

A Framework Agreement between the Home Office and the Independent Chief Inspector of UK Border Agency

1. Description of document

- a. The Framework sets out how the relationship between the Independent Chief Inspector of UKBA (ICI) and the Home Office (HO) works – in particular, by specifying the responsibilities of the ICI and his HO Sponsor
- b. The Framework is drawn up jointly by the Sponsor and the ICI

2. Description of basic governance arrangements

- a. The statutory framework for the ICI and the role of Ministers in relation to the ICI is set out in the Borders Act 2007, as amended.
- b. Ministers will account for the ICI's business in Parliament; and the Permanent Secretary, as Accounting Officer, will account to Parliament for the issue of funding to the ICI
- c. The Director General of Strategy, Immigration and International Group is the Sponsor of the ICI. He advises and, where appropriate, acts on behalf of Ministers and the Accounting Officer in respect of their responsibilities for the ICI
- d. The ICI has complete operational independence from the HO in terms of the deployment of resources delegated to him to discharge his statutory responsibilities
- e. The ICI agrees that his staff shall be civil servants under HO terms and conditions and he will comply with HO corporate policies, except where this may compromise his operational independence. Such exceptions are specified in Section 5 of this agreement.
- f. The ICI will receive, without charge, the level of corporate support services that is normally provided by the HO to its Units, with the exception of accommodation costs, which will be paid for from the ICI's budget.

3. Chief Inspector's responsibilities to the HO

- a. Comply with Managing Public Money and the terms of delegation letters from the Sponsor in relation to the management of resources
- b. Ensure that he and his staff comply with HO corporate policies, noting the exceptions in Section 5
- c. Meet reasonable requests by the Sponsor to provide information on the performance of his function and on financial matters, ensuring mitigating action is taken in relation to problems and risks that may affect his ability to carry out his responsibilities; and that the Sponsor is informed of these without delay
- d. Promote efficient use of resources, identify ways of improving value for money and work to maximise the effectiveness of his function
- e. Engage effectively with the Agency to facilitate the successful exercise of his responsibilities, including conducting inspections in accordance with any protocols agreed with the Agency
- f. Engage effectively with other bodies or functions – both external and internal to the HO - that have responsibilities for monitoring, overseeing or inspection of the operations of the Agency with a view to maximising the efficiency and effectiveness of their combined operations, and minimising overlap and duplication
- g. Ensure he and his staff observe the highest standards of regularity and propriety
- h. Conduct an open and constructive relationship with the Sponsor, with the aim of working together to maximise the efficiency and effectiveness of his function.

4. Sponsor's responsibilities to the ICI

- a. Advise Ministers in a timely manner on an appropriate annual budget for the ICI and delegate the funding decided by Ministers

- b. Review annually both the personal performance of the ICI and the effectiveness of his function, drawing on evidence from a range of sources and providing feedback to the ICI, Ministers and the Accounting Officer
- c. Advise, and consult where appropriate, the ICI on relevant Govt objectives, policies and operational matters
- d. Ensure, in partnership with the ICI, that there is an effective governance framework in place for the ICI function
- e. Promote and support a constructive and effective relationship between the ICI and UKBA,
- f. Promote and safeguard the independence of the ICI and maintain an appropriate distinction between his responsibilities for immigration policy and the sponsorship of the ICI,
- g. Assist the ICI with his engagement with relevant parts of the wider HO
- h. Ensure the ICI is aware of relevant HO corporate policies and standards and monitor compliance with these where appropriate
- i. Ensure an open and constructive relationship with the ICI with the aim of maximising the efficiency and effectiveness of the ICI's function,

5. Exceptions to compliance with standard HO corporate policies:

- a. Financial management/planning - Ministers set the ICI's budget and only they can impose changes without the ICI's agreement
- b. Human Resources – the ICI has authority to recruit staff on loan or secondment for an agreed fixed term from an organisation outside the HO. Such staff will be subject to the terms and conditions of their parent organisation. Also the ICI may decide to recruit staff through external recruitment, subject to any Government or HO restrictions or processes in place.
- c. Legal Advice – where the ICI is concerned that there is a real or potential conflict of interest between the ICI and the Home Office, the ICI will discuss the matter with the HO Legal Adviser. If either is satisfied that a real or potential conflict exists, the Legal Adviser will make arrangements for the ICI to receive independent legal advice from another source
- d. Freedom of Information – the ICI is a separate authority for purposes of the FOI Act. The intention is to appoint the ICI as qualified person in relation to Section 36, in respect of which he will consult the Department on the release of any Home Office information that he holds.
- e. External Organisations – ICI manages his relations with other bodies separately from the HO
- f. Media and the public – the ICI manages a separate press function to the HO; separate relationships with media organisations and the public; and a discrete website. He will not lobby Parliament or Government with the aim of altering government policy or to increase funding.
- g. Accommodation – the HO will have due regard to the independence of the ICI in finding accommodation for his function on the HO estate. The costs of the ICI's accommodation will be met from the ICI's budget
- h. The ICI – the ICI's personal terms and conditions are not covered by this agreement. They are negotiated separately with the Department.

6. Review of Framework and winding up arrangements

- a. Changes to the Framework will be considered and agreed jointly in the light of significant changes in circumstances, in particular a change of ICI, Sponsor or Government policy in relation to the ICI
- b. In the event that the ICI function is wound up, assets and liabilities of the ICI will belong to the HO or be passed to a successor organisation.

This version agreed by John Vine (ICI) and Mike Anderson (DG SIIG) by correspondence on 16 January 2012