialist skills to the NCA.
10 This includes, for example, obtaining the relevant authority from the Home Secretary for the use of investigatory powers under Part 1 of the Regulation of Investigatory Powers Act 2000.
11 The Act requires the Director General to consult the NCA's 'strategic partners' and obtain the prior consent of the Secretary of State (and where relevant the Scottish Ministers, the Department of Justice in Northern Ireland and the Northern Ireland Policing Board) before issuing the annual plan. Section 4 and Part 2, Schedule 2 to the Crime and Courts Act 2013 as amended.

h. be responsible for the appointment of all NCA officers other than the Director General,[12] and for designating NCA officers with operational powers;[13]

i. as the NCA Accounting Officer, ensure the proper financial management of the NCA (see further detail in section 8); and its effective corporate governance in accordance with other good practice;

j. ensure that an NCA officer has obtained the agreement of the Lord Advocate before the NCA officer carries out activities in Scotland in relation to an offence which the NCA officer suspects has been (or is being) committed; [14]

k. will seek the agreement of the Chief Constable of the Police Service of Northern Ireland ('PSNI') for a designated NCA officer to exercise the powers and privileges of a Northern Ireland Constable and for an NCA officer to use covert techniques in Northern Ireland[15].

Home Office officials

4.3 Home Office officials will support the relationship between the Home Secretary and the Director General.

Their responsibilities in relation to the NCA will include:

a. advising the Home Secretary (and where necessary, other government departments or ministers) about how the NCA's functions are being discharged and other NCA matters;

b. advising the Home Secretary about his or her powers, duties and responsibilities in relation to the NCA and its officers;

c. advising the Director General about the policy, strategic and legislative framework relevant to the NCA;

d. advising the Home Secretary and Director General about the arrangements described in this framework document; and

e. ensuring that arrangements are in place to keep NCA information secure, in accordance with the Government Security Classifications.

Other government departments

4.4 While the Home Office is the primary department with oversight of the NCA's work, the NCA will also need to engage with other government departments. The Director General may negotiate partnership agreements or Memoranda of Understanding (MoU) with other government departments where appropriate, and will keep the Home Office informed (see also below paragraph 7.1).

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[12] Paragraph 9, Schedule 1 to the Crime and Courts Act 2013. These appointments will be civil service appointments, and must be made in accordance with the regulations set out by the Civil Service Commission.

[13] Section 10, Crime and Courts Act 2013.

[14] See also: Paragraph 6, Schedule 1 to the Crime and Courts Act 2013. The 'Scottish general authorisation' will further set out requirements by Scottish Ministers.

[15] Covert investigatory techniques means 'relevant investigatory activity' as defined in paragraph 6A, Schedule 1 to the Crime and Courts Act 2013. The 'Northern Ireland general authorisation' will further define the requirement on the Director General to ensure NCA officers carrying out activities to combat serious and organised crime in Northern Ireland have regard to the relevant community impact assessment and secure the support of the local community.

5. Scrutiny by other public bodies

5.1 While the Director General's principal accountability will be to the Home Secretary, the NCA will also be subject to scrutiny by Parliament, the Scottish Parliament and Northern Ireland Assembly, the Northern Ireland Policing Board[16] and other public bodies, and is expected to cooperate fully. The bodies which have a statutory role to inspect, scrutinise or regulate the functions or activities of the NCA include (but are not limited to) HM Inspectorate of Constabulary,[17] the National Audit Office and the Independent Police Complaints Commission. In Scotland this also includes the Police Investigations and Review Commissioner and in Northern Ireland the Police Ombudsman and Criminal Justice Inspector.[18]

5.2 Whilst the Director General will remain accountable to the Home Secretary, the Northern Ireland Policing Board may, after consultation with the Home Secretary, require the Director General to submit a report on a 'relevant NCA matter' as the Board may specify, and after considering such a report, the Board may, having consulted again with the Home Secretary, instruct an inquiry to be held. [19]

6. Internal Governance

6.1 The Director General may arrange for any function of the Director General to be exercised by a senior NCA officer, with the exception of the Director General's powers of direction[20] (however, the direction powers may be exercised in the Director General's absence by a senior NCA officer who has been designated for this purpose by the Director General[21]). For these purposes a "senior NCA officer" means an NCA officer who is at, or above grade 3.[22]

6.2 The Director General will establish and chair a Management Board ('the Board'). The Board's functions will be both **advisory** – setting overall direction for the Agency within the scope of the Home Secretary's strategic priorities; and **supervisory** – scrutinising performance and challenging the Agency on delivery. In line with Government best practice as set out in the Cabinet Office's 'Corporate governance in central government departments; Code of good practice 2011' ('the 2011 Code'), the responsibility of the Board includes the following areas:

a. **Strategic Clarity:** setting the vision and ensuring all activities contribute towards it;

b. **Commercial Sense:** ensuring sound financial management by virtue of a professionally qualified and experienced finance director; scrutinising the allocation of financial and human resources; ensuring organisational design supports strategic objectives; setting the NCA's risk appetite and ensuring controls are in place to manage risk and to ensure value for money;

c. **Talent Management:** ensuring the NCA has the people to deliver current and future needs;[23]

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[16] Section 33A of the Police (Northern Ireland) Act 2000, as amended by the Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime)(Northern Ireland) Order 2015

[17] Payment arrangements for HMIC inspections are set out in paragraph 8.17.

[18] Section 11, Crime and Courts Act 2013 and Section 47, Justice (Northern Ireland) Act 2000.

[19] Sections 59(6)-(10) and 60(18)-(2), Police Northern Ireland Act (2000) as amended by the Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime)(Northern Ireland) Order 2015.

[20] Section 5(5) and paragraph 11, Schedule 3 to the Crime and Courts Act 2013.

[21] Paragraph 10, Schedule 1, to the Crime and Courts Act 2013.

[22] The NCA will publish information about the arrangements which will be put in place by the Director General to enable the delegation of a function conferred on the Director General by an 'enactment' to be exercised by a senior NCA Officer. For the purpose of this footnote, the expression 'enactment' means an Act of Parliament, an Act of the Scottish Parliament and an Act of the Northern Ireland Assembly.

[23] In line with the 2011 code, the Board will establish a Nominations and Governance Committee.

d. **Performance Monitoring:** agreeing the NCA business plan; monitoring and steering performance against the plan; scrutinising performance and setting values and standards; ensuring clear, consistent, comparable performance information is used to drive improvements.

As part of its responsibility under sub-paragraph (b) above, the Board will ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control, including establishing an Audit and Risk Committee to provide advice on risk management and audit in line with the 2011 code.

6.3 The Board's membership will consist of the Director General as Chair; up to ten senior operational leaders of the NCA; and no fewer than three senior non-executive members. Non-executive members' skills and experience will enable them to provide constructive challenge and advice to the executive leadership.[24] The members of the Board will be appointed by the Director General. Before appointing a non-executive member to the Board, the Director General will consult the Home Secretary.[25]

6.4 Non-executive members will hold office in accordance with the terms of their respective appointment agreed with the NCA. A non-executive appointment will be for a term not exceeding three years. A person who has previously been, or currently is, a non executive member of the Board may be appointed again as a non-executive member of the Board for a further term not exceeding three years, in accordance with the consultation requirements at paragraph 6.3, provided that the person does not hold office as a non-executive member for more than 10 years in total.

6.5 The Chair may further invite others to attend Board meetings as observers or advisers to the Board. A senior Home Office official will normally attend Board meetings; will receive the Board's papers, including monthly financial reporting; and will receive records of Board meetings.

CEOP

6.6 The Board will also give effect to the six principles for the Child Exploitation and Online Protection (CEOP) Command as set out in the NCA Plan of 2011.[26] Namely, the Board will (i) retain its operational independence within the context of the NCA; (ii) have clear, delegated authority for its budget; (iii) continue to include external partners in its governance; retain its well-known CEOP brand; (iv) retain its mixed economy of staff, from a variety of disciplines; and (vi) continue its innovative partnerships with the public, private and third sector and have the ability to raise and hold funds from donors.

Northern Ireland

6.7 The NCA will be required to take such steps as the Director General considers necessary to ensure all NCA officers exercising functions in Northern Ireland have read and understood the code of ethics as currently in force in Northern Ireland. The Director General will, so far as practicable, ensure that the provisions of the code are reflected in the NCA disciplinary procedures applicable to NCA officers in relation to their exercise of functions in Northern Ireland.[27]

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[24] NCA non executive board members will be subject to the Cabinet Office Code of Conduct for Board Members of Public Bodies (2011).

[25] Appointments of NCA non executive board members (NEBMs) are not public appointments and are not regulated by the Office of the Commissioner for Public Appointments (OCPA). These appointments will be made in line with the arrangements for appointing NEBMs to Enhanced Departmental Boards elsewhere in government, as set out at http://publicappointments.cabinetoffice.gov.uk/applications/501fcc50e4b0746aa1e7e24a.

[26] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97826/nca-creation-plan.pdf.

[27] Section 52, (10) (A) and (10)(B), Police (Northern Ireland) Act (2000) as amended.

7. Working in Partnership

7.1 The NCA will work collaboratively with other government departments, UK police forces and law enforcement agencies ('UK law enforcement partners') and Island police forces and law enforcement agencies ('Island partners'). The NCA may develop agreements with partner organisations to set out the key principles of collaboration, supported by more detailed operational protocols as necessary.[28]

7.2 The Director General will engage with policing accountability structures in Scotland and Northern Ireland and will attend sessions with Committees of the Scottish Parliament, the Northern Ireland Assembly and the Northern Ireland Policing Board at their request, where practicable. The Director General will establish a strong relationship with the Scottish Police Authority and the Northern Ireland Policing Board in respect of the Agency's activity in Scotland and Northern Ireland. The NCA will be an active member of the Northern Ireland Organised Crime Task Force and the Scotland Serious Organised Crime Task Force.

7.3 Collaboration between work on counter terrorism and organised crime is a priority. The Government has set a clear direction in the Strategic Defence and Security Review to explore the potential synergies between organised crime and counter terrorism policing business support and operational capabilities, to maximise the effectiveness and efficiency of our overall effort and spend against organised crime and terrorism without diluting the focus on either. This commitment has been repeated in CONTEST and the Serious and Organised Crime Strategy. In line with this direction, the Home Secretary expects the NCA in England, Wales and Scotland to work with counter terrorism police, ROCUs, and agency networks to develop closer collaboration and sharing of capabilities, including at the border, in prisons, and on technical issues (including surveillance and IT), Cyber and Digital Investigations, financial investigations, and through co-location of estates where possible.

7.4 The Home Secretary recognises that there are particular concerns about the policing of counter terrorism in Northern Ireland. As a consequence the Government has no plans to make an order under section 2 of the Act which would confer counter terrorism functions on the NCA in Northern Ireland.

Tasking and assistance

7.5 The Act provides for two-way voluntary tasking and assistance arrangements between the NCA, UK law enforcement partners and Island partners, in addition to any other form of cooperation arrangement that the NCA may formulate with UK law enforcement partners, HM Armed Forces and HM Coastguard.[29]

7.6 In the event satisfactory voluntary arrangements cannot be made, or cannot be made in time, the Act provides that the Director General may issue a direction to a chief officer of an England and Wales police force or the chief constable of the British Transport Police (with the latter case subject to the consent of the Secretary of State for Transport).[30] There are similar reciprocal directed assistance arrangements which apply between the NCA and a number of partners (subject to consent requirements).[31]

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[28] The Director General will ensure that NCA officers operate in accordance to the principles of the General Authorisations and any supporting Memoranda of Understanding in place for Scotland and Northern Ireland.
[29] Section 5 and paragraphs 2 (co-operation), 8 and 9 (voluntary assistance), Schedule 3 to the Crime and Courts Act 2013.
[30] Section 5(5) and (9), Crime and Courts Act 2013.
[31] Paragraphs 10 -18, Schedule 3 to the Crime and Courts Act 2013.

7.7 The Director General will inform the Home Secretary in writing each time he or she issues a direction under the Act. The Director General will further inform the appropriate Police and Crime Commissioner in writing and as soon as feasible, if the direction concerns a police force in England and Wales. The Director General will explain why he or she considered it expedient for the partner to perform the task, how the direction assisted the NCA to exercise its functions, and why it was not possible to make satisfactory voluntary arrangements.

7.8 In the case where the Director General issues a direction for assistance to a chief officer of an England and Wales police force, the Director General will obtain the consent of the Home Secretary, which will be sought in writing - unless the operation is time critical, in which case verbal consent will be sought. The Director General will further inform the relevant Police and Crime Commissioner that a direction has been issued to the chief officer of their police force, that the appropriate consent[32] has been obtained, the reasons as to why the NCA has a 'special need' for assistance from their chief officer and why it was not possible to make satisfactory voluntary arrangements.[33] In the case where the Director General issues a direction for assistance to other law enforcement partners, the Director General will inform the Home Secretary that the appropriate consent has been obtained.

7.9 The Director General will ensure the NCA's annual report[34] includes details of any use by the NCA or UK law enforcement partners of the directed tasking and assistance powers in Part 1 of the Act.

7.10 The NCA's directed tasking and assistance arrangements in regard to an England and Wales police force will as a matter of policy also extend to Border Force officers or other Home Office officials who carry out border, immigration and customs related functions which are under the direction and control of the Home Secretary. These arrangements will be the subject of a separate protocol between the Home Secretary and the Director General.

8. Financial management

8.1 As the NCA, the Home Office, the Treasury and Cabinet Office have agreed that:

a. in general, the NCA will have the ability to determine its own approach on corporate and financial matters without recourse to the Home Office or other departments, subject to the points below;

b. the NCA will have its own estimate, but in order to support the financial resilience of the organisation, this will be funded by a reduction in the overall Home Office Departmental Expenditure Limit (DEL);

c. the Home Office will negotiate the NCA's budget with HM Treasury, in consultation with the NCA Director General, as part of the annual Main and Supplementary Estimates processes, and at Spending Reviews;

d. there will be joint NCA – Home Office Mid-Year Reviews of in-year NCA spend;

e. the Director General will be responsible for ensuring that NCA capital investments represent value for money and are affordable, in discussion with the Home Office. The Director General will seek approval from the Home Secretary for Capital investment above an agreed threshold; and

[32] Paragraph 11(3), Schedule 3 to the Crime and Courts Act 2013.
[33] Paragraph 16, Schedule 3 to the Crime and Courts Act 2013.
[34] See the definition of this term in Part 2, Schedule 2 to the Crime and Courts Act 2013.

f. unless specific exemptions are provided, all cross-government guidance will apply to the NCA.

g. the NCA is required to remain within the limits as set out in the Delegated Authority Letter.

The NCA will consult the Home Office on all significant discussions with the Treasury and/or Cabinet Office, including (but not limited to) those which could have wider financial repercussions for the Home Office. If the Director General is seeking HM Treasury approval for expenditure which "sets precedents, is novel, contentious or could cause repercussions elsewhere in the public sector",[35] he or she will immediately inform Home Office Ministers.

8.2 The Director General will be appointed as the Accounting Officer ('AO') for the NCA. As the AO, the Director General will be personally responsible for safeguarding the public funds for which he or she has charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the NCA. In addition, the Director General will ensure that the NCA is managed on the basis of the standards, in terms of governance, decision-making and financial management that are set out in Managing Public Money. The Director General may delegate the day-to-day administration of his or her Accounting Officer responsibilities to a senior NCA officer (as defined in paragraph 6.1 above), but will not assign those Accounting Officer responsibilities absolutely to any other person.

The AO's accountabilities include:

- Signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State or by HM Treasury;
- Preparing and signing a Governance Statement covering corporate governance, risk management and oversight of any local responsibilities, for inclusion in the annual report and accounts;
- Ensuring that effective procedures for handling complaints are established and made widely known within the Agency;
- Acting in accordance with the terms of this document, Managing Public Money and other instructions and guidance issued from time to time by the Home Office, the Treasury and the Cabinet Office; and
- Giving evidence when summoned before the Public Accounts Committee on the Agency's stewardship of public funds.

External Audit

8.3 The Comptroller & Auditor General (C&AG) will audit the Agency's annual accounts and lay them before Parliament, together with their report. The C&AG will:

- consult the Agency on whom – the National Audit Office (NAO) or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG;
- have a right to obtain relevant documents and information including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, that are held by another person in receipt of payments or grants from the Agency;
- if asked, provide government departments and other relevant bodies with Regulatory Compliance Reports relating to the NCA and other similar reports which departments may request at the commencement of the audit and which will be compatible with the independent auditor's role.

[35] Managing Public Money (July 2013), section 2.3.4.

8.4 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the NCA has used its resources in discharging its functions. For the purpose of these examinations, the C&AG will have a right to obtain documents and information as provided for under Section 8 of the National Audit Act (1983). In addition, the NCA will provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and will use its best endeavours to secure access for the C&AG to any other documents or information required by the C&AG which are held by other bodies.

Internal Audit

8.5 The NCA will establish and maintain arrangements for internal audit and will consider the use of shared services in accordance with the Treasury's Public Sector Internal Audit Standards (PSIAS).[36] In particular, the NCA will:

- share its audit strategy, periodic audit plans and annual audit report, including the opinion of the NCA's Head of Internal Audit on risk management, control and governance, with the Home Office; and
- keep a written record of any fraud and theft suffered by the NCA; produce an annual report on fraud and theft to be shared with the Home Office; and notify the Treasury of any unusual or major incidents as soon as possible.

8.6 The internal audit service will have a right of access to all documents, including in any cases where services are contracted out.

Government funding

8.7 The NCA will seek agreement from Parliament to spend or commit resources through the Estimates process. The NCA's resource funding request will be put to Parliament, for the prospective financial year. The Supply and Appropriation Act will provide the legal authority for public expenditure within the ambit of each request. Any adjustments between the Home Office and NCA baseline will be settled through the standard Supplementary Estimates process (once annually). During the year, HM Treasury will expect the NCA to operate within the control totals framework for Resource, Capital, Annual Managed Expenditure (AME) (including movement in the provision for police pensions) and for its Net Cash Requirement. HM Treasury will monitor the NCA's in-year budget spend through its monthly Online System for Central Accounting and Reporting (OSCAR) returns. The AME pension budget will sit with the NCA, but the AME control total can be revised through the standard Supplementary Estimates process with the Home Office, in the form of a budget cover transfer.

8.8 Requests for budget exchange into the following financial year will be coordinated by the Home Office in the discussions with HM Treasury.

8.9 Any income received from the devolved administrations will be shown as income and within the Estimate.

8.10 The NCA will participate in the Asset Recovery Incentivisation Scheme, under which a proportion of the assets recovered under the Proceeds of Crime Act (2002) are paid to law enforcement

[36] https://www.gov.uk/government/publications/public-sector-internal-audit-standards.

bodies.[37][38] The Home Office coordinates the process, assessing and distributing the amounts on a quarterly basis in arrears.

Pay and Pensions

8.11 Pay for NCA officers below the grade of NCA Deputy Director will be covered by a single pay remit approved by the Home Secretary.

8.12 For grades below NCA Deputy Director, the NCA Remuneration Review Body will provide independent recommendations to the Home Secretary on the pay and allowances of NCA officers designated with operational powers. For NCA officers who are not designated with operational powers, pay setting arrangements will take account of the annual Civil Service Pay Guidance issued by HM Treasury. The NCA will be responsible for funding the NCA related costs of the Remuneration Review Body via the Office of Manpower Economics.

8.13 The terms and conditions of NCA officers at or above the grade of NCA Deputy Director grade will be set by Cabinet Office, alongside those of other senior civil servants, in light of the recommendations of the Senior Salaries Review Body.

8.14 The Director General will be able to designate certain NCA posts as eligible for the Police Pension Scheme. The process for designating such posts will be agreed with HM Treasury and Cabinet Office.

Fees and Charges

8.15 The Act provides for the NCA raising fees and charging for services. Annual income projections will be reflected in the NCA estimate and the NCA will ensure that each fee is in line with full cost recovery principles in accordance with Managing Public Money. The Director General must ensure that any funds received as a result of such charges or fees are paid into the Consolidated Fund, unless the Director General has obtained the prior approval of HM Treasury to retain such funds.[39]

Sponsorship and Donations

8.16 Any other income, assets or other benefits-in-kind which the NCA may receive through gifts, bequests or donations from third parties will be treated in accordance with HM Treasury's Financial Reporting Manual and Cabinet Office guidance.

Payment for HMIC inspections

8.17 The NCA will pay HMIC for any relevant inspection as set out in HMIC's annual inspection programme, on a cost recovery basis, in line with HM Treasury[40] principles. The cost of any additional inspections of the NCA by HMIC which are requested by the Home Secretary in-year[41] will be defrayed by the Home Office. The Northern Ireland Department of Justice will retain responsibility for the cost of inspections requested by them.

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[37] Paragraph 25, Part 8, Schedule 5 to the Crime and Courts Act 2013 provides the Director General must pay to the Commissioners any money received by way of proceeds of forfeitures by the Director General in the exercise of any power of the Commissioners or by the Director General or any other NCA officer in the exercise of a customs power.

[38] All sums received by the NCA in the course of, or in connection with, the exercise of its asset recovery functions under Parts 2, 4, 5 and 6 of the Proceeds of Crime Act 2002 will be paid to the Secretary of State.

[39] HM Treasury has approved the NCA to charge for the Witness Intermediary Scheme; for Crime Operations Support; and training courses relating to the Proceeds of Crime and relating to CEOP. For each service, and category of service, income will be retained on the basis that the NCA will only charge on a full cost recovery basis, and there is no planned cross-subsidisation between services or categories.

[40] Managing Public Money (July 2013).

[41] Section 11(2), of the Crime and Courts Act 2013.

Transition arrangements

8.18 In the event of any change to the NCA's functions, the NCA will work with the Home Office to put in place arrangements to ensure an orderly transition, in accordance with the principles set out in Managing Public Money (annex 7).[42] In particular, the Home Office will need to ensure that relevant assets and liabilities are transferred to any successor bodies, or in the event that Part 1 of the Act is repealed and no successor body is created, that they are reverted to the Secretary of State.

9. Transparency and information

9.1 In accordance with section 6 of the Act, the Director General is under a duty to publish information about the exercise of NCA functions and other matters relating to the NCA in accordance with the requirements set out in the Annex.

9.2 The Director General will appoint one of the ex officio members of the Board to act as the NCA's Senior Information Risk Owner.

Public Information handling and complaints

9.3 The NCA will receive and handle information, comments, suggestions and complaints from members of the public in accordance with clear procedures which will be published on the NCA's website.

10. Arrangements for changing the Framework Document

10.1 The Framework Document and its operation will be reviewed by the Home Office in consultation with the Director General and the devolved administrations at intervals of not more than three years. The Document will also be reviewed following the appointment of a new Director General or Home Secretary.

10.2 The Director General may propose changes to this framework document at any time, and these will be subject to agreement by the Home Secretary in accordance with the consultation requirements set out in the Act.

11. Interpretation

11.1 The terms used in this framework document have the same meaning as set out in Part 1 of the Act and, where relevant any orders made under the Act.[43]

Signed by:

Signature

Home Secretary

March 2015

Signature

Director General

March 2015

[42] In accordance with Managing Public Money (Annex 7)

[43] For example, the Crime and Courts Act 2013 (National Crime Agency and Proceeds of Crime)(Northern Ireland) Order 2015.

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NCA Framework Document Annex: NCA Publication Requirements

A. Introduction

To ensure the National Crime Agency ('NCA') is an open and transparent agency, the Director General ('DG') has a statutory duty[44] to make arrangements for publishing information and to publish such information about the exercise of the NCA's functions and other matters relating to the NCA. This Annex imposes on the DG requirements in relation to the performance of the duty to publish, with which the DG must comply.[45]

B. Publication requirements

The DG will publish NCA information about the exercise of the NCA functions and other matters relating to the NCA where the material falls within one or more of the following categories:

- The threat from serious and organised crime
- General information about the NCA: who leads it, what it does and how it does it
- NCA priorities and performance
- NCA spending
- Summary records of NCA Board meetings

C. Exemptions

The DG may edit, redact or decline to publish any information the publication of which he or she reasonably considers would prejudice or jeopardise, or would be likely to prejudice or jeopardise:

- the discharge of the NCA's functions;[46]
- national security;
- the health and safety of any person;
- the commercial interests of the NCA or any person; or
- may jeopardise diplomatic/international relations with foreign governments.

The DG may also decline to publish information under these arrangements if he or she considers that publication of the information is contrary to any enactment or court order, is intended for future publication, is legally professional privileged information, where disclosure would be a breach of confidence or where the information is held only in court documents.

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[44] Section 6 Crime and Courts Act 2013.
[45] Section 6 (2) & (3) Crime and Courts Act 2013.
[46] Section 1 Crime and Courts Act 2013.

ISBN 978-1-4741-1701-2



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