

At the most recent JNCC and TU meetings, we discussed agency preparedness for the UK leaving the EU, including the implications of a No Deal exit. We agreed to write to you with more detail on NCA minimum staffing plans and leave restrictions.

On 19 December Cabinet Secretary Mark Sedwill confirmed that the principal operational focus for Government Departments should now be to ensure that No Deal plans are enacted in full and without delay. All departments have been advised to prioritise No Deal preparations in terms of operational allocation of resources.

Operation XXXXXXXXXXXXXXXX

Operation XXXXXXXXXXXXXXXX is coordinating cross government critical incident planning for a No Deal exit. Under XXXXXXXXXXXXXXXX, the agency has considered a number of options to ensure that it continues to operate effectively and is agile, resilient and able to respond to threats or significant events in a timely manner.

In the event of a No Deal exit, the Government is expected to call a critical incident. NCA will play a significant role in supporting this through communicating with law enforcement partners, responding to a changing SOC threat picture and managing the impact of the loss of EU law enforcement tools. It is planned that the NCA will deploy resources into supporting COBRA structures and large parts of government will be required to work 24/7.

Under XXXXXXXXXXXXXXXX planning, all government departments and law enforcement agencies have been asked to review their minimum staffing levels to ensure that they can respond appropriately. UK Border Force have already implemented an annual leave embargo from 25th March until 14th April , followed by extensive restrictions on annual leave in to May. Government departments and law enforcement agencies have been instructed by the Cabinet Secretary to assess their own position regarding annual leave and abstractions.

Impact of No Deal Exit

A No Deal exit is likely to result in significant short term disruption across the country, which may manifest simultaneously across multiple areas and geographic locations. It would bring a range of challenges for the agency including: a changing SOC threat picture, a complete loss of access to EU tools, major disruption at ports (with additional customs checks required) and uncertainty about border arrangements between Northern Ireland and the Republic of Ireland. This direct disruption to the agency, alongside wider potential impacts such as transport blockages, fuel and food shortages and protests/public disorder, could impact on officers both personally and professionally.

In this situation we need to safeguard our ability to function as a national law enforcement organisation. We must ensure there is resilience across the agency to maintain business priorities, deliver contingencies and support the wider public service effort as needed. The agency is working with business areas to evaluate work and functions most directly impacted in a No Deal exit. These include, but are not limited to:

- Intelligence: Intel collection/NAC will need to produce regular reporting/assessments on changing SOC threat, UKICB and International will deliver contingency plans and provide additional support to domestic/International partners;
- Investigations: there are likely to be significant challenges at the Border, and potential impacts on Tasking and operational activity; are:
- Data: including challenges in exchanging and managing data;
- HR: potential for a significant increase in recruitment which may need to be fast-tracked (with an associated impact on Vetting for security clearances required);
- Commercial: potential difficulties in the procurement of supplies, services and consumables;
- Command and control function required, and there are likely to be significant additional briefing requirements.

To manage these challenges across multiple business areas, we need officers of all grades and skills to support the collective effort across the organisation. Other business areas may be less directly impacted, but will be required to provide resilience and backfill other parts of the business. As the agency flexes against unpredictable demands, it will also be essential to maintain activity in other business critical areas (such as recruitment and the spending review) that are not directly linked to the UK exiting the EU.

Minimum Staffing and Leave restrictions

In order to safeguard our ability to function effectively as a national law enforcement organisation and provide sufficient resilience, it is necessary to take measures including temporarily introducing some minimum staffing levels and leave restrictions.

We are working closely with senior managers to ensure we make sensible and prudent decisions. We will need to introduce restrictions on leave and other abstractions across the agency which will apply from 29 March 2019 to 30 April 2019. The agency intends to inform staff and business areas that no further annual leave, discretionary demands or abstractions should be authorised for the month of April 2019 unless there are exceptional circumstances.

This does not mean that there will be a blanket annual leave ban in April 2019. The agency needs time to continue working through the full implications of a No Deal exit. The restriction is a temporary measure, until minimum staffing levels (based on a clearer understanding of the issues) can be finalised. On balance, it is sensible to restrict annual leave now across the business, whilst we refine minimum staff levels as quickly as possible and provide time for all staff to prepare.

The restrictions and minimum staffing levels are only intended to be in place for a short period of time, whilst the country and agency responds to new and evolving circumstances. Minimum staffing levels and annual leave restrictions can be removed if we have certainty that a No Deal exit will not materialise. We will continually review the situation and officers will be advised as soon as practicable if we are able to lift restrictions earlier.

The agency is keen to promote staff wellbeing and must continue to observe legal requirements. It fully recognises and supports the need for staff to take annual leave, and understands the impact that any leave restrictions will have on staff and their families. However, we also need to ensure that business areas are staffed appropriately, operational activity can be conducted, and that the agency can respond to any threats or situations that occur as a result of a No Deal exit.

This situation is unique and it is very difficult to finalise plans whilst significant uncertainty and ambiguity about how and when the UK will exit the EU remains. We are working extremely hard to balance the needs of the agency (including providing critical support for partners) with those of staff welfare.

We invite TU representatives to a meeting later this week to discuss further. We will not issue any communications to staff until this meeting has taken place, and request confirmation from TUS that will do likewise.

We welcome the support of the trade unions during this challenging time.