



# **NCA**

National Crime Agency

# **Code of Conduct for Board Members**

**January 2018**

**Version 2**

# Code of conduct for Board members

**This Code is supplementary to legislation, NCA policies and operating procedures, standing orders and financial regulations, by which Board members are expected to abide. In no way does this code supersede or derogate any of the former.**

**This code is also supplementary and aligned to the NCA code for all NCA officers.**

## **1. Public service values**

- 1.1 The National Crime Agency (NCA) is a non-ministerial department established by the Crime & Courts Act 2013. The NCA's 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.
- 1.2 The respective roles and responsibilities of the Secretary of State for the Home Department ('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, are set out in the NCA Framework Document. Board members should make sure that they understand their responsibilities as set out in this document. The DG NCA will be accountable to the Home Secretary and, through her/him, to Parliament.

## **2. The role of the Board**

- 2.1 The Director General will chair a Management Board ('the NCA Board'). The NCA Board will have both ordinary members and ex-officio members. As civil servants, NCA Board members will at all times:
  - observe the highest standards of propriety and remain unbiased and honest when exercising their functions as members of the Board of NCA;
  - maximise value for money by ensuring that services are delivered in the most economical, efficient and effective way. Value for money is not the lowest price: it is the optimum combination of whole life costs and quality to meet the user's requirement; and
  - take collective responsibility for the work of NCA.
- 2.2 The role of the Board is set out in the NCA Governance Framework Document. 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. All Board members are collectively responsible for the work of NCA and accountable for their own work.

### **3. The role of the Director General, as Chair of the Board**

- 3.1 The Director General, as Chair of the Board, is responsible for providing effective leadership of the Board of the NCA and for advising the Board on the discharge of its responsibilities. The Chair must also do the following:
- make sure the Board meets at appropriate intervals, and that the minutes of those meetings and any reports to the Home Secretary accurately record the decisions taken and, where appropriate, the views of individual Board members;
  - assess Board members' performance when they are being considered for appointment (or re-appointment) to the Board or the board of some other public body; and
  - allocate work/responsibilities to Board members.
  - ensure that the measures set out in the NCA Framework Document are adhered to where required

### **4. Obligations on all Board members, including the DG**

- 4.1 All Board members are expected to be fully committed to NCA work and devote all contracted working hours to the NCA.
- 4.2 All Board members must:
- adhere to this Code and to the Seven Principles of Public Life set out by the Committee on Standards in Public Life (Annex A);
  - keep to and promote the NCA's values and behaviours when carrying out their duties;
  - ensure high standards of corporate governance are observed at all times; and
  - ensure that their actions do not damage the NCA's reputation.
- 4.3 Non-executive Board members must in addition ensure they abide by the principles set out in the Cabinet Office 'Code of Conduct for Board Members of Public Bodies' – June 2011<sup>1</sup>.
- 4.4 Executive members may, with permission from the Chair, carry on other duties, which may be paid or unpaid, in their own time. Any such duties must not cause a conflict of interest with the NCA's role or values and should be recorded in the register of interests. Where there is payment for outside duties of this nature, the time spent on them should be clearly recorded to show that public funds are not being used. The payment should also be recorded in the register of interests.
- 4.5 NCA Board members will necessarily acquire information which is confidential or sensitive in nature. Board members must respect the confidentiality of any information they receive and should never disclose or use it for personal advantage or for that of anybody else, nor for political interests, nor to the disadvantage or discredit of the NCA or any of its partners.

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<sup>1</sup> This states that "the Government expects all holders of public office to work to the highest personal and professional standards. In support of this, all non-executive board members of UK public bodies (including government departments, non-ministerial departments, executive agencies, executive and advisory non-department public bodies and national public corporations), must abide by the principles set out in this Code".

- 4.6 When Board members receive confidential or sensitive information through their NCA duties, they must ensure that such information is handled with due care and is not allowed to be compromised. If necessary, the Director General can provide advice on the handling of sensitive information. A breach of confidence in respect of information subject to the Official Secrets Act may be a criminal offence.
- 4.7 If a Board member becomes aware of any issue which might affect the discharge of their NCA duties, they should inform the Director General as soon as possible. Any concerns about the way in which the NCA is being run should be raised with the Director General.

## **5. Writing and speaking in public and responding to the media**

- 5.1 Board members are the most public face of the NCA and an important part of their role is to communicate the work of the agency to the public, our partners and the media.
- 5.2 In the main, contact with the media will be managed by the communication team, whose role is to advise and support the Board in their interactions with the media. However, if approached directly by the media Board members should respond in a positive manner, representing the corporate position, to the best of their knowledge, make a record of the conversation and report it back to the communication department. Board members should have normal regard for operational sensitivities and not be drawn on matters outside their area of expertise.

## **6. Declaring interests and possible areas of conflict**

- 6.1 Board members must avoid any risk of being influenced, or appearing to be influenced, by their personal interests when carrying out NCA duties. Any personal or business interest that might influence, or appear to influence, a Board member's judgement must be declared. This includes financial and non-financial interests. It also includes known interests of relatives and close personal friends. The declaration form is attached as Annex B to this Code.
- 6.2 The register of interests must be kept up to date and should be reviewed on a regular basis. An abridged version will be made publicly available and will be published on the NCA website, and updated regularly.
- 6.3 At the start of any Board meeting, members must declare any interest that relates specifically to a particular issue being considered, so this can be recorded in the minutes of the meeting.
- 6.4 Board members should not take part in discussions or decisions relating to matters in which they have a prejudicial interest. A Board member should normally withdraw from the meeting if:
- their interest is direct and financial; or

- their interest is one which is covered by specific guidance issued by the NCA or the Home Office and which requires them not to take part in or to withdraw from the meeting.

## **7. Political activities**

- 7.1 Executive Board Members should not be a member of any political party or undertake any political activity, whether paid or unpaid,
- 7.2 Non-Executive Board Members should not undertake any paid political posts or particularly sensitive or high-profile unpaid roles in a political party. They should avoid any controversial political activities that could appear to influence their work for the NCA.
- 7.3 No Board Member should hold membership of, or carry out work for, any group that contravenes the Civil Service Code.

## **8. Personal liability of Board members**

- 8.1 The NCA is a crown body and as such, legal proceedings initiated by a third party are likely to be brought against the crown. Individual members of the NCA Board might in extreme circumstances still have proceedings brought against them and might be liable if they commit misfeasance in public office or act in a discriminatory way contrary to the Equality Act.

## **9. Expenses**

- 9.1 A summary of each Board member's expenses will be made publicly available on the NCA's website and updated regularly. Included are all expenses incurred through official NCA duties, including reimbursement paid for personal expenses of travel, accommodation, refreshment and other expenses incurred on official duties. Information about locations and functions/events would be excluded in the interests of the personal security of the NCA officer and colleagues. Not included are payments relating to the officer's remuneration package under his/her terms and conditions of employment. General agency requirements such as stationery and mobile communications are not included.
- 9.2 Where a Board member claims for reimbursement of personal expenses, they must follow the relevant NCA policy and procedures.

## **10. Gifts & hospitality**

- 10.1 If a Board member receives offers of hospitality or gifts linked to, or appearing to be linked to, their work for NCA, they must consult the relevant NCA policy and procedures before deciding whether to accept.
- 10.2 It is the responsibility of individual Board members to ensure that nothing they accept in any way puts at risk either the NCA's own reputation or public confidence in public bodies more widely.

10.3 A summary of each Board member's Gifts & Hospitality register will be made publicly available on the NCA's website and updated regularly.

## **11. Association with potentially-compromising individuals**

11.1 Board members must consult and follow the relevant policy and procedures around association with potentially compromising individuals.

## Annex A

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

# Annex B

## NATIONAL CRIME AGENCY

### REGISTER OF BOARD MEMBERS' INTERESTS

#### INTRODUCTION

The Code of Conduct for the NCA Board requires Board members to register any personal or business interests which might influence, or appear to influence, their judgement.

As well as their own interests, Board members should declare any relevant interests held by close family members (personal partners, parents, children, siblings and personal partners of any of these) or close personal friends.

Board members should also complete and sign the declaration at the end of the register.

An abridged version of the register (of members' interests) will be published on the NCA's public website. The content of the abridged version will be cleared before publication with the relevant member.

#### SECTION 1: GENERAL DECLARATION OF INTERESTS

*Note: all italicised text within this declaration is advisory and does not form a part of the declaration itself.*

I, *(name)*

a Member of the Board of the National Crime Agency

GIVE NOTICE that I have set out below, under the appropriate headings, my interests which I am required to declare under the NCA Code of Conduct for Board members, and I have put "none" where I have no such interests under any heading.

#### 1. Employment, office, trade, profession or vocation

*[A short description of any employment or office from which you receive an income, and of any trade, profession or vocation, carried out for profit or gain. You are not required to declare what income you receive, but must give the name of the employer or the person who appointed you to the office, or of any firm of which you are a partner. You are also required to indicate what sector the employer or body operates in].*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Name of employer or body</b>	<b>Sector (e.g. Finance, IT etc.)</b>	<b>Description of employment or activity</b>	<i>*Please indicate to whom this relates, if not personal</i>




**2. Contracts**

*[Brief descriptions of the nature and length of any contracts which you are aware that you have with the NCA, either directly, or as a shareholder or director of a company or other body, under which the NCA is the provider or the recipient of goods or services. This includes contracts involving the NCA where the works, goods or services are for third parties e.g. a voluntary organisation. Only contracts which have not been fully discharged need to be notified.]*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Description of contract</b>	<i>*Please indicate to whom this relates, if not personal</i>

**3. Land**

*[Any land in the United Kingdom in which you have beneficial interest (freehold or leasehold or a short tenancy), either of your own, or jointly with one or more other people. Excluded is the land where you are trustee for beneficiaries other than yourself or where you are an executor or administrator of the estate of someone deceased and have no interest in the estate.*

*"Land" for this purpose includes houses, buildings, and the interest of a mortgagee. But it excludes an easement or servitude (for example, a right of way), and other rights which do not entitle you (whether alone or jointly with others) to occupy the land or to draw income from it.*

*The information required is the address of the land or (where, for example, it is land without any buildings on it) a brief description sufficient to identify it.]*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Address/description of land</b>	<b>Nature of interest in land</b>	<i>*Please indicate to whom this relates, if not personal</i>

**4. Licences to occupy land**

*[Any licence or any permission that you have to occupy land (for example, as an allotment or for fishing or shooting) where the licence or permission will last for a month or longer. The information required is the address of the land or a brief description sufficient to identify it.]*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Address/description of land</b>	<i>*Please indicate to whom this relates, if not personal</i>


**5. Interests in Securities**

*[The names of any companies or other bodies corporate in which Board members hold shares or other securities for their own benefit. "Securities" include money lent to, or deposited with, an industrial or provident society (including a co-operative society) but do not include a building society. This requirement is, however, limited:*

*It applies only to share-holdings and deposits that have a nominal value of more than £25,000 or which constitute more than 1/100th of the issued share capital of the company (1/100th of the relevant class of share where there is more than one).*

*It is not necessary to declare the size or nature of the holding, simply the name of the company or other body. Please indicate what sector the company/body operates in].*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Name of company/body</b>	<b>Sector (e.g. Finance, IT etc.)</b>	<i>*Please indicate to whom this relates, if not personal</i>

**6. Other interests**

*[Any other interests (pecuniary or non-pecuniary) which may have relevance to the work of the NCA should be listed below. This includes membership of clubs or other organisations whose interests might relate to those of the NCA, or details of any unpaid duties. Please indicate in the second column which sector the interests operate in.]*

*\*Please indicate in the final column where this relates to a relative or close friend, as above.*

<b>Other Interests</b>	<b>Sector (e.g. Finance, IT etc.)</b>	<i>*Please indicate to whom this relates, if not personal</i>

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**7. Changes to this declaration**

*[Should a Board member need to update this declaration as a result of a change to their personal circumstances, the Code of Conduct requires them to do so as soon as possible.]*

**DECLARATION**

I undertake to ensure that:

- a) I have read and understand the declaration scheme and the Code of Conduct and I will at all times comply with the requirements of this and the other rules of governance of the National Crime Agency in fulfilling my duties as a member of the NCA Board.
- b) I have declared and will continue to declare all information that I am required to under this declaration scheme and Code of Conduct.
- c) I will notify the NCA Secretariat of any changes in my circumstances which affect the declaration that I have made as they arise and confirm the accuracy of my current declaration at any interval required by the Secretariat.
- d) I have not and will not, expressly or by omission, knowingly provide information which is materially inaccurate or misleading.

Signed: ..... Date:.....

**RECEIVED**

Signed: ..... Date:.....

**Deputy Director, NCA Corporate Strategy**