

Framework document for The National Archives

1. Introduction

1.1 This document has been drawn up by the Department for Digital, Culture, Media and Sport (DCMS) and The National Archives. This document sets out the broad framework within which The National Archives, as a non-ministerial department, will operate. The document does not convey any legal powers or responsibilities. It is signed and dated by DCMS and The National Archives. Copies of the document will be placed in the Libraries of both Houses of Parliament and made available to members of the public on The National Archives' website, with a link to it on the DCMS site.

1.2 The agreement will remain in place until it is superseded by a new agreement. The agreement should be treated as a living document and reviewed by both sides annually. Any changes will be made by exchange of letters between DCMS and The National Archives.

1.3 Legislative changes will take precedence over any part of this document.

1.4 Nothing under this agreement shall prevent The National Archives from carrying out its legal duties under its founding legislation or under any other legislation which impacts on its functions, activities or powers.

2 Purpose of The National Archives

2.1 The National Archives is a non-ministerial department within the DCMS family. It fulfils the remit of the Public Record Office, the Historical Manuscripts Commission, Her Majesty's Stationery Office, Queen's Printer for Acts of Parliament, Government Printer for Northern Ireland, and Queen's Printer for Scotland.

2.2 The National Archives' main statutory duties are as set out in the Public Records Act 1958 and associated legislation.

2.3 The National Archives' strategic priorities are agreed with Ministers, usually for a four year period. The current strategic priorities were agreed in March 2015 and are set out in *Archives Inspire 2015-19*¹ as follows:

- We will provide expert advice and scrutiny to government, making sure that the record survives and thrives
- We will inspire the public with new ways of using and experiencing our collection
- We will be an effective leader and partner for the archives sector, to sustain and develop the nation's collection
- We will advance knowledge through exemplary academic liaison and outstanding interdisciplinary research
- We will become a digital archive by design

¹ nationalarchives.gov.uk/about/our-role/plans-policies-performance-and-projects/our-plans/archives-inspire/

2.4 The National Archives:

- Is custodian of the public record and government's trusted expert in managing, preserving and using information
- Provides access to and makes available more than 1,000 years of the nation's history and connects people and communities with the millions of stories contained in its collection
- Leads and supports the archive sector, helping archives to build and develop the skills and capacity needed to sustain the nation's archival heritage
- Works with the academic community and others engaged in scholarly research across a broad range of disciplines, to provide solutions to the major challenges facing archives and to open up greater access to archival collections
- Plays a leading role in addressing the cross-government challenge of preserving and making accessible the digital record of government

3 Governance and accountability

The National Archives' legal origins of powers and duties

3.1 The National Archives' powers, duties and obligations (including those duties delegated by the Secretary of State for Culture, Media and Sport to the Keeper of Public Records) principally derive from:

- The Public Records Act 1958 and associated legislation
- The Historical Manuscripts Commission Royal Warrant
- Letters Patent, appointing the Queen's Printer of Acts of Parliament to publish UK primary and secondary legislation and manage the Crown's copyrights and database rights;
- The Keeper's appointment (by DCMS) as Controller of Her Majesty's Stationery Office and the residuary duties that fall to the Controller under primary and secondary legislation
- The Scotland Act 1998, creating the role of Queen's Printer for Scotland and a departmental memorandum of The Executive Office for Northern Ireland appointing the Queen's Printer as Government Printer for Northern Ireland

Ministerial responsibility

3.2 The Secretary of State is responsible for The National Archives and for public records, wherever located, and s/he is accountable to Parliament concerning them. As set out under section 1 (3) of the Public Records Act 1958, s/he is obliged to lay every year before both Houses of Parliament an annual report including any report made to her/him by the Advisory Council on Public Records. Day-to-day ministerial responsibility for The National Archives has been delegated by the Secretary of State to his/her Minister.

3.3 The Secretary of State appoints and approves the conditions of service of the Chief Executive and Keeper. S/he considers and approves The National Archives' strategic priorities. S/he also sets fees for services provided by The National Archives under Section 2(5) of the Public Records Act and approves any significant revisions of the Framework document. The Secretary of State and other DCMS Ministers will not normally become involved in the day-to-day management of The National Archives.

3.4 The Secretary of State may delegate certain of the powers conferred upon them by the Public Records Act to the Chief Executive and Keeper, who is a statutory office holder with specific powers and duties of their own. Those powers which s/he has so delegated are listed in the Appendix to this document.

The Chief Executive and Keeper's specific accountabilities and responsibilities as Principal Accounting Officer (PAO)

3.5 The Chief Executive and Keeper receives their financial delegation direct from HM Treasury and is PAO for The National Archives. (The responsibilities of the PAO are set out in Managing Public Money which is sent separately to the Chief Executive and Keeper on appointment.) The Chief Executive and Keeper is accountable to Parliament for the grant-in-aid funding of The National Archives.

3.6 The Chief Executive and Keeper as PAO is personally responsible for safeguarding the public funds for which s/he has 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 National Archives. In addition, s/he should ensure that The National Archives 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 Managing Public Money.

Responsibilities for accounting to Parliament

3.7 The accountabilities 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 HM Treasury
- 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 National Archives are established and made widely known within The National Archives
- acting in accordance with the terms of this document, Managing Public Money and other instructions and guidance issued from time to time by the Treasury and the Cabinet Office
- giving evidence when summoned before the Public Accounts Committee on The National Archives' stewardship of public funds

Responsibilities to the Department for Digital, Culture, Media and Sport

3.8 Particular responsibilities to the Department for Digital, Culture, Media and Sport (DCMS) include:

- establishing, in agreement with the Secretary of State, The National Archives' strategic priorities
- ensuring that any significant problems whether financial or otherwise, and whether detected by internal audit or by other means, are notified to the department in a timely fashion.

4 The National Archives' Board

4.1 The National Archives' Board is the key strategic advisory body of The National Archives. The Board comprises the Chief Executive and Keeper and up to six executive directors (The National Archives' Executive Team, responsible for the day-to-day operational management of the organisation), the Lead Non-executive Board member and up to four further Non-executive Board members. Meetings of the Board are chaired by the Lead Non-executive Board member.

4.2 The Board should ensure that effective arrangements are in place to provide assurance on risk management, governance and internal control. The Board must maintain an Audit and Risk Committee chaired by an independent non-executive member. The Board is expected to assure itself of the effectiveness of the internal control and risk management systems.

4.3 The board is specifically responsible for:

- establishing and taking forward the strategic aims and objectives of The National Archives consistent with its overall strategic direction, as agreed with the Secretary of State and within the resources framework agreed with HM Treasury
- ensuring that the responsible minister is kept informed of any changes which are likely to impact on the strategic direction of The National Archives or on the attainability of its goals, and determining the steps needed to deal with such changes
- 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 authority and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, the Board takes into account guidance issued by DCMS as The National Archives' parent department
- ensuring that the Board receives and reviews regular financial information concerning the management of The National Archives; is informed in a timely manner about any concerns about the activities of The National Archives; and provides positive assurance to the department that appropriate action has been taken on such concerns
- 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
- through the Lead Non-executive Board Member, ensuring that senior officials (the relevant Director General or the Permanent Secretary) at DCMS are informed of any concerns about the management and direction of The National Archives.

Board members' individual roles and responsibilities

4.4 Individual board members should:

- ensure The National Archives is setting a clear strategic direction across government, in all policy areas in which it is the lead department
- strive to improve how The National Archives delivers its strategic aims and objectives and how effectively it meets new strategic challenges as they emerge
- provide consistently strong and effective oversight of and support to the Chief Executive and Directors in delivering The National Archives' strategic aims and objectives
- promote effective and transparent challenge through open debate on Board matters wherever necessary to achieve the best decisions and outcomes
- actively encourage new and innovative ways of thinking at board level, and across the organisation, including on the best use of new technology
- ensure that the right strategic policies are in place to encourage and inspire the entire workforce to contribute to the organisations overall aims, reflecting the Civil Service's core values
- act always in the best interests of The National Archives

The additional role of the Lead Non-executive Board Member is to:

- work with the Chief Executive and Keeper to agree the agenda for meetings of the Board and chair meetings of the Board
- chair the annual discussion evaluating the Board's performance
- meet on an annual basis with senior officials at the Department for Digital, Culture, Media and Sport, to present the views of the Non-executive Board Members and set out any areas of concern
- provide, as required by HM Treasury guidance, a brief update in The National Archives' Annual Report.

The additional role of all Non-executive Board Members is to:

- provide advice, guidance and challenge to the Chief Executive and Executive Directors to support The National Archives' senior leadership team
- ensure responsible governance and give assurance of sound financial reporting and disclosure as members of Audit and Risk Committee, and as members of the Nominations and Governance Committee, determine the pay and bonus for Senior Civil Service (SCS) staff (other than the Chief Executive and Keeper).

5 Annual report and accounts

5.1 The National Archives must publish an annual report of its activities together with its audited accounts after the end of each financial year.

5.2 The annual report must:

- cover any corporate, subsidiary or joint ventures under The National Archives' control
- comply with the Treasury's Financial Reporting Manual (FReM)
- outline main activities and performance during the previous financial year and set out in summary form forward plans

5.3 Information on performance against key financial targets is within the scope of the audit and should be included in the notes to the accounts. The report and accounts shall be laid in parliament and made available on The National Archives' website, in accordance with the guidance in the FReM. The report should be submitted for ministerial approval in line with agreed timescales ahead of the proposed publication date. The accounts should be prepared in accordance with relevant statutes as well as the FReM.

6 Audit

6.1 The National Archives shall:

- establish and maintain arrangements for internal audit in accordance with the Treasury's Public Sector Internal Audit Standards (PSIAS) (<https://www.gov.uk/government/publications/public-sector-internal-audit-standards>)
- set up an Audit and Risk committee of its Board in accordance with the Code of Good Practice for Corporate Governance and the *Audit and Risk Assurance Committee Handbook*

6.2 The internal audit service has a right of access to all documents, including where the service is contracted out.

6.3 The Comptroller & Auditor General (C&AG) audits The National Archives annual accounts and lays them before parliament, together with his report.

6.4 The C&AG:

- Will consult The National Archives 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) if the Government Resources and Accounts Act 2000, held by another party in receipt of payments or grants from The National Archives
- Will, where asked, provide departments and other relevant bodies with Regulatory Compliance Reports and other similar reports which departments may request at the commencement of the audit and which are compatible with the independent auditor's role

6.5 The C&AG may carry out examinations into the economy, efficiency and effectiveness with which The National Archives 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 National Archives shall provide, in condition 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.

7 Management and financial responsibilities

Managing Public Money and other government-wide corporate guidance and instructions

7.1 Unless agreed by HM Treasury, The National Archives shall follow the principles, rules, guidance and advice in *Managing Public Money*.

7.2 As a non-ministerial department, The National Archives provides regular reports to the Cabinet Office on its recruitment, workforce and data security activities and to HM Treasury on financial matters.

8 Corporate governance

Board appointments

8.1 The Chief Executive and Keeper is the statutory Keeper of Public Records and is appointed by the Secretary of State for a period of four years with the possibility of reappointment. This appointment is made in compliance with the Commissioner for Public Appointments' *Code of Practice for Ministerial Appointments to Public Bodies*. As the senior non-executive voice on The National Archives' Board, the Lead Non-executive Board Member will usually be a participant in this process.

8.2. In line with The National Archives' status as a non-ministerial department, headed by the Chief Executive and Keeper, all appointments to the Board are formally made by the Chief Executive and Keeper. In practice, these appointments will be made as follows:

- The Lead Non-executive Board Member is appointed by the Chief Executive and Keeper in agreement with the relevant Director-General at DCMS
- All executive members of the Board are appointed by the Chief Executive and Keeper in agreement with the Lead Non-executive Board Member

- All other Non-executive Board Members, and the Independent Member of the Audit and Risk Committee, are appointed by the Chief Executive and Keeper in agreement with the Lead Non-executive Board Member
- Other than the Chief Executive and Keeper, Executive Members of The National Archives' Board are permanent appointments. The Lead Non-executive Member, Non-executive Members and Independent Member of the Audit and Risk Committee are appointed for an initial period of three years with the possibility of reappointment, subject to performance and in consultation with Ministers, for a further three year period.

8.3 Selection, appointment and performance management of Non-executive Board Members is through fair and open competition in line with the code of practice and guidance issued through the Office of the Commissioner for Public Appointments (OCPA), though these appointments are not OCPA regulated.

Composition of the Board

8.4 The National Archives' Board consists of the Chief Executive and Keeper, up to six executive directors, the Lead Non-executive Board member and up to four further Non-executive Board members. Meetings of the Board are chaired by the Lead Non-executive Board member.

9 Risk management

9.1 The National Archives shall ensure that the risks 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 Treasury guidance Management of Risk: Principles and Concepts (http://www.hm-treasury-gov.uk/orange_book.htm). It should adopt and implement policies and practices to safeguard itself against fraud and theft, in line with HM Treasury guidance on tackling fraud. It should also take all reasonable steps to appraise the financial standing of any firm or other body with which it intends to enter into a contract or to give grant or grant-in-aid.

9.2 The National Archives shall ensure that information assurance and cyber security risks are identified and managed, in accordance with best practice and following its risk management strategy. This shall include ensuring appropriate technical and procedural controls are in place, meeting Cyber Essentials standards.

10 Corporate and business plans

10.1 The National Archives shall agree with the responsible Minister or Secretary of State its strategic priorities, usually for a period of four years. *Archives Inspire*, The National Archives' current strategic plan, was published in March 2015 and covers the period 2015-19. The National Archives will submit its next set of strategic priorities for the Secretary of State's approval in 2019.

10.2 The National Archives will publish its strategic priorities on its website at the start of each four-year planning period.

11 Information for accountability and for parliamentary and ministerial business

11.1 The National Archives will have responsibility for contributing to the Government's system of democratic accountability by making information available to the public on the quality and productivity of its services, value for money, performance and progress on delivery.

11.2 The National Archives will provide timely and accurate information as required for relevant parliamentary business (Parliamentary Questions, briefings, statements, select committee appearances) and for ministerial and public correspondence.

12 The National Archives' staff

12.1 As a non-ministerial department, staff are civil servants and employees of The National Archives.

12.2 The National Archives 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 on grounds of gender, marital status, sexual orientation, race, colour, ethnic or national origin, religion, disability, community background or age
- 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 National Archives' performance management systems are reviewed from time to time
- its staff are encouraged to acquire the appropriate professional, management and other expertise necessary to achieve The National Archives' goals
- proper consultation with staff 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
- staff are made aware of and can access the Civil Service Code

12.3 The National Archives will determine the terms and conditions of employment of its staff in line with the current Civil Service pay policy guidelines issued by HM Treasury. The National Archives will submit for ministerial approval an annual pay remit. Pay increases are at The National Archives' discretion, but are expected to be affordable, realistic and responsible. The National Archives shall operate pay restraint, particularly in terms of senior salaries.

12.4 The National Archives shall ensure that the creation of any additional posts does not incur forward commitments that will exceed its ability to pay for them.

12.5 Any proposal by The National Archives to move from the existing pension arrangements, or to pay any redundancy or compensation for loss of office, requires the prior approval of the Cabinet Office. Proposals on severance must comply with the rules in chapter 4 of *Managing Public Money*.

12.6 The National Archives is subject to the Procurement Policy Note 8/15 – Tax Arrangements of Public Appointees, and any guidance that may supersede it. The National Archives shall not remunerate employees via special purpose companies or by means of any other tax avoidance devices. Senior staff with significant financial responsibility must be on the payroll, unless there are exceptional temporary circumstances, which must be agreed by The National Archives' Accounting Officer and not exceed a period of six months. The National Archives is also responsible for ensuring that any temporary off-payroll workers employed are meeting their tax obligations.

13 Review

13.1 As a non-ministerial department The National Archives may be reviewed periodically by DCMS in accordance with:

- the business needs of DCMS and of The National Archives
- Cabinet Office guidance

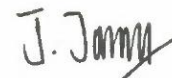
13.2 The National Archives will be included in the DCMS programme of tailored reviews planned for the 2015-20 Parliament and is awaiting scheduling.

Lord Ashton
Lords Minister



Date 5 July 2018
(On behalf of DCMS)

Jeff James
Chief Executive and Keeper



Date 5 July 2018
(On behalf of The National Archives)

Appendix – Exercise of delegated powers

The Secretary of State has delegated the following powers, conferred on him by the Public Records Act 1958, to the Chief Executive and Keeper of The National Archives and his staff:

1. Approving the loan of a public record for display at commemorative exhibition or for other special purposes under s.2(4)(g).
2. Approving the presentation of public records which have not been selected for permanent preservation at The National Archives to other appropriate bodies under s.3(6).
3. Appointing places of deposit under s.4(1).
4. Approving the transfer of public records, in either direction, between The National Archives and places of deposit, as well as transfers between places of deposit is made under s.4(3).

The Secretary of State has delegated the following power, conferred on him by the Public Records Act 1958, to central departmental legal advisers on submissions from the Keeper:

1. Determining public record status if in doubt, under the First Schedule, para 7(2).

NB. The Secretary of State has not delegated his responsibility under s.6 of the Act to authorise the destruction of public records transferred to archives as prescribed in legislation.