

**United Kingdom Competition Network
(UKCN)**

Secondment Principles

1. Introduction/Purpose

- Secondments are an important means of sharing and transferring skills, expertise and resource within the UKCN.
- The Concurrency Regulations and the Concurrency Guidance make explicit provision for secondments¹ and further detail is set out in the bilateral MoUs between the CMA and each sector regulator.
- Secondments can be between the CMA and a regulator or vice versa as well as between regulators themselves.
- UKCN members have therefore endorsed these principles in order to help facilitate secondments.

2. Statement of intent

- UKCN members should give due consideration to another UKCN member's request for one or more secondees, while taking into account:
 - the impact that providing any secondee might have on their own resources or activities, and
 - whether, in the circumstances, they consider that other forms of assistance they could provide – such as advice or training – might be more appropriate than a secondment.
- Secondments should be subject to appropriate arrangements to address confidentiality and security clearances, where needed.
- A UKCN member may make provision by it of any secondee conditional on:
 - reimbursement for any or all of the secondee's personnel costs during the secondment, and
 - payment to it of any VAT or similar levies chargeable on the secondment arrangement.

¹ See regulation 10 of The Competition Act 1998 (Concurrency) Regulations 2014 and CMA, *Regulated Industries: Guidance on concurrent application of competition law to regulated industries*, CMA 10, March 2014 (in particular paragraphs 3.33 to 3.34).

- Secondments may be on a full-time or part-time² basis.
- These principles should supplement, and do not replace or amend, provisions relating to secondments that might be specified in an MOU between the relevant UKCN members.³

Categories of Secondment

Secondments can be arranged for both case-specific and non-case specific purposes:

- Case-specific secondments can be:
 - Event specific: e.g. secondments of investigators for dawn raids in a specific case, participating in an oral hearing.
 - Role specific: e.g. providing an economic legal advisory function on a case or providing case-file management assistance.
 - Milestone specific: e.g. to be part of a case team between specified milestones in a CA98 case.
 - Time specific: e.g. being seconded to a specific case team for a specified period of time, such as six months to a year.
 - Case duration: e.g. being seconded to a case team for the duration of the case, particularly for a clearly defined role on the case.
- Non case-specific secondments can be:
 - General secondments for a specific period: e.g. being seconded to a UKCN member for a specified period but not solely for a specific case, thereby being able to work on different workstreams and acting as a regular official of the UKCN member.
 - Project-specific secondments: staff could be seconded to a UKCN member to work on specific project(s) for that member, such as preparing new guidance, developing a case-file management system for the UKCN member or working on a competition-related policy project.
 - Non-case specific secondments could include secondments for the purpose of helping an individual secondee to develop his or her own technical skills such as case-file management techniques.

² This may include making provision for any secondee to be available to work for part of his or her time at his or her existing employer during the course of the secondment, for example on such cases that are in progress.

³ Secondments involving a UKCN member or members that are part of the civil service also shall comply with all applicable civil service provisions on loans/secondment of staff, such as any relevant time limitations for loans/secondments.