



Home Office

**UK Border
Agency**

DRAFT FRAMEWORK AGREEMENT

August 2008

CONTENTS

FOREWORD BY THE MINISTER OF STATE.....	3
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PART I: AIMS, ROLES AND RELATIONSHIPS

1. Introduction.....	4
2. Purpose, Strategic Objectives And Values	5
3. Roles And Responsibilities	8
4. Relationships With Key Delivery Partners And Other Bodies	11
5. Policy And Working With Ministers	15

PART II: CORPORATE PROCESSES AND FUNCTIONS

6. Guiding Principles	17
7. Planning And Performance.....	18
8. Financial Arrangements	20
9. Human Resources	23
10. Other Corporate Functions And Services	27

FOREWORD BY THE MINISTER OF STATE FOR BORDERS AND IMMIGRATION (HOME OFFICE) AND MINISTER OF STATE WITH RESPONSIBILITY FOR REVENUE PROTECTION AT THE BORDER (HM TREASURY)



The UK Border Agency has been established with a clear purpose – to secure our border and to control migration for the benefit of our country.

Its creation, announced by the Prime Minister in November 2007, is an important part of the changes we are introducing to the way we manage migration and control and eliminate threats to the UK.

Bringing together staff responsible for customs, immigration and overseas visas, the UK Border Agency will create a powerful new force at the border. It will give us greater resources and increased flexibility. The Agency will marshal over £2 billion and deploy over 25,000 staff, including over 9,000 warranted officers. It will operate in local communities, at our borders, and across 135 countries worldwide.

The Agency will focus on:

- strengthening our borders while welcoming legitimate travellers and trade
- controlling migration, so that we choose who can come here,
- ensuring that those who stay here have earned the right to do so
- running a system that makes faster decisions and acts effectively against law breakers.

This Framework Agreement sets out clear strategic objectives and lines of accountability for the Agency that will help ensure that it delivers on its key purpose.

A handwritten signature in black ink that reads "Liam Byrne". The signature is fluid and cursive, with a long horizontal stroke underneath.

Liam Byrne MP

PART I: AIMS, ROLES AND RELATIONSHIPS

SECTION 1: INTRODUCTION

1.1 The UK Border Agency

The UK Border Agency integrates the work of Customs, the Border and Immigration Agency and UK Visas, overseas and at the points of entry to the UK.

Bringing together staff from three organisations, the Agency will work across government, including with the Foreign and Commonwealth Office's overseas network, to meet the Government's migration and border objectives. The Agency has been structured to further strengthen our protection against crime and terrorism while encouraging the flows of people and trade on which our future as a global hub depends. The Agency will protect the border overseas and in communities up and down the UK. It will have a global reach and a local presence. Its policy agenda will be shaped in public by the Migration Advisory Committee, the Migration Impacts Forum and the new Independent Inspector will deliver stronger accountability to parliament and the public. The programme to regionalise the Agency will create strong local connections between our Agency and the people it serves.

The new Agency will enhance flexibility, achieve cross-Government coverage at a wider number of ports and will provide a single face of Government border operational activity with key integrated systems.

The Agency will be responsible for delivering Home Office and cross-governmental objectives for border enforcement, in particular those set by HM Treasury and HM Revenue and Customs, the Government's Counter Terrorism Strategy (CONTEST) and the National Security Strategy of the United Kingdom.

The Agency will work closely with the police. The Government's Policing Green Paper "From the neighbourhood to the national: policing our communities together", published in July 2008 set out the Government's vision for the future of policing. It introduced a range of new proposals focussed on helping the police to succeed in delivering for the

public. This document, which includes a section on collaboration at the border, is currently the subject of consultation. Full details are available at: <http://police.homeoffice.gov.uk>

The Agency will carry out border work relating to fiscal matters on behalf of HM Revenue and Customs and to non fiscal matters for which HM Revenue and Customs retains lead border enforcement policy responsibility. HM Revenue and Customs will continue to provide a one-stop shop for business on fiscal and customs international trade matters. It will be responsible for policy and manage the systems and audits through which revenue is collected and the tax base protected.

1.2 The Framework Agreement

This document sets out the roles and responsibilities of the Agency Chief Executive, the Home Secretary, the Chancellor of the Exchequer, the Minister of State for Borders and Immigration, who doubles as Minister of State for Revenue Protection at the Border, the Permanent Secretary, the Home Office Board and the HM Revenue and Customs Commissioners in relation to the Agency. It sets out the governance framework under which the Agency operates.

This framework will develop over time. For instance, pending legislative changes, HM Revenue and Customs will remain accountable in statute for all HM Revenue and Customs functions. The day to day management of these functions at the border will transfer to the Home Office. The respective statutory accountabilities of the Commissioners of HM Revenue and Customs and the Home Secretary after this interim period are still to be determined (particularly in relation to the collection and management of tax). Members of staff who were employees of HM Revenue and Customs before the 1 April 2008 will remain so if and until they are formally transferred to the Home Office. The day to day management of these individuals will transfer to the Agency.

The document outlines the operational freedoms the Agency has, but it also sets out the underlying principles that underpin how the Agency works in the Home Office. These cover key corporate processes and functions, including strategy, planning, performance management, human resources and other support services. The Agency Framework Agreement is consistent with the Home Office Departmental Framework, which sets out the general operating principles for the wider organisation and the duties that the Home Office has to the Agency.

This Framework is agreed initially in draft form and will be reviewed during the interim period. In particular it will, in time, be revised to reflect changes in legislation on legal powers and the formal transfer of staff and resources to the Home Office. The final version will be agreed between the Agency, the Home Office, HM Treasury and HM Revenue and Customs.

Thereafter, the Framework will be reviewed as necessary and at no longer than three-year intervals to ensure that it best supports the aims and objectives of the Agency, the wider Home Office and the Government more generally. Any variations to the Framework Agreement will be made by written agreement between the Agency and the Home Office, and agreed with HM Treasury and HM Revenue and Customs as appropriate.

Copies of the final Framework Agreement and any subsequent amendments will be published and placed in the libraries of both Houses of Parliament.

SECTION 2: PURPOSE, STRATEGIC OBJECTIVES AND VALUES

2.1 Purpose

The Agency, which reports jointly to the Home Secretary and the Chancellor of the Exchequer, supports all of the Home Office and HM Revenue and Customs objectives and the Foreign and Commonwealth Office objective set out below.

The Home Office Statement of Purpose

Working together to protect the public.

The Home Office Strategic Objectives are:

- 1) Help people feel secure in their homes and local communities
- 2) Cut crime, especially violent, drug and alcohol related crime
- 3) Lead visible, responsive and accountable policing
- 4) Support the efficient and effective delivery of justice
- 5) Protect the public from terrorism
- 6) Secure our border and control migration for the benefit of our country
- 7) Safeguard people's identity and the privileges of citizenship

The UK Border Agency's border enforcement activities will also actively contribute to the delivery of relevant Departmental Strategic Objectives belonging to HM Revenue and Customs and the Foreign and Commonwealth Office. By working in partnerships with HM Revenue and Customs and the Foreign and Commonwealth Office, the UK Border Agency will also be able to contribute to the protection of the collection of £22 billion in tax revenue and the facilitation of international trade worth £600 billion per annum.

The objectives are set out below, accompanied by a diagram setting out the respective objectives and Public Service Agreements (PSAs) we lead on and contribute to.

HM Revenue and Customs

The HM Revenue and Customs objectives are:

- 1) Improve the extent to which individuals and businesses pay the amount of tax due and receive the credits and payments to which they are entitled
- 2) Improve customers' experience of HM Revenue and Customs and improve the UK business environment.
- 3) Reduce the risk of illicit import and export of material which might harm the UK's physical and social well-being by:
 - Maintaining the level of disruption of the attempted import and export of illicit drugs, products of animal origin, and other illicit goods; and
 - Contributing to Government objectives on counter terrorism by maintaining the level of operational performance in screening traffic entering the UK for radiation.

Foreign & Commonwealth Office Objective

- 4) Support managed migration for Britain:
 - Ensure, through a robust migration and visa policy, that UK borders are open to people who bring talent, business and creativity, but closed to those who might cause harm or come here illegally
 - Build sustainable arrangements with overseas countries to return foreign prisoners, failed asylum seekers and other immigration offenders

- Promote, with the EU and other partners, effective international cooperation that supports the UK border and migration objectives

2.2 Strategic objectives

To ensure the Agency achieves this purpose the Agency has three strategic objectives, which cover all aspects of its work. The three UK Border Agency Strategic Objectives are:

1. We will protect our border and our national interests by:

- guarding routes to Britain with early action overseas;
- detecting and stopping risks and threats to Britain at our border
- speeding the passage of legitimate goods and authorised people;
- counting people in and out of Britain so we can take action against those who overstay.

2. We will tackle border tax fraud, smuggling and immigration crime by:

- holding those who break our laws to account for their actions; targeting facilitators businesses, colleges and organisations;
- creating and managing immigration and customs anti-smuggling crime partnerships in the UK and overseas;
- detecting, detaining and removing those who have no right to be here, or who pose a threat to the UK, targeting the most harmful first;
- transforming collection, dissemination and use of intelligence globally and locally;

- issuing ID cards to foreign nationals and helping deny the privileges of Britain to those who break the rules;
- transforming our enforcement capability.

3. We will implement fast and fair decisions by:

- welcoming the people and trade which benefits our country;
- implementing fast and fair decisions that are right for Britain;
- helping refugees and newcomers who have earned the right to stay and make Britain their home;
- developing and managing international alliances to support delivery of our business.

This will be enabled by strengthening our organisational capability for delivery:

- we will set the highest standards for openness and accountability;
- we will deliver our agenda by working closely with partners;
- we will be a proud Agency that gets the best from its people and is well led at all levels;
- we will focus our resources on our priorities by cutting red tape and streamlining our systems and processes;
- we will manage our key risks well.

Details of the Agency’s targets and objectives are contained within the Agency’s Business Plan.

2.3 Standards and Values

The Agency’s values are the foundation of the organisation, setting out how it will deliver its overarching purpose. They provide it with a common approach to the way it delivers whilst carrying out a variety of functions. They guide its everyday behaviour and it expects to be held to account by reference by them.

The values, which are common to the Home Office, will help the organisation in its development as an agency and will be used to create a culture that puts its customers’ and the public’s needs at the heart of its operations.

The values are:

- we deliver for the public;
- we are professional and innovative;
- we work openly and collaboratively; and
- we treat everyone with respect.

SECTION 3: ROLES AND RESPONSIBILITIES

3.1

This section sets out the role and responsibilities of Ministers and senior officials with direct accountability for the business of the Agency. As noted in the introduction, these responsibilities will change during the shadow period as responsibility for functions, staff and resources are transferred from HM Revenue and Customs to the Home Office.

3.2 Ministers

The Home Secretary holds overall responsibility for the business of the Home Office and its policies, including the allocation of Home Office resources to the Agency. In respect of the following list of Ministerial responsibilities, the **Home Secretary** has responsibility for immigration, asylum, nationality and counter-terrorism matters, including UKBA's overseas operations:

- a. setting the strategic direction, objectives, key performance indicators and targets of the Agency, taking account of Government-wide strategic objectives and interests;
- b. determining the policy framework within which the Agency operates;
- c. approving the Agency's Business Plan and resources;
- d. holding the Chief Executive to account for the performance of the Agency and the delivery of its plans, objectives and targets; and
- e. approving revisions to the Framework Agreement.

The Chancellor of the Exchequer has overall responsibility for the work of the Treasury. At the top level, these responsibilities include:

- Setting the strategic direction for the UK tax system as a whole including direct, indirect, business and personal taxation and for responding to UK macroeconomic and economic policy issues;
- Setting UK Government policies on EU and wider international finance issues, in particular the EU Budget;

In relation to the UK Border Agency the Chancellor will be responsible for:

- Determining the fiscal policy framework for the operational delivery of the UK Border Agency's revenue protection functions;
- Approving the UK Border Agency's Business Plan in respect of the delivery of targets covering revenue protection and the examination of goods at the frontier;

Work is ongoing to give full effect to the recommendation in the *Security in a Global Hub* report, that the Chancellor of the Exchequer should have a power to direct the Chief Executive to take corrective action in the event of negative impact on revenue. In the interim period the Chancellor will be able to use his general power to direct HM Revenue and Customs Commissioners, who in turn will be able to direct HM Revenue and Customs staff pending their transfer to the Home Office. The Chancellor will also seek assurance that the Agency is discharging its border responsibilities by striking the right balance between strengthening the UK border and facilitating legitimate trade flows that will encourage economic growth.

The Home Secretary and the Chancellor may delegate their responsibilities as set out above to junior Ministers in their Departments. In practice, the Minister of State for Borders and Immigration, who is a Minister in both the Home Office and HM Treasury, will have delegated responsibility for most Ministerial business in respect of the Agency. The

Chancellor may continue to delegate responsibilities in relation to tax policy and specific customs legislative issues to other HM Treasury Ministers.

The Foreign Secretary has a close interest in the operations of the Agency and will be consulted on the Agency's Business Plan.

The Cabinet sub-committee on Border and Migration DA(BM) is responsible for considering issues relating to border management, migration and asylum, reporting as necessary to the Committee on Domestic Affairs. The Home Secretary, the Chancellor of the Exchequer, the Foreign Secretary and the Minister of State for Borders and Immigration are members of DA(BM). The sub-committee may take responsibility for obtaining collective ministerial agreement to the Agency's high level strategy, establishing the Agency's priorities and monitoring performance against the strategy. This includes consideration of the UK Border Agency's overseas operations. However it excludes consideration of tax matters, which are not matters for collective Cabinet Agreement.

In parallel, the Ministerial Committee on National Security, International Relations and Development (NSID) is responsible for considering issues relating to national security, and the Government's international, European and international development policies. Membership includes the Prime Minister (as chair), the Home Secretary, Chancellor of the Exchequer and the Foreign Secretary. All matters relating to national security and counter terrorism undertaken by the Agency will fall under the scrutiny of NSID.

3.3 The Permanent Secretary

The Permanent Secretary is the Home Office's Principal Accounting Officer and is accountable to Parliament for the Department's overall effectiveness and delivery. In this capacity, the Permanent Secretary holds the Chief Executive to account for the efficiency and effectiveness of the Agency's management and

operations, including functions transferred to the Home Office from HM Revenue and Customs and the Foreign and Commonwealth Office. The relevant Accounting Officer in HM Revenue and Customs will continue to be accountable for the functions retained by that Department. The Permanent Secretary is the principal advisor to the Home Secretary on matters affecting the Department as a whole, including questions relating to the allocation of resources, expenditure and finance.

The Permanent Secretary acts as the Departmental Sponsor of the Agency and as such is responsible for:

- a. advising the Home Secretary on the strategic direction of the Agency in the context of wider Departmental or cross-governmental objectives;
- b. advising the Home Secretary on the allocation of resources to the Agency, its key performance indicators and targets, and its Business Plan;
- c. setting the framework for strategic performance management and regularly reviewing the Agency's performance and delivery;
- d. advising the Home Secretary on their response to strategic performance information; and
- e. ensuring that the Agency has the delegations and authorities necessary for effective delivery and continuous improvement.

The Permanent Secretary will appoint another member of the Home Office Board to act as Deputy Departmental Sponsor. The Departmental Sponsor and the Deputy are supported by a Sponsor Team based in the Home Office Strategic Centre.

The Permanent Secretary will also ensure that the interests of other Government Departments, including HM Revenue and Customs and the Foreign and Commonwealth Office are properly balanced in the Agency's business.

3.4 HM Revenue and Customs Commissioners

The Commissioners for HM Revenue and Customs retain statutory responsibility for the delivery of revenue and customs functions carried out on their behalf by the interim Agency. This includes the delivery of its Departmental Strategic Objectives and the EU legislative obligations that HM Revenue and Customs remain accountable for delivering. The final definition of the responsibilities of the Commissioners is dependent on the final form of the legislation transferring some HM Revenue and Customs functions to the Home Secretary and allowing the concurrent exercise of others.

3.5 The Chief Executive

The Chief Executive is responsible for the day-to-day management of the Agency and is accountable to the Home Secretary and the Chancellor of the Exchequer for the performance of the Agency in respect of their particular Ministerial responsibilities. On a day-to-day basis this accountability will be exercised through the Border and Immigration Minister who is a member of both Government Departments. The Chief Executive is accountable to the Permanent Secretary of the Home Office for the effective and efficient delivery of the objectives and responsibilities assigned to the Agency and for work to complete the establishment of the Agency.

The Chief Executive is responsible for:

- a. advising the Home Secretary on current and future policy on border control and immigration;
- b. advising the Chancellor, in conjunction with HM Revenue and Customs Commissioners, on operational policy matters that relate to HM Revenue and Customs functions;
- c. producing a Business Plan to implement agreed objectives and targets in line with allocated resources for consideration by the Home Office Board, HM Revenue and Customs

Commissioners, the Home Secretary, the Chancellor and the Foreign Secretary;

- d. ensuring sound finances (more detail on the Accounting Officer role is set out in Section 8.2);
- e. alerting Home Office and HM Treasury Ministers; the Home Office Board and HM Revenue and Customs Commissioners; officials in Foreign and Commonwealth Office on overseas operations; and those in other Government Departments, as appropriate, promptly to performance matters that may have a wider impact on the policy, operation or reputation of the respective Departments; and
- f. building and improving the capability of the Agency to perform effectively and efficiently against its objectives and targets, including ensuring robust processes and supporting performance management systems are in place.
- g. implementing governance mechanisms for ensuring that customer needs are taken into account in the delivery of the Agency's business.

In addition, the Chief Executive will:

- h. attend hearings of Parliamentary Committees and represent the Agency in the media, as required, on matters concerning the Agency;
- i. establish an Agency Management Board which will include a Commissioner of HM Revenue and Customs, a senior official from the Foreign and Commonwealth Office, a senior police officer and a minimum of two non-executive Directors, appointed by the Chief Executive with the approval of the Permanent Secretary; and
- j. ensure that the Agency meets all EU legislative and administrative obligations in respect of goods requiring documentary checks or physical examinations at the border.

3.6 Home Office Board

The Home Office Board is the executive decision-making body for the Department. It supports the Permanent Secretary in carrying out his responsibilities, including his role as Agency Sponsor. The Chief Executive of the Agency is a member of the Home Office Board. The Board's responsibilities are set out in the Home Office Departmental Framework.

The Home Office Board has particular responsibilities in respect of:

- a. ensuring the alignment of the Agency's strategies and policies with the wider Departmental and Whitehall context;
- b. ensuring that the allocation of resources is in line with overall Departmental priorities, including endorsing the Agency's Business Plan;
- c. holding shared accountability for the overall performance of the Home Office;
- d. ensuring that major operational and reputational risks are dealt with appropriately;
- e. the development of capability across the Home Office;
- f. maintaining an effective framework of internal controls and corporate standards; and
- g. ensuring effective joint working between the Agency and key staff across the Home Office

The Board is supported by the Department's Strategic Centre, which is responsible for the efficient and effective co-ordination of objectives across individual business areas, including the Agencies.

SECTION 4: RELATIONSHIPS WITH KEY DELIVERY PARTNERS AND OTHER BODIES

4.1

In order to further the objectives for which the Agency is responsible and those of the wider Department and Government, the Chief Executive will ensure that effective relationships are developed across the Department; with the Treasury and HM Revenue and Customs; with the Foreign and Commonwealth Office and other Government Departments that are key delivery partners; and with delivery partners in the public, private or the third sector.

4.2 HM Revenue and Customs

A Partnership Agreement between the Commissioners for HM Revenue and Customs and the Home Office on interim arrangements for the Agency during 2008-09 has been put in place. This will be renewed on an annual basis and will take account of the evolving relationship between HM Revenue and Customs and the Agency and the transition between interim and post-interim arrangements. The current Agreement sets out HM Revenue and Customs' requirements for the delivery of frontier interventions by the Agency covering 2008-09 fiscal and non fiscal requirements to protect the UK's frontier from fiscal, economic, social, environmental and physical threats. It will be underpinned by the adoption of professional contract management practices and the development of joint working arrangements to oversee operation of the Partnership Agreement and its supporting Delivery Agreements.

This Partnership Agreement also articulates:

- The relationships between HM Revenue and Customs and the Agency
- The expected levels of the Agency's performance against HM Revenue and Customs' frontier operational policies
- What the Agency will need from HM Revenue and Customs

- Performance reporting requirements to HM Revenue and Customs
- Performance Accountabilities
- Requirements for more detailed operational protocols to support frontier activities
- Arrangements for protecting taxpayer confidentiality.

The Agreement may need to be amended further in due course to reflect the evolving development of the Agency and agreements to be reached on the full scope of work transferring from HM Revenue and Customs to the Home Office.

4.3 HM Treasury

The Chief Executive will ensure that the Agency supports HM Treasury Ministers and officials fully in respect of its objectives and responsibilities relating to revenue collection at the frontier.

4.4 Foreign and Commonwealth Office

On 1 April 2008 the organisation formerly known as UKvisas ceased to be part of the Foreign and Commonwealth Office and became part of the Home Office, functioning as part of the UK Border Agency's overseas operations. The Home Office and the Foreign and Commonwealth Office have agreed a Memorandum of Understanding setting out the respective commitments of both parties and the financial, resource and management framework within which the UK Border Agency's overseas operation functions. The UK Border Agency's overseas operations and wider visa and migration issues will be overseen at Ministerial level by a Ministerial Strategy Board.

4.5 Ministry of Justice

The Chief Executive will ensure that a close working relationship is maintained with the Ministry of Justice.

The main relationship is with the Tribunals Service in respect of the administration of appeals. The Tribunals Service will play a full part in the joint delivery arrangements with the Agency to ensure the timely and effective disposal of immigration and asylum appeals, and those relating to tax and duties.

Another key relationship will be with National Offender Management Service given the need to maintain close ties on issues surrounding foreign national prisoners, immigration removal centres managed on our behalf by the Prison Service and the need for operational support in those circumstances where there is a disturbance at an immigration detention facility. NOMS also act as project managers for the Agency in the building of any new Immigration Removal Centres.

There will also be a broader relationship between the Agency and Her Majesty's Courts Service, particularly with regards to Judicial Review applications and appeals to the Court of Appeal and the House of Lords.

4.6 Other Government Departments

The Agency will negotiate service level agreements with those Government Departments and other statutory bodies for which it provides a specific service in relation to migration or border control issues. These include the Department for Business, Enterprise and Regulatory Reform; the Department for the Environment, Food and Rural Affairs; the Department of Culture, Media and Sports; the Food Standards Agency; the Health and Safety Executive; the Rural Payments Agency Inspectorate; the Foreign and Commonwealth Office; and Ofcom.

4.7 Identity and Passport Service

The Chief Executive will ensure that a close working relationship is maintained with the Identity and Passport Service (IPS) in pursuit of its shared objectives and interests.

4.8 Serious and Organised Crime Agency (SOCA)

The Agency will agree a Memorandum of Understanding with SOCA covering how the two organisations will work together to tackle serious and organised crime, including the import of Class A drugs.

4.9 Independent Prosecutors

The Agency will ensure close working with the Crown Prosecution Service, the Revenue and Customs Prosecution Office and the relevant prosecution authorities in the devolved administrations.

4.10 Parliament

Subject to issues of taxpayer confidentiality, the handling of Ministerial correspondence and Parliamentary Questions on border matters will fall to the Home Secretary, who may choose to delegate this to the Minister of State for Borders and Immigration. The same applies to requests for appearances at Treasury Select Committee on border operational matters.

The Chief Executive will give advice and support to Ministers in replying to Parliamentary Questions, Members of Parliament's correspondence and debates. Members of Parliament are encouraged to write directly to the Chief Executive about day-to-day operational matters.

Official correspondence and other enquiries will be dealt with according to procedures set out in the Cabinet Office guidance: "Ministerial Correspondence with Members of Parliament".

4.11 The Police

A Memorandum of Understanding between the new border force and the police for security policing at ports has been agreed.

4.12 Migration Advisory Committee

The Migration Advisory Committee (MAC) will advise the Government (primarily the Home Office, Department for Work and Pensions, Department for Business Enterprise and Regulatory Reform, HM Treasury and the Department for Innovation, Universities and Skills as the departments with the lead interest) on the specific sectors and occupations in the labour market where shortages can sensibly be filled by migration, and on other migration-related questions put to it by Government from time to time.

The Chief Executive of the Agency will establish and maintain a good working relationship with the MAC and where appropriate, the Agency will provide advice to Ministers on how to respond to the MAC's recommendations.

4.13 Migration Impacts Forum

The Migration Impacts Forum (MIF) will discuss the wider impacts of migration. It will be jointly chaired by Ministers from the Home Office and Communities and Local Government, and will bring together interested parties from across the UK.

4.14 Inspection arrangements

The Home Secretary will appoint a Chief Inspector to monitor and report on the efficiency and effectiveness of the Agency. The Chief Inspector will report in writing to the Home Secretary and a copy of any report will be laid before Parliament by the Home Secretary. In the immediate term the Chief Inspector's remit will be restricted to asylum, immigration and nationality functions and therefore the customs functions will continue to be inspected by HM Inspectors of Constabulary. In addition HM Inspector of Prisons will continue to inspect the Home Office detention estate. All of these inspection bodies will be expected to work closely together to ensure a comprehensive and effective end to end assessment of the Agency.

4.15 Independent Monitor for Visa Entry Clearance

The Independent Monitor for Entry Clearance scrutinises certain overseas entry clearance cases where a decision to refuse leave to enter does not attract specific rights of appeal (i.e. other than on the grounds that it breaches the applicant's human rights or was racially discriminatory). The role was established under the Asylum and Immigration Appeals Act 1993. The Independent Monitor's Report is laid before Parliament.

4.16 Office of the Immigration Service Commissioner

The Home Secretary is responsible for appointing the Commissioner to provide an effective system of regulation of those who provide immigration advice and immigration services in a manner which promotes good practice by those who provide such advice or services.

The Agency will act as the sponsor for the Office of the Immigration Service Commissioner (OISC) and is the primary point of contact for the OISC.

The Agency and the OISC have developed a management statement setting out their respective roles and responsibilities.

4.17 Office of the National Identity Scheme Commissioner

The Chief Executive will ensure that the Agency complies with arrangements set up to allow the National Identity Scheme Commissioner to fulfil his obligations to assure the integrity of the scheme.

4.18 Independent Reviewer of Terrorism Legislation.

The Home Secretary is responsible for appointing the Independent Reviewer of terrorism legislation. The

Independent Reviewer produces an annual report on the application of anti-terrorism powers, including those exercised at the ports and borders.

4.19 Her Majesty's Inspectorate of Prisons

Her Majesty's Chief Inspector of Prisons (HMCIP) inspects detention facilities. Her remit covers removal centres and short-term holding facilities and escorts arrangements. HMCIP may make unannounced visits to any removal centre or short-term holding facility at any time.

4.20 Independent Police Complaints Commission (IPCC)

The IPCC has oversight of serious complaints, incidents and misconduct matters involving UKBA staff in England and Wales in certain circumstances. Similar systems will be put in place for Scotland and Northern Ireland.

4.21 Contact with HM Treasury, National Audit Office and EU Auditors

The Agency will ensure that its contact with HM Treasury and the National Audit Office is in accordance with the terms of a framework agreed with the Department which is responsible for the overall relationship with these bodies.

Contacts with HM Treasury, the National Audit Office, and EU auditors on fiscal and international trade matters where HM Revenue and Customs has the policy lead should be made via HM Revenue and Customs.

4.22 EU and international organisations

The Agency will ensure close working relations with the European Commission, enforcement agencies in other EU Member States and other key international enforcement partners and with key global organisations such as the World Customs Organisation.

SECTION 5: POLICY AND WORKING WITH MINISTERS

5.1

The responsibilities of Ministers and officials in respect of policy matters are set out in Section 3 above.

5.2

Ministers, the Home Office Board and the Chief Executive will work closely together, involving HM Revenue and Customs Commissioners as appropriate, to achieve the best balance of the following aims:

- providing a clear and stable policy framework within which the Chief Executive can exercise operational freedom to develop and deliver improved services; and
- ensuring that the policies underpinning the work of the Agency reflect changing circumstances abroad and in the UK.

5.3

The key principles underlying the relationship between Home Office Ministers and officials are set out in the Departmental ‘Compact’ between Ministers and Home Office officials. Key aspects of this in relation to policy include the expectation that Ministers will:

- take and communicate clear and timely decisions based on evidence and accurate, or best available, data;
- ensure that decisions take account of resource constraints;
- focus on policy and outcomes, knowing that weaknesses in performance will be tackled effectively; and
- allow managers the freedom to deploy resources to achieve the policy objectives.

And the expectation that officials will:

- provide timely, accurate and clear advice, including on any resource implications, based on evidence and accurate, or best available, data;
- understand the political and wider context in which the Agency works;
- ensure that Ministers are informed about risks and operational issues which might affect the strategy or reputation of the Department; and
- ensure that accountabilities for decisions are clear.

5.4

In addition, this Framework Agreement makes it clear that:

Home Office

- the Permanent Secretary is responsible for advising Ministers on policy matters that impact on the whole Department;
- the Chief Executive will be responsible for advising Ministers and the Permanent Secretary on policy issues that relate to border, migration and nationality matters. In so doing the Chief Executive will engage other members of the Home Office Board in so far as the issues impact on their responsibilities;
- where necessary the Permanent Secretary may decide that other Board Member lead or be involved in particular issues which have cross-cutting significance. In all such cases the Chief Executive and relevant Board Members will work in partnership in advising Ministers;
- the Chief Executive and other members of the Home Office Board will work closely to ensure all advice to Ministers on potential changes to border

and immigration policy is consistent with wider Departmental and Governmental objectives and with wider EU and international obligations. They will also ensure that their staff collaborate closely on policy matters which have cross-Departmental and/or cross-Governmental implications;

- there will be a lead individual in the Agency with accountability for policy both to the Chief Executive and to the Home Office Board;
- key policy staff within the Agency will participate in the cross-Departmental ‘Strategic Policy Network’ which aims to ensure that business area strategies are aligned with the Department’s overall strategy;
- the Chief Executive will ensure that arrangements are in place to ensure a consistent approach to policy across the Agency’s regions; and
- if there is any doubt about whether a policy issue is of sufficient importance to refer to Ministers, then staff in the Agency or Department will consider whether the matter concerned has significant resource, strategic, reputational, cross-Home Office, cross-Governmental, or international implications. The key test will be whether Parliament or the public may have a clear interest in knowing. Staff will be guided by the Home Office values which include a commitment to “work openly and collaboratively” and to “treat everyone with respect” including in respect of the public who are the Agency’s most important stakeholder.

Other Government Departments

- the Chief Executive and other Members of the Home Office Board will work closely with equivalent officials in HM Treasury, HM Revenue and Customs and the Foreign and Commonwealth Office, as appropriate, to ensure advice to Ministers on potential changes to border

and immigration policy is consistent with wider Governmental objectives and with wider EU and international obligations;

- policy or operational issues within the Agency which have an impact on policy in HM Revenue and Customs and the Foreign and Commonwealth Office and/or which raise wider cross-Government policy issues, will be developed through close working with staff in the Departments concerned;
- Officials from HM Treasury, HM Revenue and Customs and the Foreign and Commonwealth Office will be invited to meetings of the ‘Strategic Policy Network’, which aims to ensure that business area strategies are aligned with the Department’s overall strategy, where appropriate
- HM Revenue and Customs Commissioners will continue to have lead policy responsibility for:
 - the collection and management of taxes
 - the EU and international legislative and administrative frameworks for customs import, export and transit declaration processes and the development of supply chain security for international trade;
 - inland fiscal and other inland HM Revenue and Customs compliance and enforcement activities.
 - the enforcement of certain non fiscal import and export prohibitions and restrictions.
- the regulation of international trade in relation to non EU imports and exports is governed by EU legislation and so proposals to revise or introduce new border control requirements for regulating international trade fall under Community rather than national competence.

PART II: CORPORATE PROCESSES AND FUNCTIONS

SECTION 6: GUIDING PRINCIPLES

6.1

This section sets out some guiding principles that govern decisions about the degree of autonomy that the Agency should have and how staff in the Agency and the wider Home Office should work together. Relations with HM Revenue and Customs and the Foreign and Commonwealth Office in respect of corporate functions and services are covered in Sections 6.4 and 6.5 below.

6.2 Freedoms and delegations

The relationship between the Agency and the wider Home Office on freedoms and delegations is underpinned by the following key principles:

- the Agency should have sufficient autonomy to delivery its objectives efficiently and effectively;
- in exercising its freedoms, the Agency will give full regard to any implications for the wider Home Office, particularly in relation to efficiency, risk or reputation; and
- limits on the Agency's freedom are only imposed where necessary to comply with wider corporate and Government interests and to ensure accountability.

The Department and the Agency will work together in a spirit of openness and collaboration to ensure that these principles are optimised in practice and are mutually understood.

Both parties shall keep the arrangements under review in the light of changing circumstances. The Department will consult the Agency prior to any changes in freedoms and delegations.

The Home Office will represent to HM Treasury, the Cabinet Office and the Civil Service Commissioners the impact of their requirements on the operations of the Agency.

6.3 Working together

Staff in the Agency and the wider Home Office will maintain strong working relationships through regular contact. Staff will:

- engage with each other in a spirit of openness and collaboration;
- work towards a mutual understanding of the key issues;
- be supportive of each other's objectives; and
- identify and work towards shared goals and objectives.

Home Office HQ will involve the Agency in the development of standards and frameworks governing corporate functions or services and will consult the Agency on any of the changes

Home Office HQ and the Agency will jointly consider whether to introduce service level agreements for transactional and professional services provided to the Agency that are not currently covered by such agreements

The Agency and the Department will jointly consider the most effective way to develop and deliver new corporate policies and procedures to meet the operational needs of the Agency and wider corporate requirements. Work on individual projects may be led by the Agency or the Department in collaboration with the other.

6.4 Foreign and Commonwealth Office

The Home Office has agreed a Memorandum of Understanding with the Foreign and Commonwealth Office and service level agreements covering corporate services and functions provided between the Departments. The two Departments will work as far as possible in line with the principles in Section 6.3 above.

6.5 HM Revenue and Customs

The Home Office has agreed a Partnership Agreement with HM Revenue and Customs that covers the relationship between the Departments in respect of corporate functions and services relating to the Agency during the interim period and pending the transfer of resources and responsibilities to the Home Office. Part II of this document will be revised once those changes have been agreed and implemented. In the meantime, Part II of this Framework only applies to HM Revenue and Customs where this is specifically stated.

SECTION 7: PLANNING AND PERFORMANCE

7.1

This Section provides further detail on the roles and responsibilities in respect of planning and performance that are outlined in Section 3. The guiding principles outlined in Section 6 apply.

7.2 General

The Agency's planning and performance management arrangements should:

- identify at a high level how the Agency's objectives will be achieved and the estimated cost of efficiently delivering them;
- contain performance targets and milestones that provide sufficient challenge to promote continuous improvement;
- ensure delivery of the Department's and HM Revenue and Customs' strategic objectives to protect the public, to ensure correct taxes are paid, and to raise service standards;
- ensure delivery of the Foreign and Commonwealth Office's strategic objective to support managed migration; and those targets and objectives shared with other Government Departments;
- adhere to delegated budgets and indicative allocations by the Department and be consistent with the resources allocated to the Agency;
- ensure that senior officials within the Agency are held to account for the delivery of particular objectives;
- ensure that consistent, accurate and timely information is available to Ministers, the Home Office Board and officials in HM Treasury, HM Revenue and Customs and the Foreign and Commonwealth Office to support effective planning, performance and risk management;

- comply with the Department's policies and practices for the appraisal and approval of investments; and
- comply with requirements for respecting taxpayer confidentiality
- the Agency's performance management framework including the governance and reporting arrangements;
- the Agency's approach to risk management and mitigation;

7.3 Planning

Each year the Agency will produce a Business Plan to a timetable agreed with the Department and HM Revenue and Customs. The Business Plan will integrate both the operational outputs and the supporting resources required to deliver the Plan. The Agency will work with the teams supporting the Home Office Board to ensure consistency with the Department's overall objectives, planning process and timetable. The Agency will also work closely with officials in HM Revenue and Customs and the Foreign and Commonwealth Office, to ensure the plan supports their relevant Departmental Strategic Objectives. The Agency will also engage other Departments that are key delivery partners and share cross-Departmental targets and objectives.

The Business Plan will focus on the forthcoming financial year, and will also indicate provisional plans for the ensuing years, consistent with the Home Office and HM Revenue and Customs' planning cycles and the Government's Spending Review process. The Business Plan will include:

- the Agency's contribution to delivering PSA targets, agreed performance indicators and other relevant high level targets, or milestones, showing how these contribute to delivery of Home Office, HM Revenue and Customs and Foreign and Commonwealth Office objectives and those of the Government more widely;
- the resource requirements for each main area of activity, explaining how those activities link to the meeting of the Agency's objectives and targets;

- the Agency's enabling objectives and values, including plans to improve the efficiency and effectiveness with which it discharges its responsibilities;
- information on the trends and assumptions on which the plan is based; and
- how the Agency will interact with its stakeholders.

The Business Plan will be presented by the Chief Executive for consideration by the Home Secretary, the Chancellor of the Exchequer and the Foreign Secretary. The Permanent Secretary, supported by the Home Office Board, will advise the Home Secretary on the strategic fit and deliverability of the Business Plan. Collective Ministerial agreement to the Agency's high level strategy and priorities may be achieved through Cabinet Sub-Committee DA(BM).

The Business Plan may be changed during the period of its operation at the request of the Chief Executive, the Permanent Secretary, HM Revenue and Customs Commissioners or Ministers. Any such changes will be agreed by the Home Office Board, the Home Secretary, the Chancellor of the Exchequer, the Foreign Secretary and the Cabinet Sub-Committee DA(BM) as appropriate.

7.4 Performance

The Chief Executive is accountable to Ministers and the Permanent Secretary for the performance of the Agency and is responsible for ensuring that:

- the Agency complies with the Department's performance management framework, including participation in the Department's Operating Reviews;

- the Agency works in partnership with HMRC, ensuring appropriate flows of information, to help deliver the revenue targets agreed with the Chancellor;
- Ministers, the Permanent Secretary, the Home Office Board, HM Revenue and Customs Commissioners and officials in the Foreign and Commonwealth Office and other Government Departments have access to consistent, timely and accurate information on relevant aspects of the Agency's performance, including any issues that raise significant risks for the Agency or the Departments concerned.
- the Agency has a robust and comprehensive internal performance management framework and supporting governance structure in place that reports up to the UK Border Agency Board;
- The Foreign and Commonwealth Office is involved with any supervisory arrangements which may be introduced for the review of performance and policy relating to the overseas network.
- the Agency reports its outturn performance against its Plan targets and budget in its Annual Report and Accounts and in the Home Office and HM Revenue and Customs Departmental and Autumn Performance Reports as required.
- EU legal requirements and other statutory obligations are met.

SECTION 8: FINANCIAL ARRANGEMENTS

8.1

This Section provides further detail on the roles and responsibilities in respect of financial matters that are outlined in Section 3. The guiding principles outlined in Section 6 apply.

8.2 Financial Regime

The Permanent Secretary as Principal Accounting Officer for the Home Office will delegate day-to-day financial responsibility for the Agency to the Chief Executive, who will in turn provide annual assurance to the Principal Accounting Officer as required by HM Treasury.

Pending the transfer of resources to the Home Office, HM Revenue and Customs Commissioners will remain accountable for resources and financial systems under its command. The Home Office and HMRC have agreed a Partnership Agreement covering the management of resources during the shadow period.

Subject to this, the Agency will have autonomy in its budget delegations and financial management arrangements, subject to the need to keep within the terms of its overall budget delegations and to obtain Group Investment Board and HM Treasury approval where needed.

Once the Agency is formally established the Chief Executive will become the Agency Accounting Officer. As such the Chief Executive is responsible for Agency expenditure, and for ensuring that effective financial management systems are in place and maintained. In particular the Chief Executive will ensure that the Agency:

- manages its finances in accordance with the Departmental Framework (which ensures that the Department as a whole can allocate its finances to achieve the best outcomes overall), and to ensure propriety, regularity and efficiency in public spending;

- maintains sound finances across both operational and programme functions within its allocated expenditure;
- maintains a sound system of internal control that supports achieving the Agency's policies, aims and objectives, whilst safeguarding public funds and assets;
- optimises 'value for money' of spending through rigorous challenge to new and existing policies and programmes; and
- acts in support of all Government-wide programmes for the improvement of public spending, and complies with various governance and regulatory requirements set out in HM Treasury's budgeting, propriety and accounting related guidance.

The Agency has responsibility for financial and management accounting and will provide information to the Department for consolidation in the Departmental Resource Accounts, and for planning, monitoring financial performance, and budgeting purposes. The Agency should also share information with its delivery partners where appropriate.

In its relationship with the Agency the Department will:

- work to support the delivery of the Agency's objectives;
- take full account of the operational implications for the Agency of any changes in financial delegations and processes;
- ensure that it represents to HM Treasury the impact of proposed HM Treasury requirements on the operations of the Agency;
- ensure a timely over-arching budgeting process
- consult the Agency prior to any changes in financial delegations; and

- provide all relevant information to enable the Agency to comply with its financial responsibilities.

The Chief Executive will be granted end of financial year flexibility (EYF) to carry forward capital underspends for specific projects into the next financial year, where the Department itself has scope to do this, subject to normal scrutiny of need. If resource EYF becomes available to the Department, systems for allocating it will be discussed collectively.

8.3 Financial Delegations

The Permanent Secretary will issue annual financial allocations to the Agency covering the forthcoming year and future years consistent with Spending Reviews. Within the overall Agency delegation, the Chief Executive may re-deploy resources between programmes.

The Chief Executive has the freedom to delegate powers in writing to any named Agency staff.

Any new capital and policy programmes which will have a significant impact on the Agency's financial position should be included within the Agency's Business Plan and discussed with the Department in line with its overall priorities and affordability. Likewise, where tasks additional to those contained in the Agency Business Plan are identified in-year, the Agency will advise and consult the Department as soon as possible about the resource implications of these additional tasks.

In accordance with the delegation levels set by the Permanent Secretary, Agency policies, projects and programmes will be subject to the Office of Government Commerce (OGC) Gateway Review process and/or the Home Office Board and HM Treasury processes.

Where a direction is required to proceed with a course of action that the Chief Executive or the

Permanent Secretary has advised against in their capacity as Accounting Officers, and pending any legislative changes, this direction will be sought by the Permanent Secretary from the Home Secretary.

8.4 Consultation

Finance staff throughout the Department, including the Agencies, are part of a single finance community. The commitment to work together on finance applies also to managers in policy, operations and corporate services.

Where new policies or projects with significant financial implications are being developed within the Agency or the Department, engagement with finance staff should begin at an early stage. The Agency should also consult its delivery partners where they may bear a financial impact.

8.5 Contractual Delegations

The Agency's procurement policies shall reflect Departmental policies, the Home Office Procurement and Procedures Manual, and the Home Office Departmental Commercial and Procurement Framework. The Agency shall also ensure that it complies with its legal obligations including those under the European Communities' Procurement rules and other international agreements.

The Agency and the Home Office Commercial Directorate will agree a suitable procurement delegation annually. This will be based on business needs, taking into account seniority, skills, experience and competence of procurement staff. The delegation will constitute a written Operating Level Agreement signed by both parties.

The Agency will ensure that a robust commercial framework is in place to manage the Agency's procurement structure through consultation with the Department, and it will work collaboratively with the Home Office Commercial Directorate.

The Home Office Commercial Directorate has the right to carry out procurement audits and inspections. The Agency will advise the Commercial Directorate of any novel or contentious procurement issues.

The Partnership Agreement with HM Revenue and Customs covers arrangements for the interim period.

8.6 Fees and charges

The Agency will continue to charge for immigration, visa and nationality services where it has the statutory powers to do so and agreement from HM Treasury. The Agency will do this in accordance with the following principles:

- the Agency will work within the Department's overall corporate framework for charging services;
- the full and relevant costs of the immigration system will be recovered in fees for applications in line with HM Treasury's Fees and Charges Guidance;
- any divergence from the Fees and Charges Guidance will only be with the agreement of HM Treasury;
- the Agency will seek to ensure that damage is not done to the UK's international competitiveness and attractiveness through setting fees for immigration and visa services at levels that cannot be borne;
- changes to the Agency's charging regime will retain HM Treasury oversight of, and agreement to, the costs and fee levels; and
- income from fees will be retained by the Agency, except where other agreement has been reached with HM Treasury, the Home Office or other bodies.

The Agency will work with other agencies and Departments, including the Identity and Passport Service and the Foreign and Commonwealth Office, to support the delivery of a coherent fees strategy across Government. In particular, the Secretary of State for Foreign Affairs and officials from his Department will continue to play a role in determining visa fee levels through current mechanisms and future Fees Committee structures.

8.7 Risk Management

The Agency is responsible for its risk management strategy. This will be consistent with the Department's risk management policies and will involve maintaining robust contingency and business continuity plans for the Agency which are reviewed and tested regularly.

8.8 Internal Audit Arrangements

The Chief Executive is responsible for ensuring that the Agency has internal audit arrangements that comply with the standards and guidelines of the 'Government Internal Audit Standards'. Any major changes to the Agency Internal Audit arrangements will be agreed with the Home Office's Director of Finance.

8.9 Annual Report and Accounts

The Chief Executive will prepare and publish each year an Annual Report and Accounts in accordance with the guidance and accounting policy set out by the Cabinet Office and HM Treasury. That report will be agreed with the Permanent Secretary before Ministerial clearance.

The report and accounts will set out the Agency's performance related to the objectives, forecasts and targets published in that year's Business Plan. The accounts will be audited by the Comptroller and Auditor General, and will be published and laid before both Houses of Parliament.

SECTION 9: HUMAN RESOURCES

9.1

This Section provides detail on the roles and responsibilities of the Agency and the Department in respect of human resources. The guiding principles outlined in Section 6 apply fully once HMRC staff have transferred to the Agency.

9.2 General

All permanent Agency employees are civil servants and members of the Home Office. All employees will be members of the Principal Civil Service Pension Scheme (PCSPS) unless they decide otherwise on a personal basis.

The Chief Executive is a civil servant, subject to the civil service code, and is responsible for ensuring that the Agency can effectively deliver its business through its most valuable resource; its people.

The Chief Executive is responsible for all aspects of the management of all employees at all levels (including Senior Civil Servants) in the Agency, and has the power to delegate responsibility (as appropriate) to relevant levels of management.

9.3 Appointment of the Chief Executive

The Permanent Secretary appoints the Chief Executive, after open competition and in consultation with Ministers. Details of the Chief Executive's remuneration will be published in the Agency's Annual Report and Accounts.

9.4 Senior Civil Servants (SCS)

The Permanent Secretary will agree, with the Chief Executive, a maximum number of full time equivalent posts at pay band 1 and pay band 2 SCS level each year. Within that overall limit, the Chief Executive is free to add or delete posts according to the business needs of the Agency. All pay band 2 posts will be approved by the Permanent Secretary.

The Chief Executive has the freedom to organise recruitment and selection campaigns for all SCS pay band 1 and pay band 2 posts and to select prospective candidates to fill them in accordance with Civil Service Commissioners rules, Cabinet Office guidance, requirements of the law and Professional Skills for Government. The Chief Executive will also work within any overall policies on succession planning and senior talent management development agreed with the Home Office Board, taking account of any shortages and surpluses and the need to develop the skills of the corporate leadership team.

The Chief Executive has the freedom to personally approve all appointments at SCS pay band 1. For SCS pay band 2 posts, the normal arrangement will be for the Chief Executive, after consultation with the Permanent Secretary and the Home Office Director General for Human Resources, to organise the recruitment process but the Civil Service Commissioners will be consulted on the composition of the selection panel to ensure appropriate specialist or functional input. The Permanent Secretary will approve the final appointment of a successful candidate to an SCS pay band 2 post.

The Chief Executive will have the freedom to determine pay levels for staff at SCS pay band 1 level at appointment and during their employment in the Agency in accordance with Cabinet Office guidelines and within a framework agreed in advance and reviewed periodically by the Chief Executive, the Director General for Human Resources and the Permanent Secretary. Salaries at SCS payband 2 will be determined in discussion with the Director General for Human Resources and the Permanent Secretary and with reference to Cabinet Office guidelines.

Performance pay for the SCS in the Agency will be decided by a Pay Committee for the Home Office. A performance assessment of each SCS employee and the Chief Executive's recommendations will be submitted for approval to the Home Office Pay Committee. An Agency Director, nominated by the

Chief Executive, will be a member of the Home Office Pay Committee.

The SCS remain a corporate resource for the Department and there will be joint working on the overall development of the SCS cadre. In order that any return on investment can be realised the Chief Executive will normally follow the Cabinet Office's four-year service guidelines for postings, subject to the overriding needs of the broader Department or Civil Service. Agency SCS employees will also have access to Departmental leadership programmes.

9.5 Pay

The Agency and the Home Office Headquarters will form a single pay bargaining unit. Both parties will collaborate effectively to ensure that the setting of all elements of pay and grading for non-SCS employees reflects the relative size and operational needs of the Agency. These arrangements may be reviewed at the prompting of either party in respect of the key principles set out in at the beginning of this section.

Within the pay bargaining unit, it is recognised that different areas of the business have different needs, therefore the Agency is free to define occupational groups of employees and set pay and grading systems in place that meet the needs of the business. Such arrangements must have due regard for any legal risks and broader implications across the Department that may emerge and should be aligned with Departmental pay policy.

The Chief Executive will ensure that terms and conditions of employment, including pay and grading, are consistent with supporting Departmental corporate aims and any wider Civil Service wide pay strategy.

The Agency, in conjunction with the wider Home Office, will deal with all negotiations with its recognised trade unions.

The Home Office and the Agency will work together during the interim period to consider the appropriate level of delegation of pay and grading arrangements for its staff, taking account of its business needs and the wider pay and funding developments across the Home Office and wider Civil Service.

9.6 Human Resources Policies and Procedures

The Chief Executive is responsible for establishing Human Resources policies and procedures that reflect the business needs of the Agency within a Strategic framework set for the entire Department, including but not limited to discipline, performance management, attendance management and grievance. Such arrangements must have due regard for any legal risks and broader implications across the Department that may emerge and should be referred to the Departmental pay lead.

9.7 Employee Resourcing

The Home Office is committed to ensuring that staff in its Headquarters and Agencies have the right to apply for jobs anywhere in the Home Office and that barriers to movement are minimised. Suitably qualified Agency employees are eligible for promotion and transfer within the Department and other government departments; and Agency employees remain eligible to apply for internally advertised Departmental vacancies.

The Chief Executive will maintain (through recruitment and the management of workforce redeployment and reduction) the establishment of employees, including casual and fixed term employees that are necessary to meet the business needs of the Agency. Recruitment of all permanent employees will be undertaken in an open and fair manner, in accordance with Cabinet Office guidance and Civil Service Commissioners' Rules.

9.8 Agency Structure

The Chief Executive is responsible for the distribution and allocation of employees at all levels between duties, offices, ports and other locations.

9.9 Employment Tribunals and other Legal Proceedings

The Chief Executive or their nominee will be responsible for responding to any appeals by employees to the Civil Service Appeals Board, claims made to an Employment Tribunal and employment related claims to other courts.

9.10 Performance Management and Reward

The Agency will operate within a common performance management and appraisal framework with the Department. However it will have freedom to design and implement reward and motivation systems that support it according to its business needs.

9.11 Employee Relations

The Agency will operate a consultation and information regime which ensures that employees and their representatives play a positive part in the life of the Agency.

The Chief Executive will introduce and maintain recognition agreements with trade unions as appropriate and in accordance with legal obligations.

9.12 Learning and Development

The Agency and its constituent businesses and managers will be responsible for planning, organising and evaluating learning and development for all its employees so that they are equipped to do their jobs to a high standard and so that they develop their skills and ways of working for the future. The Agency will be responsible for resourcing this learning and development except where corporate programmes are

resourced under separate arrangements. The Agency will contribute fully to the work of the Home Office Virtual Academy, which will be set up to undertake joint projects in areas of common interest and need.

9.13 Diversity

The Agency will create a working environment in which diversity is recognised, valued and celebrated. The Agency will engage with the full spectrum of society in delivering its business. The Agency will comply with the requirements placed upon it by the law.

The Agency will develop Equality and Diversity policies which will comply with the overall Departmental policy but will specifically support the Agency's business needs and objectives.

9.14 Security

The Permanent Secretary may agree delegated authority to the Chief Executive in areas of vetting and security.

9.15 Conduct, Capability and Grievance Procedures

The Chief Executive has the power, which may be delegated, to take action in relation to the conduct and capability (including attendance management) of all employees working within the Agency, and to establish appropriate policies and procedures that comply with employment legislation.

The Chief Executive will also ensure that a grievance procedure is in place which complies with employment legislation.

9.16 Implementation of Government-wide initiatives

In co-ordination with the Department, the Agency should implement mandatory Government-wide initiatives when required to do so. The implementation should follow a jointly agreed Departmental approach or framework.

9.17 Employees joining UKBA from HMRC and FCO

The Home Office has agreed a service level agreement with the Foreign and Commonwealth Office and a Memorandum of Understanding with HM Revenue and Customs to cover interim arrangements before the transfer of staff to the Home Office.

SECTION 10: OTHER CORPORATE FUNCTIONS, SERVICES AND STANDARDS

10.1

The Agency works with a range of Home Office corporate functions in addition to Finance and Human Resources. The arrangements have been designed to ensure consistency across the Home Office and to promote value for money while delivering the Agency's objectives. The guiding principles outlined in Section 6 apply.

The Agency continues to receive some corporate services from HM Revenue and Customs and the Foreign and Commonwealth Office. These are covered by a service level agreement with the Foreign and Commonwealth Office and a Partnership Agreement with HM Revenue and Customs.

10.2 Shared Services

In respect of Shared Services:

- the Home Office Board will ensure as far as possible that the Departmental Shared Services business meets the needs of the Agency;
- the Agency will adhere to the principles set out in the Home Office Departmental Framework for Shared Services;
- the Agency will participate in cross-Departmental arrangements for determining customer priorities and business needs, and for managing the delivery of services. The service provision management and governance arrangements will be developed in collaboration with the Agency and sister Home Office organisations;
- the Agency and the Shared Service business will develop two-way service level agreements for service provision, and will also set out the management of performance, escalation and the approach to dispute resolution;

- as set out in the Home Office Departmental Framework, all Home Office organisations will use the Shared Services business with any exceptions authorised by the Home Office Board. The case for divergence from Home Office strategy must be well set out (including an assessment of the impact on forecast efficiencies across the Department and existing programmes) before authorisation will be given to secure appropriate alternative provision; and
- in securing any corporate services independent of the Home Office Shared Service business and the wider Home Office, the Agency will consult the Department and the Shared Service business and give full regard to wider interests of the Department and the need to ensure compatibility, standardisation, efficiency of systems, the exploiting of existing assets and collective buying opportunities.

10.3 Communications

The Agency communications strategy will be complementary to the Departmental communications strategy and reflect its priorities. The Agency will retain and develop its own communications capability to deliver its strategy. There will be joint reporting of press officers working on Agency issues to the Home Office and the Agency. The Agency will continue to work in partnership with the Department to determine resource allocation and strategic priorities for marketing activity and spend on immigration. The Agency and the Department will work closely on internal and stakeholder communications strategy and activity. The Agency will work closely with HM Revenue and Customs and the Foreign and Commonwealth Office to ensure alignment of communication strategy and activity around the business of the Agency.

10.4 Information Technology

The Agency will have its own Information, Systems and Technology (IST) strategy which will cover the

breadth of its IST needs to deliver its objectives and will be aligned with the Home Office's IST strategy developed by the Office of the Chief Information Officer (OCIO). The Agency is responsible for:

- developing a good understanding of its business operating models and the IST capabilities that it requires to deliver against its business objectives;
- setting its own IST strategy, architecture and policies;
- ensuring the above are aligned with the overall Departmental IST strategy, architecture and policies;
- setting in place planning processes for business change programmes to deliver new IST capabilities within a coherent set of programmes;
- the specification and high-level design of the systems to implement its business; and
- making use of IT Shared Services according to the overall Shared Service agreements.

The Agency's Chief Information Officer (CIO) function or Information Systems Director will provide leadership for its IST responsibilities and will have a dotted line relationship with the Departmental CIO.

Shared Services is responsible for delivering the IT and information management services required to support business operations, within the terms of the IST strategy and high level design principles laid down by the OCIO. Through the governance process, individual businesses will steer the requirements for, and delivery of, Shared Services.

Issues to do with UK Border Agency access to and use of HMRC owned IT services are covered in the Partnership Agreement between HMRC and the Home Office.

10.5 Information Management

The responsibilities of the Agency for Public Records, Data Protection, Freedom of Information and other information services are set out in an Information Management Framework agreed with the Home Office.

Pending the transfer of staff and responsibilities to the Agency HM Revenue and Customs information management standards will apply to HM Revenue and Customs staff and functions. The Agency will comply with provisions in the Partnership Agreement between the Home Office and HM Revenue and Customs in relation to taxpayer confidentiality and disclosure of information.

10.6 Estates and Asset Management

The Agency's existing headquarters are located in Croydon. Future location will be considered as part of a wider Property Strategy review. Legal title to the accommodation occupied by the Agency is generally held by the Secretary of State for Communities and Local Government. Some accommodation may for historic reasons be legally held by another Crown body. The Home Office however acts as principal for the purpose of acquisition and disposal of the Agency's accommodation. During the life of this Agreement, the Department and the Agency may jointly review the arrangements for Estates Management.

The Agency's Chief Executive has responsibility for defining the location, role and size of accommodation that is required to carry out the Agency's functions. The Agency will manage its estate efficiently, effectively and economically to meet changing business needs and to provide a healthy and safe accommodation for staff, visitors and detainees.

Decisions about the location and size of the Estate will take into consideration the Home Office Estates Strategy, the principles of the Lyons Review and government accounting guidance on coordination of

the management of the civil estate. The Agency will act within the delegations given by the Department from time to time for acquiring or disposing of accommodation whether by lease, licence or purchase.

The Agency is responsible for recording and maintaining an asset register. The Agency will accurately record the value of its assets and account for them through depreciation and interest charges in its annual accounts.

10.7 Security

The Agency Chief Executive is responsible for ensuring that effective arrangements are in place for the day to day security management of the Agency. Security services are currently provided to the Agency through a service level agreement with the Departmental Security Unit. During the lifetime of this Framework Agreement, the Agency will have the option to consider any alternative arrangement subject to the agreement of the Departmental Director responsible for security and the shared security service.

The Agency is required to conform to the security standards and guidance laid down in HM Government security authorities and any additional guidance issued by the Departmental Security Officer. The Agency will conduct regular audits of the security arrangements within its offices and those of its partner organisations. Copies of the reports of the audits will be given to the Departmental Security Officer, Internal Audit and the National Audit Office. The Agency will give an annual certificate of assurance for the security of its security management systems to the Departmental Security Officer. The security arrangements may be subject to change during the lifetime of the Framework Agreement.

Pending the transfer of staff and responsibilities to the Agency, HM Revenue and Customs data security standards will apply to HM Revenue and Customs staff and functions.

10.8 Research, Development and Statistics

Research and development work needed by the Agency is carried out by a number of parties in addition to those that are fully controlled by the Agency. These include Home Office HQ groups (in particular, at present, the Home Office Scientific Development Branch and the Economics and Resource Analysis Unit) and staff of Home Office Research, Development and Statistics (RDS) who are embedded in or seconded to in the Agency. RDS embedded/seconed staff report to a line manager in the Agency but have a secondary line to the Home Office Chief Scientific Advisor (CSA), who has oversight on professional issues such as recruitment, deployment, promotion, training, quality standards and designation of Heads of Profession. The CSA has overall responsibility for science and research in the Home Office and is responsible for the development of a strategic Home Office science plan.

10.9 Complying with Better Regulation, Human Rights and Devolution requirements

The UK Border Agency shall comply with the Government's commitment to efficient and effective regulation. This includes complying with: Better Regulation principles; the Government's Code of Practice on Consultation; producing Impact Assessments; and any subsequent Government guidance on Better Regulation. Where appropriate, the Agency shall additionally abide by the principles set out in the Hampton Review - 'Reducing administrative burdens: effective inspection and enforcement' and any related guidance or requirements. The Agency shall also have regard to the Devolution Settlements in relation to Scotland, Wales and Northern Ireland. The Agency will uphold all of the UK's International and European Treaty obligations with respect to Equality and Human Rights."

10.10 Sustainability

The Agency and the Home Office will agree appropriate mechanisms to report performance on sustainability.

