

Disclosure and Barring Service Framework Document

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Introduction and background

1 Purpose of document

- 1.1 This framework document (the “framework document”) has been agreed between the Home Office and the Disclosure and Barring Service (DBS) in accordance with HM Treasury’s handbook Managing Public Money (“MPM”) (as updated) and has been approved by HM Treasury.
- 1.2 The framework document sets out the broad governance framework within which the DBS and the Home Office operate. It sets out the DBS’s core responsibilities, describes the governance and accountability framework that applies between the roles of the Home Office and DBS, and sets out how the day-to-day relationship works in practice, including in relation to governance and financial matters.
- 1.3 The document does not convey any legal powers or responsibilities but both parties agree to operate within its terms.
- 1.4 References to the DBS include all its subsidiaries and joint ventures that are classified to the public sector and central government for national accounts purposes. If the DBS establishes a subsidiary or joint venture, there shall be a document setting out the arrangements between it and the DBS agreed with the Home Office.
- 1.5 Copies of the document and any subsequent amendments have been placed in the libraries of both Houses of Parliament and made available to members of the public on the DBS website.
- 1.6 This framework document should be reviewed and updated at least every three years unless there are exceptional reasons that render this inappropriate that have been agreed with HM Treasury and the Principal Accounting Officer of the Home Office. The latest date for review and updating of this document is May 2029.

2 Objectives

- 2.1 The Home Office and the DBS share the common purpose of protecting the public by helping employers make safer recruitment and employment decisions, and by barring individuals who pose a risk to vulnerable people. To achieve this the DBS and the Home Office will work together in recognition of each other’s roles and areas of expertise, providing an effective environment for the DBS to achieve its objectives through the promotion of partnership and trust, and ensuring that the DBS also supports the strategic aims and objectives of the Home Office and wider government as a whole.

3 Classification

- 3.1 The DBS is classified as a central government organisation by the ONS/HM Treasury Classifications Team.
- 3.2 It has been administratively classified by the Cabinet Office as a non-departmental public body (NDPB).

Purposes, aims and duties

4 Purposes

- 4.1 DBS has been established under section 87 of the Protection of Freedoms Act 2012. Its functions are set out in section 88 of that Act.
- 4.2 The DBS is responsible for the delivery of disclosure and barring functions on behalf of the Government.

5 Powers and duties

- 5.1 DBS's powers and duties stem from section 88 and schedule 8 of the Protection of Freedoms Act 2012.
- 5.2 DBS operate disclosure functions for England, Wales and the Islands under Part 5 of the Police Act 1997 supported by the following:
- The Rehabilitation of Offenders 1974 (Exception Order) 1975
 - The Safeguarding of Vulnerable Groups Act 2006; and
 - The Protection of Freedoms Act 2012.
- 5.3 DBS operates barring functions for England, Wales and Northern Ireland under the following:
- The Safeguarding Vulnerable Groups Act 2006
 - The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007; and
 - The Protection of Freedoms Act 2012.
- 5.4 DBS's statutory duties and functions are to:
- Decide whether someone should be included on a barred list from engaging in regulated activity with children- and/or vulnerable adults
 - Maintain lists of those barred from working with children and adults
 - Bar any individual cautioned for or convicted of an automatic barring offence (i.e. an offence that does not allow representations)
 - Decide whether someone should be removed from a barred list under section 18 the Safeguarding Vulnerable Groups Act 2006
 - Issue criminal conviction certificates and enhanced criminal record certificates in accordance with the Police Act 1997
 - To hold and maintain a register of organisations approved by the DBS to submit applications for criminal records certificates
 - Consider disputes about the accuracy of certificates issued
 - Maintain a register of Registered persons within the meaning of the Police Act 1997.
- 5.5 The statutory duties of the DBS may be extended by way of changes to legislation to support the development of new services.

6 Aims

- 6.1 The DBS's strategic aims are included in its strategic plan and business plans, with the business plan being published annually. The current strategic plan (2025-2028) sets the following objectives:
- **Products and services**
The DBS will provide accessible, timely, and high-quality products and services effectively.
 - **Being visible, trusted, and influential**
The DBS will be a more visible, trusted, and influential organisation by delivering its services effectively and achieving measurable results with our stakeholders.
 - **Delivering through innovative technology**
The DBS will harness innovative technologies to support process developments and increase its ability and agility to respond to future demands, improving the efficiency and effectiveness of our services.
 - **Customer data and insight led**
The DBS will be customer and insight led, actively seeking, and using data and feedback to provide the best possible journey for its customers, drive change at DBS and influence change externally.
 - **Being people-focused**
The DBS will guide and support its people to navigate and adapt to change, ensuring DBS continues to fulfil its safeguarding role in a sustainable way.

Governance and accountability

7 Governance and accountability

- 7.1 The DBS shall operate corporate governance arrangements that, so far as practicable and in the light of the other provisions of this framework document or as otherwise may be mutually agreed, accord with good corporate governance practice and applicable regulatory requirements and expectations.
- 7.2 In particular (but without limitation), DBS should:
- comply with the principles and provisions of the Corporate Governance in Central Government Departments Code of Good Practice (as amended and updated from time to time) to the extent appropriate and in line with its statutory duties or specify and explain any non-compliance in its annual report
 - comply with MPM
 - in line with MPM, have regard to the relevant Functional Standards as appropriate and in particular, those concerning Finance, Commercial and Counter Fraud
 - take into account the codes of good practice and guidance set out in Annex A of this framework document, as they apply to ALBs

- 7.3 In line with MPM Annex 3.1 the DBS shall provide an account of corporate governance in its annual governance statement including the Board's assessment of its compliance with the Code with explanations of any material departures. To the extent that the DBS does intend to materially depart from the Code, the Home Office should be notified in advance.

Role of the Home Office

8 The responsible Minister

- 8.1 The Protection of Freedoms Act 2012 gives the Secretary of State the powers summarised below. The Secretary of State has delegated these to the Parliamentary Under Secretary of State for Safeguarding and Violence against Women and Girls (the Minister) who exercises accountability to Parliament for all matters concerning the DBS.
- 8.2 The Ministers' statutory powers in respect of the DBS are set out in the Protection of Freedoms Act 2012 and associated legislation.
- 8.3 These are:
- appointing and removing members
 - responding to consultation from the DBS on the appointment of the chief executive and DBS's business plan
 - approving the remuneration and allowances of DBS staff
 - making payments to the DBS
 - deciding on the form of accounts to be kept by the DBS
 - laying before Parliament certified accounts of the DBS
 - issuing guidance to DBS in relation to the exercise by DBS of any of its functions
 - giving direction to the DBS in relation to the exercise of any of its functions other than core functions – a core function relates to adding or removing names from a barred list and considering representations regarding inclusion of individuals on a barred list
 - approving payments for maladministration
 - approving DBS's acquisition, disposal of property or borrowing money
 - setting an appropriate fee to be paid by the DBS for the provision of policing information

Appointments to the Board

- 8.4 The DBS consists of members appointed by the Minister in accordance with the provisions of Schedule 8 of the Protection of Freedoms Act 2012. These appointments are subject to the Public Appointments Order in Council and as such must comply with the Governance Code on Public Appointments.
- 8.5 The members have determined that they will form themselves as a Board to govern the DBS and that each of them will be a member of that Board.

The person appointed by the Secretary of State to chair the DBS, is the Chairman of the DBS Board.

Other Ministerial powers and responsibilities

- 8.6 The Minister is also responsible for:
- the policy within which the DBS operates
 - matters regarding spending approvals, acquisitions, disposals, and joint ventures in line with delegations as set out in the delegation letter

9 The Principal Accounting Officer

- 9.1 The Principal Accounting Officer (PAO) is the Permanent Secretary of the Home Office.

PAO's specific accountabilities and responsibilities

- 9.2 The PAO of the Home Office designates the Chief Executive as the DBS's Accounting Officer (AO) and ensures that they are fully aware of their responsibilities. The PAO issues a letter appointing the AO, setting out their responsibilities and delegated authorities.
- 9.3 The respective responsibilities of the PAO and AOs for ALBs are set out in Chapter 3 of MPM.
- 9.4 The PAO is accountable to Parliament for the issue of any grant-in-aid to the DBS.
- 9.5 The PAO is also responsible, usually via the Home Office Sponsorship Unit (HOSU), for advising the Minister on:
- an appropriate framework of objectives and targets for the DBS in the light of the Home Office's wider strategic aims and priorities, such objectives and targets agreed by the Minister to be included in the annual chair's letter issued by the Minister to the DBS Chairman (see paragraph 16.1)
 - an appropriate budget for the DBS in the light of the Home Office's overall public expenditure priorities
 - how well the DBS is achieving its strategic objectives and whether it is delivering value for money
 - the exercise of the Ministers' statutory responsibilities concerning the DBS as outlined above
- 9.6 The PAO, via HOSU, is also responsible for ensuring arrangements are in place in order to:
- monitor the DBS's activities and performance
 - address significant problems in the DBS, making such interventions as are judged necessary
 - periodically, and at such frequency as is proportionate to the level of risk, carry out an assessment of the risks both to the Home Office and the DBS's objectives and activities in line with the wider Home Office risk assessment process

- inform the DBS of relevant government policy in a timely manner
- bring ministerial or Home Office concerns about the activities of the DBS to the full DBS Board, and, as appropriate to the Home Office Board, requiring explanations and assurances that appropriate action has been taken

10 The role of the Home Office Sponsorship Unit

- 10.1 The Home Office Sponsorship Unit (HOSU) is the primary contact for the DBS. The responsible senior civil servant for the relationship between the Home Office and the DBS is the Senior Sponsor, who sits within the Home Office Public Safety Group. They are the main source of advice to the Minister on the discharge of their responsibilities in respect of the DBS. They also support the PAO on their responsibilities towards the DBS.
- 10.2 The Senior Sponsor will conduct an annual appraisal of the DBS Chairman, ensuring that the result of the appraisal is provided to the DBS Chairman and the Minister.
- 10.3 HOSU and HO Finance officials will liaise regularly with DBS officials to review performance against plans, achievement against targets, and expenditure against its DEL and AME allocations. HOSU will also take the opportunity to explain wider policy developments that might have an impact on the DBS.
- 10.4 The Home Office and DBS are committed to working in partnership together and will apply the Cabinet Office's Code of Good Practice¹ to support their working relationship.

11 Resolution of disputes between the DBS and Home Office

- 11.1 Any disputes regarding the interpretation of this document or other matters between the Home Office and the DBS will be resolved in as timely a manner as possible. The Home Office and the DBS will seek to resolve any disputes through an informal process in the first instance. If this is not possible, then a formal process, overseen by the Senior Sponsor in liaison with the Chief Executive, will be used to resolve the issue. Failing this, the Senior Sponsor will ask the relevant policy Director General in the Home Office to oversee the dispute in liaison with the DBS Chairman. They may then choose to ask the Permanent Secretary to nominate a non-executive member of the Home Office's Board to review the dispute, mediate with both sides and seek to reach agreement, in consultation with the Secretary of State and the DBS Chairman.

12 Freedom of Information requests

- 12.1 Where a request for information is received by either party under the Freedom of Information Act 2000, or the Data Protection Act 1998 or 2018,

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/594345/Partnerships_between_departments_and_arm_s_length_bodies-code_of_good_practice.pdf

the party receiving the request will consult with the other party prior to any disclosure of information that may affect the other party's responsibilities.

12.2 The Minister has authorised the DBS as a qualified person within the meaning of s36 of the Freedom of Information Act 2000.

13 Reporting on legal risk and litigation

13.1 The DBS shall provide an update at Senior Sponsor meetings on the existence of any litigation underway or reasonably anticipated that could have a material impact on DBS's reputation, finances or operation. The parties acknowledge the importance of ensuring that legal risks are communicated appropriately to the Senior Sponsor in a timely manner.

13.2 In respect of each substantial piece of litigation involving the DBS, the parties will agree a litigation protocol which will include specific provisions to ensure appropriate and timely reporting on the status of the litigation and the protection of legally privileged information transmitted to the Senior Sponsor to facilitate this. Until such time as a protocol is agreed, the parties will ensure that:

- material developments in the litigation are communicated to the Senior Sponsor in an appropriate and timely manner
- legally privileged documents and information are clearly marked as such
- individual employees handling the legally privileged documents are familiar with principles to which they must adhere to protect legal privilege
- circulation of privileged information within government occurs only as necessary

The DBS governance structure

14 The Chief Executive

14.1 The Chief Executive of the DBS is appointed by the DBS under schedule 8 of the Protection of Freedoms Act 2012 in consultation with the Minister.

Responsibilities of the DBS's chief executive as accounting officer

14.2 The Chief Executive, as AO, is personally responsible for safeguarding the public funds for which they have charge; for ensuring propriety, regularity, value for money and feasibility in the handling of those public funds; and for the day-to-day operations and management of the DBS. In addition, they should ensure that the DBS as a whole is run on the basis of the standards, in terms of governance, decision-making and financial management, that are set out in Box 3.1 of MPM. These responsibilities include the below and those that are set out in the AO appointment letter issued by the PAO of the Home Office.

Responsibilities for accounting to Parliament and the public

14.3 Responsibilities to Parliament and the public include:

- signing the accounts and ensuring that proper records are kept relating to the accounts and that the accounts are properly prepared and presented in accordance with any directions issued by the Secretary of State
- preparing and signing a Governance Statement covering corporate governance, risk management and oversight of any local responsibilities, for inclusion in the annual report and accounts
- ensuring that effective procedures for handling complaints about the DBS, in accordance with Parliamentary and Health Service Ombudsman's Principles of Good Complaint Handling, are established and made widely known within the DBS and published on DBS's website.
- acting in accordance with the terms of MPM and other instructions and guidance issued, from time to time, by the Home Office, HM Treasury and the Cabinet Office
- ensuring that, as part of the above compliance, they are familiar with and act in accordance with:
 - any governing legislation
 - this framework document
 - any delegation letter issued to the DBS as set out in paragraph 18.1
 - any elements of any settlement letter issued to the Home Office that is relevant to the operation of the DBS and about which Home Office write to the Chief Executive providing the relevant elements
 - any separate settlement letter that is issued to the DBS from the Home Office
- ensuring they have appropriate internal mechanisms for monitoring, governance and external reporting regarding non-compliance with any conditions arising from the above documents
- giving evidence, normally with the PAO, when summoned before the Public Accounts Committee (PAC) or any Parliamentary committee on the DBS's stewardship of public funds

Responsibilities to the Home Office

14.4 The Chief Executive is responsible for:

- establishing, in consultation with the Home Office, the DBS's strategic and business plans in the light of the Home Office's wider strategic aims and agreed priorities
- informing the Home Office of progress in helping to achieve the Home Office's policy objectives and in demonstrating how resources are being used to achieve those objectives
- ensuring that timely and accurate forecasts and monitoring information on performance and finance are provided to the Home Office; that the

Home Office is notified promptly if over or under spends are likely and that corrective action is taken; and that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to the Home Office in a timely fashion

- 14.5 There might be occasions when the Home Office is commissioned by the Cabinet Office or HMT Treasury when financial or other information is required from the DBS and other ALBs. On these occasions, the Home Office will request the information in as timely a manner as is possible and the Chief Executive should ensure DBS provide it in a timely and accurate manner.

Responsibilities to the board

- 14.6 The Chief Executive is responsible for:
- advising the Board on the discharge of its responsibilities as set out in this framework document, in the founding legislation and in any other relevant instructions and guidance that may be issued from time to time
 - advising the Board on the DBS's performance compared with its objectives
 - ensuring that financial considerations are taken fully into account by the Board at all stages in reaching and executing its decisions, and that financial appraisal techniques are followed

Managing conflicts

- 14.7 The Chief Executive should follow the advice and direction of the Board, except in very exceptional circumstances, with a clear cut and transparent rationale for not doing so.
- 14.8 If the Board of the DBS is minded to instruct its AO to carry out a course inconsistent with their duties as AO, then the AO should make their reservations clear, preferably in writing. If the Board is still minded to proceed, the DBS AO should then:
- ask the Senior Sponsor and then the PAO to consider intervening to resolve the difference of view, preferably in writing
 - if the Board's decision stands, seek its written direction to carry it out, asking the PAO to inform HM Treasury
 - proceed to implement without delay
 - follow the routine in paragraph 3.6.6 of MPM

15 The Board

Composition of the Board

- 15.1 The DBS will have a board in line with good standards of corporate governance and as set out in its establishing statute and in guidance as set out in Annex A. The role of the Board shall be to run the DBS, and to deliver the objectives, in accordance with the purposes as set out above, their statutory, regulatory, common law duties and their responsibilities under this framework document. Detailed responsibilities of the board shall

be set out in the Board terms of reference. Remuneration of the Board will be disclosed in line with the guidance in the Government Financial Reporting manual (FReM).

- 15.2 The Board will consist of non-executive DBS Members appointed in accordance with the Protection of Freedoms Act 2012. It will be chaired by the person appointed by the Secretary of State with the function of chairing the DBS.
- 15.3 Executives, including the Chief Executive and Finance Director, will normally attend board meetings.

Board Committees

- 15.4 The Board may set up such committees as necessary for it to fulfil its functions. As is detailed below, at a minimum this should include an Audit and Risk Assurance Committee, chaired by an independent and appropriately qualified non-executive member of the Board.
- 15.5 While the Board may make use of committees to assist its consideration of appointments, succession, audit, risk and remuneration, it retains responsibility for, and endorses, final decisions in all of these areas. The Chairman should ensure that sufficient time is allowed at the Board for committees to report on the nature and content of discussion, on recommendations, and on actions to be taken.
- 15.6 The Chairman should ensure board committees are properly structured, with appropriate terms of reference. The terms of each committee should set out its responsibilities and the authority delegated to it by the Board. The Chairman should ensure that committee membership is periodically refreshed and that committee members are not over-burdened when deciding the chairmen and membership of committees.

Duties of the Board

- 15.7 The Board is specifically responsible for:
- establishing and taking forward the strategic aims and objectives of the DBS, consistent with its overall strategic direction and within the policy and resources framework determined by the Secretary of State
 - providing effective leadership of the DBS within a framework of prudent and effective controls, which enables risk to be assessed and managed
 - ensuring the financial and human resources are in place for the DBS to meet its objectives
 - reviewing management performance
 - ensuring that the Board receives and reviews regular financial and management information concerning the management of the DBS
 - ensuring that it is kept informed of any changes, which are likely to impact on the strategic direction of the DBS Board or on the attainability of its targets, and determining the steps needed to deal with such changes and, where appropriate, bringing such matters to the attention of the Minister and PAO, via the Chairman, Chief Executive, HOSU or directly

- ensuring that any statutory or administrative requirements for the use of public funds are complied with; that the Board operates within the limits of its statutory authority and any delegated authority agreed with the Home Office, and in accordance with any other conditions relating to the use of public funds
 - ensuring that in reaching decisions, in accordance with the Protection of Freedoms Act 2012, the Board takes account of guidance issued by the Minister and follows direction issued by the Minister
 - ensuring that as part of the above compliance they are familiar with:
 - this framework document,
 - any delegation authorities issued to the DBS as set out in paragraph 18.1
 - any elements of any settlement letter issued to the Home Office that is relevant to the operation of the DBS
 - any Annual Delegation Letter to the Accounting Officer that is issued to the DBS from the Home Office as set out in paragraph 18.2
 - that they have appropriate internal mechanisms for the monitoring, governance and external reporting regarding any conditions arising from the above documents and ensuring that the Chief Executive and the DBS as a whole act in accordance with their obligations under the above documents
 - demonstrating high standards of corporate governance at all times, including by using the independent Audit and Risk Committee to help the Board to address key financial and other risks
 - in consultation with the Minister appointing a Chief Executive
 - setting performance objectives and remuneration terms linked to these objectives for the Chief Executive, which give due weight to the proper management and use and utilization of public resources
 - ensuring the Home Office is advised of significant risks or issues beyond the DBS's ability to manage that could prevent safeguarding of individuals
 - determining all such other things, which the Board considers ancillary or conducive to the attainment or fulfilment by the DBS of its objectives
- 15.8 The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control.
- 15.9 The Board should make a strategic choice about the style, shape and quality of risk management and should lead the assessment and management of opportunity and risk. The Board should ensure that effective arrangements are in place to provide assurance over the design and operation of risk management, governance and internal control in line with the Management of Risk – Principles and Concepts (The Orange Book). The Board must set up an Audit and Risk Assurance Committee

chaired by an independent and appropriately qualified non-executive member to provide independent advice and ensure that when they request it, the Home Office's Audit and Risk Assurance Committee is provided with assurances with escalation of any significant limitations or concerns. The Board is expected to assure itself of the adequacy and effectiveness of the risk management framework and the operation of internal control.

16 The Chairman's role and responsibilities

- 16.1 The Chairman is responsible for leading the Board in the delivery of its responsibilities. Such responsibility should be exercised in the light of their duties and responsibilities as set out in their appointment letter, the priorities in the annual chair's letter issued to them by the Minister, (ideally issued by the end of the calendar year), the statutory authority governing the DBS, this document and the documents and guidance referred to within this document.
- 16.2 Communications between the DBS's Board and the Minister should normally be through the Chairman.
- 16.3 The Chairman is bound by the Code of Conduct for Board Members of Public Bodies, which covers conduct in the role and includes the Nolan Principles of Public Life.
- 16.4 In addition, the Chairman is responsible for:
- ensuring, including by monitoring and engaging with appropriate governance arrangements, that the DBS's affairs are conducted with probity
 - ensuring that policies and actions support the Minister's wider strategic policies and where appropriate, these policies and actions should be clearly communicated and disseminated throughout the DBS.
- 16.5 The Chairman has the following leadership responsibilities:
- formulating the DBS's strategy
 - ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the Minister or the Home Office
 - promoting the efficient and effective use of staff and other resources
 - delivering high standards of regularity and propriety
 - representing the views of the Board to the general public
- 16.6 The Chairman also has an obligation to ensure that:
- the work of the Board and its members are reviewed and are working effectively, including ongoing assessment of the performance of individual board members with a formal annual evaluation and more in-depth assessments of the performance of individual board members when being considered for re-appointment by the Minister
 - in conducting assessments, the view of relevant stakeholders including employees and HOSU are sought and considered

- the Board has a balance of skills appropriate to directing the DBS's business, and that all directors including the Chairman and Chief Executive continually update their skills, knowledge and familiarity with the DBS to fulfil their role. This will include but not be limited to skills and training in relation to financial management and reporting requirements, risk management and the requirements of board membership within the public sector
- board members are fully briefed on terms of appointment, duties, rights and responsibilities
- they, together with the other board members, receive appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice
- the Minister is advised of the DBS's needs when board vacancies arise
- there is a Board Operating Framework in place, setting out the role and responsibilities of the Board
- there is a code of practice for board members in place, consistent with the Cabinet Office Code of Conduct for Board Members of Public Bodies

17 Individual board members' responsibilities

17.1 Individual board members should:

- Comply, at all times, with the Code of Conduct for Board Members of Public Bodies, which covers conduct in the role and includes the Seven (Nolan) Principles of Public Life as well as rules relating to the use of public funds and to conflicts of interest
- demonstrate adherence to the 12 Principles of Governance for all Public Body Non-Executive Directors, as appropriate
- not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations
- comply with the Board's rules on the acceptance of gifts and hospitality, and of business appointments
- act in good faith and in the best interests of the DBS
- ensure they are familiar with any applicable guidance on the role of public sector non-executive directors and boards that may be issued from time to time by the Cabinet Office, HM Treasury or wider government

17.2 If legal proceedings are brought against a DBS Board Member by a third party due to the execution of their functions, the organisation will meet any civil liability that is incurred, unless they acted recklessly and provided that they acted honestly and in good faith.

- 17.3 A Board Member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to the third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation if he or she misuses information gained through his/her position.

Management and financial responsibilities and controls

18 Delegated authorities

- 18.1 The DBS's delegated authorities are set out in Annex C to this framework document. These authorities may be updated and superseded by later versions, which may be issued by the Home Office in agreement with HM Treasury.
- 18.2 Additionally, the Home Office will issue an Annual Delegation Letter to the Accounting Officer setting out their budget control totals and associated controls.
- 18.3 In preparing the delegated authorities set out in Annex C and the Annual Delegation Letter, the Home Office will ensure that they are consistent with this Framework Document and will consult with the DBS on the drafts before a finalised version is issued.
- 18.4 In line with MPM Annex 2.2 these delegations will be reviewed on an annual basis.
- 18.5 The DBS shall obtain the Home Office's and where appropriate HM Treasury's prior written approval before:
- entering into any undertaking to incur any expenditure that falls outside the delegated authorities or Annual Delegation Letter to the Accounting Officer
 - incurring expenditure for any purpose that is or might be considered novel or contentious, or which has or could have significant future cost implications
 - making any significant change in the scale of operation or funding of any initiative or particular scheme, previously approved by the Home Office
 - making any change of policy or practice, which has wider financial implications that might prove repercussive or which might significantly affect the future level of resources required
 - carrying out policies that go against the principles, rules, guidance and advice in MPM.

19 Spending authority

- 19.1 Once the budget control totals as set out in the Annual Delegation Letter to the Accounting Officer and subject to any restrictions imposed by statute, this document, HM Treasury settlement or delegation letters, the DBS shall have authority to incur expenditure approved in the budget without further reference to the Home Office, on the following conditions:

- the DBS shall comply with the delegations set out in annex C and in the Annual Delegation Letter to the Accounting Officer. These delegations shall not be altered without the prior agreement of the Home Office and as agreed by HM Treasury and Cabinet Office, as appropriate
- the DBS shall comply with MPM regarding novel, contentious or repercussive proposals
- inclusion of any planned and approved expenditure in the budget control totals shall not remove the need to seek formal Home Office approval where any proposed expenditure is outside the delegated limits or is for new schemes not previously agreed
- the DBS shall provide the Home Office with such information about its operations, performance, individual projects or other expenditure as the Home Office may reasonably require.

20 Banking and managing cash

- 20.1 The DBS must maximise the use of publicly procured banking services (accounts with central government commercial banks managed centrally by Government Banking).
- 20.2 The DBS should only hold money outside Government Banking Service accounts where a good business case can be made for doing so and HM Treasury consent is required for each account to be established. Only commercial banks, which are members of relevant UK clearing bodies may be considered for this purpose.
- 20.3 Commercial accounts, where approved, should be operated in line with the principles as set out in MPM.
- 20.4 The AO is responsible for ensuring DBS has a banking policy as set out in MPM, ensuring that policy is complied with, and does not hold more cash than is strictly necessary.

21 Procurement

- 21.1 The DBS shall ensure that its procurement policies are aligned with and comply with any relevant UK or other international procurement legislation.
- 21.2 The DBS shall establish its procurement policies and document these in a Procurement Policy and Procedures Manual.
- 21.3 In procurement cases where the DBS is likely to exceed its delegated authority limit, procurement strategy approval for the specific planned purchase must be sought from HOSU who in turn will consult HO Commercial.
- 21.4 Goods, services, and works should be acquired by competition. Proposals to let single-tender or restricted contracts shall be limited and exceptional, and details should be sent to the Senior Sponsor.
- 21.5 Procurement by the DBS of works, equipment, goods, and services shall be based on a full options appraisal and represent value for money (VfM), i.e. the optimum combination and whole life costs and quality (fitness for purpose).

- 21.6 The DBS shall:
- engage fully with Home Office and government wide procurement initiatives that seek to achieve VfM from collaborative projects
 - comply with all relevant Procurement Policy Notes issued by Cabinet Office or Home Office
 - co-operate fully with initiatives to improve the availability of procurement data to facilitate the achievement of VfM
- 21.7 The DBS shall comply with the commercial and grants standards. These standards apply to the planning, delivery, and management of government commercial activity, including management of grants in all departments and ALBs, regardless of commercial approach used and form part of a suite of functional standards that set expectations for management within government. It should also follow, where applicable, the Home Office Commercial Governance and Assurance Framework.

22 Commercial Insurance

- 22.1 Other than third party insurance to comply with Road Traffic Acts, the DBS shall not take out any insurance without the prior approval of the Home Office, other than that permitted in MPM Annex 4.5. In the case of a major loss or third-party claim, the Home Office shall provide assurance of an appropriate addition to budget and/or adjustment to the DBS targets to ensure that any liability falling on the DBS is met.
- 22.2 The DBS is not permitted to hold Employers' Liability Insurance. In accordance with the provisions of paragraph 1 of Schedule 2 of the Employers' Liability (Compulsory Insurance) Regulations 1998 (SI 1998/2573), the Minister hereby certifies that any claim established against the DBS in respect of any liability to DBS staff of the kind mentioned in section 1(1) of the Employers' Liability (Compulsory Insurance) Act 1969 will, to any extent to which it is otherwise incapable of being satisfied by the DBS, be satisfied out of moneys provided by parliament.

23 Risk management

- 23.1 The DBS shall ensure that the risks that it faces are dealt with in an appropriate manner, in accordance with relevant aspects of best practice in corporate governance, and develop a risk management strategy, in accordance with the HM Treasury guidance Management of Risk: Principles and Concepts.

24 Counter fraud and theft

- 24.1 The DBS should adopt and implement policies and practices to safeguard itself against fraud and theft.
- 24.2 The DBS should act in line with guidance as issued by the Counter Fraud Function and in compliance with the procedures and considerations as set out in MPM Annex 4.9 and the Counter Fraud Functional Standard. It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter a contract or to provide grant or grant-in-aid.

24.3 The DBS should keep records of, and prepare and forward to the Home Office, an annual report on fraud and theft suffered by the DBS and notify the Home Office of any unusual or major incidents as soon as possible. The DBS should also report detected loss from fraud, bribery, corruption and error, alongside associated recoveries and prevented losses, to the counter fraud centre of expertise in line with the agreed government definitions as set out in Counter Fraud Functional Standard.

25 Staff

Broad responsibilities for staff

- 25.1 Within the arrangements approved by the Minister, the DBS will have responsibility for the recruitment, retention and motivation of its staff. The broad responsibilities toward its staff are to ensure that:
- the rules for recruitment and management of staff create an inclusive culture in which diversity is fully valued; appointment and advancement is based on merit; there is no discrimination against employees with protected characteristics under the Equality Act 2010
 - the level and structure of its staffing, including grading and staff numbers, are appropriate to its functions and the requirements of economy, efficiency and effectiveness
 - the performance of its staff, at all levels, is satisfactorily appraised and the DBS's performance measurement systems are reviewed from time to time
 - its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve the DBS's objectives
 - proper consultation with staff, including any recognised trade union representatives takes place on key issues affecting them
 - adequate grievance and disciplinary procedures are in place
 - whistle-blowing procedures consistent with the Public Interest Disclosure Act are in place
 - a code of conduct for staff is in place based on the Cabinet Office's Model Code for Staff of Executive Non-departmental Public Bodies.

Staff costs

25.2 Subject to its delegated authorities, the DBS shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

Pay and conditions of service

25.3 The DBS's staff are subject to levels of remuneration and terms and conditions of service (including pensions) within the general pay structure approved by the Home Office. The DBS has no delegated power to amend these terms and conditions.

- 25.4 Staff terms and conditions should be set out to employees and available on request by the Home Office
- 25.5 The DBS shall abide by public sector pay controls, including the relevant approvals process dependent on the organisations classification as detailed in the Senior Pay Guidance and the Public Sector Pay and Terms Guidance.
- 25.6 For staff graded as SCS equivalents, the DBS must consider the SCS Guidance and ensure that they do not do anything novel or contentious. No additional Home Office approval is required. The Home Office would expect exceptions or any appointments at this level to be discussed prior to these being made to ensure that these do not breach pay controls.
- 25.7 The DBS shall operate reward and recognition schemes for delegated and SCS equivalent roles, where relevant with due regard to the Senior Pay Guidance. Those schemes shall form part of the annual aggregate pay budget approved by the Home Office in the Annual Delegation Letter to the Accounting Officer.
- 25.8 The travel expenses of board members shall be tied to the rates allowed to senior staff of the DBS. Reasonable actual costs shall be reimbursed.

Pensions, redundancy and compensation

- 25.9 Compensation scheme rules and pension scheme rules should reflect legislative and HM Treasury guidance requirements regarding exit payments.
- 25.10 The DBS staff shall normally be eligible for a pension provided by PCSPS. Staff may opt out of the occupational pension scheme provided by the DBS.
- 25.11 Any proposal by the DBS to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Home Office. Proposals on severance must comply with the rules in chapter 4 of MPM.

Business plans, financial reporting and management information

26 Strategic and business plans

- 26.1 The DBS shall submit to the Home Office a draft of the strategic plan, typically covering three years ahead, consulting the Minister on the business plan in accordance with the Protection of Freedoms Act 2012. The DBS shall seek the Home Office's view on the issues to be addressed in the plan, which shall also be informed by the annual chairs letter from the Minister. The plan shall reflect the DBS's statutory duties and, within those duties, the priorities set from time to time by the Minister (including decisions taken on policy and resources in the light of wider public expenditure decisions). The plan shall demonstrate how the DBS contributes to the achievement of the Home Office's medium-term plan and priorities and aligned performance metrics and milestones.

- 26.2 The first year of the strategic plan, amplified as necessary, shall form the business plan. The business plan shall be updated to include key targets and milestones for the year immediately ahead and shall be linked to budgeting information so that resources allocated to achieve specific objectives can readily be identified by the Home Office. Subject to any commercial considerations, the strategic and business plans should be published by the DBS on its website and separately be made available to staff.
- 26.3 The following key matters should be included in the plans:
- key objectives and associated key performance targets for the forward years, and the strategy for achieving those objectives
 - key non-financial performance targets
 - a summary of estimated performance in the current and preceding financial years
 - alternative scenarios and an assessment of the risk factors that may significantly affect the execution of the plan but that cannot be accurately forecast
 - other matters as agreed between the Home Office and the DBS

27 Fees for DBS Services

- 27.1 The DBS undertakes functions contained within Part V of the Police Act 1997, the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. This legislation includes provision for the charging of fees for certain services.
- 27.2 These fees are set by Parliament in Statutory Instruments laid by Ministers. To achieve this, the DBS makes recommendations to the Home Office should any changes be necessary, who will advise Ministers on any Statutory Instrument required. The Home Office may also suggest that a fee change should be considered by the Board.
- 27.3 A non-standard approach as defined by MPM is followed in setting DBS fees. Fees include the cost, plus Value Added Tax (VAT), to the Home Office of:
- Sponsorship, policy and finance
 - The Independent Monitor, appointed by the Secretary of State under section 119B of the Police Act 1997
- Fees include the following elements of cross subsidy:
- The costs of funding the Barring service
 - The costs of funding volunteers requiring Disclosure certificates.
- 27.4 In charging these fees, the DBS relies on Home Office assurances that this is consistent with MPM including, an explicit ministerial decision, explicit HM Treasury consent and Parliamentary approval through either primary legislation or a s102 order.

27.5 DBS and Home Office note that MPM provides specific guidance regarding charging for public services. This includes:

- Funds raised through service fees may be held to meet specific liabilities where the financial risk associated with the liabilities sits outside of the Consolidated Fund. DBS would require HM Treasury approval to create such a fund.
- Charges are fully disclosed to Parliament in the annual report and accounts
- Where start up costs, which cannot be capitalised, are scored in the accounts, those costs may be recovered by fees and charges over the first few years of service provision.
- The standard approach to setting charges is full cost recovery, which normally means recovering the standard cost of capital.
- Surpluses and deficits are bound to arise and it is good practice to consider mid-year adjustments to fee levels where this is feasible. It is also good practice to set fees to recover accumulated past deficits. Where significant surpluses have arisen, these should usually be refunded to the payees at the earliest opportunity usually through an adjustment to fees.

27.6 As with all financial matters, DBS should follow MPM.

27.7 Surpluses that arise from charges relating to the standard cost of capital will be retained to fund future capital needs.

28 Budgeting procedures

28.1 Each year, in the light of decisions by the Home Office on the updated draft strategic plan, the Home Office will send to the DBS, ideally by not later than 1 March:

- a formal statement of the annual budgetary provision allocated by the Home Office in the light of competing priorities across the Home Office and of any forecast income approved by the Home Office (Annual Delegation Letter to the Accounting Officer)
- a statement of any planned change in policies affecting the DBS

28.2 The approved annual business plan will take account both of approved funding provision where this applies and where this applies any forecast receipts. It will include a budget of estimated payments and receipts together with a profile of expected expenditure and of draw-down of any Home Office funding and/or other income over the year. These elements form part of the approved business plan for the year in question.

28.3 The Home Office expects that DBS fees income will provide funding to meet all:

- DBS expenditure requirements, including free disclosure applications for volunteers

- Home Office costs for sponsorship, finance and policy Home Office costs for the Independent Monitor, appointed by the Secretary of State under section 119B of the Police Act 1997, and their Secretariat.
- 28.4 Home Office will provide DBS with an indicative forecast of the above Home Office costs ideally to be provided by the end of January each year.
- 28.5 The Home Office will recognise its role in underwriting the activities of the DBS in the event of unexpected external events, which are beyond the control of the DBS.

29 Grant-in-aid and any ring-fenced grants

- 29.1 The DBS will be funded via income it receives through operating its disclosure service and would not normally receive grant-in-aid. Any grant-in-aid provided by the Home Office for the year in question will be voted in the Home Office Supply Estimate and be subject to parliamentary control.
- 29.2 The grant-in-aid will normally be paid in monthly instalments on the basis of written applications showing evidence of need. The DBS will comply with the general principle, that there is no payment in advance of need. Cash balances accumulated during the course of the year from grant-in-aid or other Exchequer funds shall be kept to a minimum level consistent with the efficient operation of the DBS. Grant-in-aid not drawn down by the end of the financial year shall lapse. Subject to approval by Parliament of the relevant Estimates provision, where grant-in-aid is delayed to avoid excess cash balances at the year-end, the Home Office will make available in the next financial year any such grant-in-aid that is required to meet any liabilities at the year end, such as creditors.
- 29.3 In the event that the Home Office (or other government department) provides the DBS separate grants for specific (ring-fenced) purposes, it would issue the grant as and when the DBS needed it on the basis of a written request. The DBS would provide evidence that the grant was used for the purposes authorised by the Home Office (or other government department). The DBS shall not have uncommitted grant funds in hand, nor carry grant funds over to another financial year.

30 Annual report and accounts

- 30.1 The DBS Board must publish an annual report of its activities together with its audited accounts after the end of each financial year. The DBS shall provide the Home Office its finalised (audited) accounts so they can be laid ideally before Parliament rises for a summer recess each year and in order for the accounts to be consolidated within the Home Office's. A draft of the report should ideally be submitted to the Home Office at least two weeks before the proposed publication date. The accounts should be prepared in accordance with the relevant statutes and specific accounts direction issued by the Home Office as well as HM Treasury's Financial Reporting Manual (FReM).
- 30.2 The annual report must:
- cover any corporate, subsidiary or joint ventures under its control

- comply with the FrEM and in particular have regard to the illustrative statements for an NDPB
 - outline main activities and performance during the previous financial year and set out in summary form forward plans.
- 30.3 Information on performance against key financial targets is included within the annual report and subject to the auditor's consistency opinion. The report and accounts shall be laid in Parliament and made available on the DBS website, in accordance with the guidance in the FReM.

31 Reporting performance to the Home Office

- 31.1 The DBS shall operate management, information and accounting systems that enable it to review in a timely and effective manner its financial and non-financial performance against the budgets and targets set out in the strategic and business plans.
- 31.2 The DBS shall inform the Home Office of any changes that make achievement of objectives more or less difficult. It shall report financial and non-financial performance, including performance, in helping to deliver Ministers' policies, and the achievement of key objectives to the Senior Sponsor meeting.
- 31.3 The DBS's performance shall be reviewed by the Home Office at the Senior Sponsor meetings
- 31.4 The Minister will meet the Chairman at least once a year.
- 31.5 The PAO will meet the Chief Executive at least once a year.

32 Information sharing

- 32.1 The Home Office has the right of access to all the DBS records and personnel for any purpose including, for example, sponsorship audits and operational investigations provided that the access is:
- consistent with Home Office's functions and DBS's operational independence,
 - lawful, and
 - would not, in DBS's judgement, put at risk legal privilege.
- 32.2 The DBS shall provide the Home Office with such information about its operations, performance, individual projects or other expenditure as the Home Office may reasonably require.
- 32.3 The Home Office and HM Treasury may request the sharing of data held by the DBS in such a manner as set out in central guidance except insofar as it is prohibited by law. This may include requiring the appointment of a senior official to be responsible for the data sharing relationship.
- 32.4 As a minimum, the DBS shall provide the Home Office with information monthly that will enable the Home Office satisfactorily to monitor:
- the DBS's cash management
 - its draw-down of grant-in-aid
 - forecast outturn by resource headings

- other data required for the Online System for Central Accounting and Reporting (OSCAR)
- data as required in respect of its compliance with any Cabinet Office Controls pipelines or required in order to meet any condition as set out in any settlement letter

Audit

33 Internal audit

33.1 The DBS shall:

- establish and maintain arrangements for internal audit
- ensure that any arrangements for internal audit are in accordance with the Public Sector Internal Audit Standards (PSIAS) as adopted by HM Treasury (using Government Internal Audit Agency will normally satisfy this requirement)
- ensure the Home Office is satisfied with the competence and qualifications of the Head of Internal Audit and the requirements for approving appointments in accordance with PSIAS
- set up an Audit and Risk Assurance Committee of its board in accordance with HM Treasury's Audit and Risk Assurance Committee Handbook
- forward the audit strategy, periodic audit plans and annual audit report, including the DBS Head of Internal Audit opinion on risk management, control and governance as soon as possible to the Home Office
- keep records of and prepare and forward to the Home Office an annual report on fraud and theft suffered by the DBS and notify the Home Office of any unusual or major incidents as soon as possible
- share with the Home Office information identified during the audit process and the Annual Audit Opinion Report (together with any other outputs) at the end of the audit, in particular on issues impacting on the Home Office's responsibilities in relation to financial systems within the DBS

34 External audit

34.1 The Comptroller & Auditor General (C&AG) audits the DBS's annual accounts and AG passes the audited accounts to the Secretary of State who will lay the accounts together with the C&AG's report before Parliament.

34.2 In the event that the DBS has set up and controls subsidiary companies, the DBS will in the light of the provisions in the Companies Act 2006 ensure that the C&AG has the option to be appointed auditor of those company subsidiaries that it controls and/or whose accounts are consolidated within its own accounts. The DBS shall discuss with the Home Office the procedures for appointing the C&AG as auditor of the companies.

- 34.3 The C&AG:
- will consult the Home Office and the DBS on whom – the NAO or a commercial auditor – shall undertake the audit(s) on his behalf, though the final decision rests with the C&AG
 - has a statutory right of access to relevant documents, including by virtue of section 25(8) of the Government Resources and Accounts Act 2000, held by another party in receipt of payments or grants from the DBS
 - will share with the Home Office information identified during the audit process and the audit report (together with any other outputs) at the end of the audit, in particular on issues impacting on the Home Office's responsibilities in relation to financial systems within the DBS
 - will consider requests from departments and other relevant bodies to provide regulatory compliance reports and other similar reports at the commencement of the audit. Consistent with the C&AG's independent status, the provision of such reports is entirely at the C&AG's discretion
- 34.4 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which the DBS has used its resources in discharging its functions. For the purpose of these examinations the C&AG has statutory access to documents as provided for under section 8 of the National Audit Act 1983. In addition, the DBS shall provide, in conditions to grants and contracts, for the C&AG to exercise such access to documents held by grant recipients and contractors and sub-contractors as may be required for these examinations; and shall use its best endeavours to secure access for the C&AG to any other documents required by the C&AG which are held by other bodies.

Reviews and winding up arrangements

35 Review of DBS's status

- 35.1 The DBS will be reviewed as part of the wider Public Bodies Reviews programme, at a time determined by the department's ministers and their PAO.

36 Arrangements in the event that the DBS is wound up

- 36.1 The Home Office shall put in place arrangements to ensure the orderly winding up of the DBS. In particular it should ensure that the assets and liabilities of the DBS are passed to any successor organisation and accounted for properly. (In the event that there is no successor organisation, the assets and liabilities should revert to the Home Office.) To this end, the Home Office shall:
- have regard to Cabinet Office guidance on winding up of ALBs
 - ensure that procedures are in place in the DBS to gain independent assurance on key transactions, financial commitments, cash flows and other information needed to handle the wind-up effectively and to maintain the momentum of work inherited by any residuary body

- specify the basis for the valuation and accounting treatment of the DBS's assets and liabilities
- ensure that arrangements are in place to prepare closing accounts and pass to the C&AG for external audit, and that, for non-Crown bodies funds are in place to pay for such audits. It shall be for the C&AG to lay the final accounts in Parliament, together with his report on the accounts
- arrange for the most appropriate person to sign the closing accounts. In the event that another ALB takes on the role, responsibilities, assets and liabilities, the succeeding ALB AO should sign the closing accounts. In the event that the Home Office inherits the role, responsibilities, assets and liabilities, the Home Office's AO should sign

36.2 The DBS shall provide the Home Office with full details of all agreements where the DBS or its successors have a right to share in the financial gains of developers. It should also pass to the Home Office details of any other forms of claw-back due to the DBS.

Gareth Davies CB
Permanent Secretary

Dr Gillian Fairfield
Chairman

Date: 1 May 2026

Date: 19 February 2026

On behalf of the Home Office

On behalf of the Disclosure and
Barring Service

Annex A: Guidance

The DBS shall comply with the following guidance, documents and instructions to the extent they are applicable to the DBS:

[The following is a guide and should be adapted based on the classification of the body, other applicable guidance and any agreed exemptions].

Corporate governance

- This framework document
- Corporate Governance Code for Central Government Departments (relevant to Arm's Length Bodies) and supporting guidance: <https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments-2017>
- Code of conduct for Board members of Public Bodies: <https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies>
- Code of practice for partnerships between Departments and Arm's Length Bodies: <https://www.gov.uk/government/publications/partnerships-with-arms-length-bodies-code-of-good-practice#:~:text=This%20code%20of%20good%20practice,partnership%20approach%20to%20shaping%20relationships>

Financial management and reporting

- Managing Public Money (MPM): <https://www.gov.uk/government/publications/managing-public-money>
- Government Financial Reporting Manual (FReM): www.gov.uk/government/collections/government-financial-reporting-manual-frem
- Relevant Dear Accounting Officer (DAO) letters: www.gov.uk/government/collections/dao-letters
- Relevant guidance and instructions issued by HM Treasury in respect of Whole of Government Accounts: <https://www.gov.uk/government/collections/whole-of-government-accounts>

Management of risk

- Management of Risk: www.gov.uk/government/publications/orange-book and <https://www.gov.uk/government/publications/management-of-risk-in-government-framework>
- Public Sector Internal Audit Standards: www.gov.uk/government/publications/public-sector-internal-audit-standards

- HM Treasury approval processes for Major Projects above delegated limits: <https://www.gov.uk/government/publications/treasury-approvals-process-for-programmes-and-projects>
- The Government cyber-security strategy and cyber security guidance: <https://www.gov.uk/government/publications/national-cyber-strategy-2022/national-cyber-security-strategy-2022> and <https://www.gov.uk/government/collections/cyber-security-guidance-for-business>

Commercial management

- Procurement Policy Notes: <https://www.gov.uk/government/collections/procurement-policy-notes>
- Cabinet Office spending controls: <https://www.gov.uk/government/collections/cabinet-office-controls>
- Transparency in supply chains - a practical guide: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040283/Transparency in Supply Chains A Practical Guide 2017 final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1040283/Transparency_in_Supply_Chains_A_Practical_Guide_2017_final.pdf)

Public appointments

The following are relevant where public bodies participate in public appointments processes.

- Guidance from the Commissioner for Public Appointments: <https://publicappointmentscommissioner.independent.gov.uk/>
- Governance Code on Public Appointments: www.gov.uk/government/publications/governance-code-for-public-appointments
- Procurement Policy Note 08/15 – Tax Arrangements of Public Appointees: <https://www.gov.uk/government/publications/procurement-policy-note-0815-tax-arrangements-of-appointees>

Staff and remuneration

- HM Treasury guidance on senior pay and reward: www.gov.uk/government/publications/senior-civil-service-pay-and-reward
- Civil Service pay guidance (updated annually): www.gov.uk/government/collections/civil-service-pay-guidance
- Public sector pay and terms: <https://www.gov.uk/government/publications/public-sector-pay-and-terms-guidance-note>
- Whistleblowing Guidance and Code of Practice: <https://www.gov.uk/government/publications/whistleblowing-guidance-and-code-of-practice-for-employers>

- The Equalities Act 2010: www.gov.uk/guidance/equality-act-2010-guidance

General

- Freedom of Information Act guidance and instructions: www.legislation.gov.uk/ukpga/2000/36/contents and <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/>
- The Parliamentary and Health Service Ombudsman's Principles of Good Administration: <https://www.ombudsman.org.uk/about-us/our-principles>
- Guidance from the Public Bodies team in Cabinet Office: www.gov.uk/government/publications/public-bodies-information-and-guidance
- The Civil Service diversity and inclusion strategy (outlines the ambition, to which Arm's Length Bodies can contribute): <https://www.gov.uk/government/publications/civil-service-diversity-and-inclusion-strategy-2022-to-2025>
- Guidance produced by the Infrastructure and Projects Authority (IPA) on management of major projects: www.gov.uk/government/organisations/infrastructure-and-projects-authority
- The Government Digital Service: www.gov.uk/government/organisations/government-digital-service
- The Government Fraud, Error, Debt and Grant Efficiency function; www.gov.uk/government/collections/fraud-error-debt-and-grants-function and www.gov.uk/government/publications/grants-standards
- Code of Practice for Official Statistics: <https://code.statisticsauthority.gov.uk/#:~:text=The%20Code%20of%20Practice%20for%20Statistics%20sets%20the,produced%20by%20people%20and%20organisations%20that%20are%20trustworthy.>
- Accounting Officer System Statements (AOSS are produced by departments with input from ALBs): www.gov.uk/government/publications/accounting-officer-system-statements

Annex B: Glossary

Annual Budgetary Provision	<p>This is the budget approved by the Home Office setting out</p> <ul style="list-style-type: none">• Net RDEL• RDEL non-cash• Net CDEL• Any AME provision <p>Note that the DBS Board will agree a DBS budget as a breakdown of the Annual Budget Provision. They will include this in the Business Plan.</p>
Business Plan	<p>The first year of the Strategic Plan, amplified as necessary, DBS Board will consult the Minister before the DBS Board agrees the Business Plan.</p>
Delegated Authorities Letter	<p>A letter agreed with HM Treasury and issued by the Home Office setting out the DBS's delegated authorities. It remains in force until superseded.</p>
Delegation Letter	<p>An annual delegation letter issued by the Home Office to the Accounting Officer setting out their budget control totals and any associated controls consistent with the Delegated Authorities Letter.</p>
Strategic Plan	<p>A plan agreed by the DBS Board typically covering three years ahead.</p>

Annex C: Detail of the DBS's Delegated Authorities

- The DBS's delegated authorities are set out below and within the annual delegation letter to the Accounting Officer which sets out the budget controls totals and associated controls. Notwithstanding these delegations, certain categories of spending proposal override any delegated authority and must be submitted to HM Treasury via Home Office. These are proposals which:
 - could create pressures leading to a breach in Departmental Expenditure Limits, administration costs limits, or Estimates provision;
 - would entail contractual commitments to significant levels of spending in future years for which plans have not been set;
 - could set a potentially expensive precedent;
 - could cause significant repercussions for others;
 - require primary legislation;
 - are novel and contentious; or
 - where HM Treasury consent is a statutory requirement.
1. In addition:
 - The DBS will always act within the rules of *Managing Public Money*;
 - The DBS will abide by any specific agreements reached with Home Office or HM Treasury Ministers or officials during Spending Review discussions or otherwise;
 - If spending falls under more than one category of delegation, the lower delegated limit applies.
 2. The delegated authorities for the DBS are set out in the following table.
 3. Notes:
 - a) Approval is required if spending falls outside one or more of the applicable delegated limits. Spending should be measured on a whole life cost basis except where this is not sensible, for example for ongoing annual commitments.
 - b) This includes all new projects and proposals/announcements, even when they are part of a larger programme or payment that was provided for as part of a Spending Review or other HM Treasury written approval and that are not covered by prior written approval from HM Treasury.
 - c) This also includes renewal of existing projects and programmes where significant changes are being proposed.
 - d) Costs are on current net present value accruals basis.
 - e) Where relevant, when comparing costs against delegated limits, non-recoverable VAT will count towards the delegated limit (recoverable VAT will not).

- f) The cost is the sum of all payments committed to a body, organisation or individual from a single programme over its lifetime (i.e. costs should not be “unbundled” to fall below the delegation).

Nature of delegation	Type	Delegated limit	Disclosure threshold
Novel, contentious, or repercussive spend. This includes where commitments are made that may give rise to such spend in future i.e. novel guarantees, indemnities and contingent liabilities, novel financing techniques, significant departures from standard departmental terms and conditions.		Nil	Nil
Projects and programs, and announcements and policy proposals with a defined timeline ²	Resource	Set out in the latest Annual Delegation Letter to the Accounting Officer	
	Capital	Set out in the latest Annual Delegation Letter to the Accounting Officer	
Announcements and policy proposals creating ongoing expenditure ³	Resource and capital	Set out in the latest Annual Delegation Letter to the Accounting Officer	
Spending commitments beyond the current Spending Review settlement ³	Resource and capital	Set out in the latest Annual Delegation Letter to the Accounting Officer	
Administrative expenditure	N/A		
Stock write-offs and impairments	Equipment, SOSP, IS/IT etc.	£50 000	

² Includes loans and contingent liabilities such as indemnities and guarantees. See “Contingent Liabilities” on page seven for full details.

Nature of delegation	Type	Delegated limit	Disclosure threshold
Special payments	Extra-contractual payments where legal advice is conclusive (i.e. the overall likelihood of judgement in favour of DBS is less than 40%)	£300 000	
	Extra-contractual payments where legal advice is not conclusive (i.e. the overall likelihood of judgement in favour of DBS is more than 40%).	£0	
	Ex-gratia compensation payments where legal advice is conclusive (i.e. the overall likelihood of judgement in favour of DBS is less than 40%)	£300 000	
	Ex-gratia compensation payments where legal advice is not conclusive (i.e. the overall likelihood of judgement in favour of DBS is more than 40%).	£0	
	Extra-statutory payments Extra-regulatory payments where legal advice is conclusive (i.e. the overall likelihood of judgement in favour of DBS is less than 40%)	£300 000	
	Extra-statutory payments Extra-regulatory payments where legal advice is not conclusive (i.e. the overall likelihood of judgement in favour of DBS is more than 40%).	£0	
	Reasonable legal costs agreed or estimated and confirmed as reasonable by appropriate legal advice	Unlimited	Unlimited

Nature of delegation	Type	Delegated limit	Disclosure threshold
	Consolatory payments (ex-gratia payments to individuals in respect of incidents which do not involve financial loss and there is no legal redress available)	£500	
	Special severance payments, including PILON and CILON, outside of normal statutory or contractual requirements	Nil	Nil
Losses	Cash losses	£50 000	
	Realised exchange rate and hedging losses	£50 000	
	Losses of pay, allowances and superannuation benefits paid to civil servants, members of the armed forces and ALB employees	£50 000	
	Losses arising from overpayments	£50 000	
	Losses arising from failure to make adequate charges	£50 000	
	Losses of accountable stores	£50 000	

Nature of delegation	Type	Delegated limit	Disclosure threshold
	Losses through fraud, theft and deliberate act	£50 000	
	Fruitless payments and constructive losses	£50 000	
	Claims waived or abandoned	£50 000	
Other	Charitable grants	£0	
	Subsidies	£0	
	Gifts	£0	

4. Managing Public Money sets out clearly the areas in which HM Treasury consent is required in more detail, so the below list should not be considered exhaustive. It is provided below as an aide memoire for areas where explicit HMT consent via Home Office is needed even where the related spending may fall within delegations.

[Reliance on Sole Authority of the Supply and Appropriations Act for modest and temporary expenditure on a New Service](#) 2.5.4 & Annex 2.4

[Payment in advance of need](#)

A.4.8.5

[Insurance](#)

Annex 4.4

Lending to commercial entities	Annex 5.5
Setting up of accounts outside the Government Banking Service.	Annex 5.6
Creation of New Public Bodies	Annex 7.1
Agreeing new Framework documents with ALBs	Annex 7.2

Explanatory Note on HM Treasury approval in respect of Consolatory Payments

Summary

5. HM Treasury approval is required for any consolatory payment which is over £500, or which is novel, contentious, or repercussive, or which is outside the delegated authority limit for ex-gratia payments agreed with HM Treasury. There are some exceptions, which are given below.

Definition

6. Consolatory payments are ex gratia payments made to individuals by organisations in respect of incidents which do not involve financial loss, e.g. stress, inconvenience, embarrassment etc. They are a form of special payment, as defined by *Managing Public Money* (annex 4.13 – Special Payments).

Guidelines

7. Due to the size of the amounts involved, HM Treasury approval is not required for any payment up to £500, which is not novel, contentious, or repercussive, and which is within the delegated authority limit for ex-gratia payments.
8. Given that there is no measure of financial loss in assessing consolatory payments, any such payment over £500 is liable to be novel and contentious by its nature and as such would require HM Treasury approval in most cases, even if the level of payment is within the delegated authority limit for ex gratia payments for the department or agency concerned.

Exceptions

9. The following exceptions to these guidelines apply **if and only if** the proposed payment is not novel, contentious or repercussive, and is within the delegated authority limit for ex gratia payments for the DBS.
 - Home Office and HM Treasury approval is **not** required if the DBS is in a position to offer to settle a case which would otherwise be determined by the courts (e.g. a personal injury case), and the legal assessment is that the department is likely to lose the case and the proposed consolatory payment is less than the amount the court is likely to award.
 - Home Office and HM Treasury approval is **not** required for cases where an arbiter which has legal authority has made a recommendation for payment. The Parliamentary and Health Service Ombudsman (PHSO) is an example of such an arbiter.
 - Home Office and HM Treasury approval is **not** required if the proposed payment is above £500 but below a limit agreed bilaterally between the DBS, Home Office and HM Treasury in the context of an independent case examiner (ICE) within the DBS having made a formal determination of the appropriate level of compensatory payment.
10. An example of this is the Department for Work and Pensions, which has an ICE which carries out this role. HM Treasury has agreed a threshold of £1,000 with the Department for consolatory payments assessed by the ICE.

Process

11. Submissions for HM Treasury approval in respect of consolatory payments should be made through the usual departmental contacts in Treasury spending teams, who will, as appropriate, consult the HM Treasury Officer of Accounts team (TOA).
12. We would normally expect a fairly short business case, setting out the circumstances of the maladministration, the level of payment proposed, and justification for the level of payment.

Principles

13. Given the absence of measurable financial loss in such cases, Home Office and HM Treasury seek to strike a balance between ensuring appropriate levels of scrutiny and avoiding disproportionately heavy clearance procedures for very low value cases.
14. In accordance with Managing Public Money, HM Treasury approval is required for any payment which is novel, contentious or repercussive, or which is outside the delegated authority limit for ex gratia payments agreed with Home Office and HM Treasury.