

Crime and Courts Bill

Fact Sheet 1 of 12 on the National Crime Agency

The National Crime Agency: Overview of Part 1 Crime and Courts Bill

1. In July 2010 the Home Office set out the Government's plans for policing reform in *Policing in the 21st Century*¹, which included the proposal for a powerful new National Crime Agency (NCA). The NCA Plan (published June 2011²) set out the strategic vision for a new National Crime Agency at the centre of a reformed policing landscape, with the ambition that it will:

“...fight and cut serious and organised criminality. The NCA, in partnership with the police, other law enforcement agencies, business and the public, will ensure that those who commit serious and organised crime are tracked down, pursued and brought to justice; their groups and activity disrupted; and their criminal gains stripped away.”

2. The NCA will be a UK wide crime-fighting agency, which will have a highly visible, national profile dedicated to protecting the public. It will lead the UK's fight against serious, organised and complex crime, provide a new focus on economic crime and strengthen policing at the border. It will pull together the complete intelligence picture on organised criminals and their activities, and have the authority to ensure that appropriate action is taken at the right level and led by the right agency, delivering on key coalition commitments to refocus the Serious Organised Crime Agency (SOCA) and improve the response to economic crime.

3. Part 1 of the Crime and Courts Bill provides the legal basis for the creation of the NCA, an overview of which is given below.

Functions and tasking

4. The NCA will produce and maintain the national threat picture for serious, organised and complex crime and will task and coordinate the national law enforcement response. The functions for the NCA have been drafted broadly in the Bill to ensure that the NCA is able to tackle all the crimes that organised crime groups are involved in and, importantly, that the NCA is able to react quickly to any changes in the threat picture.

¹ <http://www.homeoffice.gov.uk/publications/consultations/policing-21st-century/policing-21st-full-pdf>

² <http://www.homeoffice.gov.uk/publications/crime/nca-creation-plan>

5. In the Bill, this translates into a criminal intelligence function (enabling the Agency to gather, analyse and disseminate a national intelligence picture for serious, organised and complex crime) and a crime reduction function (see clause 1). The NCA will also exercise an asset recovery function in accordance with the provisions of the Proceeds of Crime Act 2002. The Bill also provides for the NCA to be subject to the duties in sections 11 and 28 of the Children Act 2004 to safeguard and promote the welfare of children, helping to ensure that CEOP and its work are at the heart of the NCA (clause 7).

6. The Bill sets out how the NCA will use two-way 'tasking and coordination' arrangements to fight serious and organised crime (clause 4 and Schedule 3). This is central to the step-change in the national response that the NCA will deliver, moving away from the fragmented response of the past. The NCA will deliver these two-way responsibilities based on the strength of its intelligence picture, the maturity of its relationships and the quality of its processes. (For more information see *Factsheet on tasking and coordination*)

NCA Director General and an operationally effective workforce

7. It is important that the NCA is established in a way which promotes a strong crime fighting focus, minimises bureaucracy and ensures operational independence. NCA officers will operate under the direction and control of a Director General, whose operational independence is enshrined in clause 4. The Bill provides for the establishment of the NCA as a Non-Ministerial Department – a Crown body whose officers will be Crown servants. The Director General will be directly accountable to the Home Secretary who will in turn be accountable to Parliament regarding the NCA. While the Home Secretary will set the strategic priorities for the Agency (clause 2), it will be the Director General who will set the operational priorities.

8. It is vital that NCA officers have all the operational powers they need to investigate serious, organised and complex crime and to allow them to work effectively with partners. The legislation provides the framework for the Director General and NCA officers to be able to exercise the operational powers of a constable, as well as immigration and customs powers (clauses 8 and 9). This builds on the existing SOCA arrangements where their officers may hold triple warranted powers. For more information, see *Factsheet on powers* and *Factsheet on advisory panel for designation of the Director General with operational powers*.

9. To be operationally effective the NCA will need a highly skilled and flexible workforce. Building on the model that has worked effectively for the police service, the Bill provides for the NCA to make use of volunteers to enhance its workforce similar to police Special Constables (paragraph 14 of Schedule 1). In order to maintain operational effectiveness in the event of industrial action clause 12 provides for restrictions on the right to strike of NCA officers holding operational powers, bringing the NCA in line with the wider police service. The Bill (clause 13) will also make arrangements for the independent review of the pay and allowances of NCA officers. For more information see *Factsheet on workforce provisions*.

Information sharing and the intelligence hub

10. An intelligence hub will inform the operational activity of the Agency's Commands by gathering, analysing and disseminating operational intelligence. Clause 6, clause 11 and schedule 7 establish information sharing and gateway provisions in order that the NCA can receive and disclose information to and from law enforcement and intelligence communities, the private sector and international partners, subject to appropriate safeguards. For more information see *Factsheet on use and disclosure of information*.

Transparency and scrutiny

11. The NCA will be a transparent and accountable organisation open to the public it protects. Much of the information and intelligence that the NCA will work with will be too sensitive for public release. It is for this reason that the NCA, like SOCA, will be exempted from the Freedom of Information Act. The Director General will have a statutory duty to publish information in relation to the NCA's functions and other NCA matters, in addition to the annual plan, annual report and strategic priorities (clause 5). The sorts of information that will be published will be set out in more detail in the NCA's Framework Document, which itself will be laid before Parliament (Schedule 2). For more information see *Factsheet on governance, transparency and scrutiny arrangements*.

12. Clause 10 provides for the NCA to be subject to inspection on its efficiency and effectiveness by Her Majesty's Inspectorate of Constabulary (and the Scottish and Northern Ireland equivalents). The Independent Police Complaints Commission will oversee the NCA's complaint handling procedures and undertake or supervise investigations into complaints or conduct matters in respect of NCA officers. For more information see *Factsheet on inspections and complaints*

Precursor bodies

13. As a corollary to the above, the Bill will abolish the Serious Organised Crime Agency and the National Policing Improvement Agency (NPIA) (clause 14). For more information, see *Factsheet on abolition of National Police Improvement Agency*.