

Crime and Courts Bill

Fact Sheet 4 of 12 on the National Crime Agency

The National Crime Agency: workforce provisions

1. A flexible highly-skilled workforce will be essential to drive improvements in the national enforcement response to serious, organised and complex crime. The provisions in the Bill will allow the NCA to draw in talented individuals from across the policing and law enforcement landscape, as well as to recruit volunteer officers along similar lines to the police Special Constabulary. Provisions in the Bill also reflect the 24/7 operational nature of the NCA's work, guarding against the potential impact of industrial action on operations.

Director General and NCA Officers

2. The Director General of the NCA will be an operational crime fighter, leading the NCA to deliver a step change in the fight against serious, organised and complex crime. The Director General will be directly accountable to the Home Secretary, but with complete operational independence (for more information, see Fact Sheet on governance, transparency and scrutiny arrangements). He or she will be appointed by the Home Secretary, after consultation with Scottish Ministers and the Department of Justice in Northern Ireland, and following the Code of Practice on Public Appointments (paragraph 7 of Schedule 1).

3. The Director General will be responsible for the selection and appointment of other NCA officers and determining terms and conditions.

An operationally effective workforce

4. The NCA will be able to enhance its workforce through the use of volunteers, similar to the police Special Constabulary. The Director General will be able to designate these part-time, unpaid NCA Specials with some or all of the policing powers available to permanent NCA officers in England and Wales (paragraph 14 of Schedule 1). This will enable the NCA to harness the contribution of civic-minded volunteers in its public protection work, including individuals who may have particular specialist skills of value in the fight against serious, organised or complex crime.

5. To protect the public, the NCA needs the operational flexibility and capacity to meet the threats posed by those engaged in organised and serious crime. It must be able to respond to these threats whenever and wherever they happen. That is why we plan to bring the NCA into line with other services which have a vital role in keeping the public safe from harm caused by crime, such as police officers and prison officers. The Bill (clause 13), therefore, includes provision to restrict the right to strike of NCA officers designated with operational powers as a necessary and proportionate step to keep the public safe from serious and organised crime. Our preference is to achieve this by agreeing a voluntary 'no strike' agreement with unions. If this is achieved there is provision in clause 14 of the Bill to suspend the operation of the no-strike provisions.

6. The Government recognises that the ability to negotiate on pay and conditions is important. Therefore, if it proves necessary to implement the legislative restriction on the right to strike the Bill (clause 13) will also enable the Home Secretary to put in place arrangements for the independent review of the pay and allowances of affected NCA officers. We are not banning unions or the rights of NCA officers to be a member of a trade union. Trade unions will be able to continue to represent their members, for example in disciplinary hearings. But they will not be able to lawfully induce NCA officers designated with operational powers to go on strike. The Bill does not restrict the right to strike of NCA officers who are not designated with operational powers.

7. The NCA will work closely with police forces and will need to draw on current operational expertise across a range of complex, specialist fields found only in policing. To enable interchange with the police service, the Bill provides for serving police officers to retain their existing pension arrangements if appointed as Director General of the NCA or on taking up certain posts designated by the Director General. In line with current arrangements, the majority of NCA officers will be eligible for membership of the Principal Civil Service Pension Scheme.

Transfer scheme

8. The NCA can only be as effective as its workforce. It will build on and develop the talent of its precursor agencies and ensure as smooth as possible a transition for those staff into the NCA. The Home Secretary will be able to make one or more staff transfer schemes to allow staff transferring across from other organisations to come into the NCA (see Part 1 of Schedule 8). For example, it will allow for members of staff of the Serious Organised Crime Agency, police officers and police staff (for example, from the Police Central e-Crime Unit) to become NCA officers.

Home Office
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