

DMPC Decision – PCD1588

Title: Police Medical Appeal Board (PMAB) Contract

Executive Summary:

Police Medical Appeals are provided via a contract provided by the Home Office. Under the Police Pension Regulations of 1987; 2006 and 2015 and the Police (Injury Benefit) Regulations 2006, officers and ex-officers are entitled to appeal any medical decision of the Selected Medical Practitioner (SMP). All appeals are managed and heard by Duradiamond Healthcare.

The MPS is satisfied that there remains a corporate responsibility on the organisation to pick up the costs of the appeals based on the regulatory requirements. The MPS is also satisfied that the correct procurement activity has been conducted by the Home Office in order to appoint the preferred supplier.

Recommendation:

The Deputy Mayor for Policing and Crime is asked to:

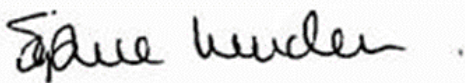
1. Approve the award of a call-off contract valued at £660,000 with Duradiamond Healthcare Ltd (The Supplier) which shall be placed under a Home Office framework agreement.
2. Approve budget of £660,000 to meet the predicted financial costs associated with the contract.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date 19/01/2024



PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. When a decision is considered around the injury benefit award or ill-health pension of a serving officer on the grounds of injury or ill-health, the Police Pension Authority refers the case to the MPS's Selected Medical Practitioner (SMP), a contracted service provider, for a final decision.
- 1.2. Officers and former officers are able to challenge the decision made by the SMP via the Police Medical Appeals Board (PMAB), the body of qualified medical referees that handles medical appeals in England, Wales and Scotland.
- 1.3. Duradiamond Healthcare Ltd (trading as Health Partners) currently manage the Police Medical Appeals Board (PMAB) as part of a 4-year contract awarded in October 2019 and, following a retendering process by the Home Office in July 2023, have been awarded a further 4-year contract to continue managing the Police and Fire Medical Appeal Boards until 2027.
- 1.4. All medical appeals are managed and heard by Duradiamond Healthcare who invoice the relevant individual force for each conducted hearing.
- 1.5. Approval is sought for a call-off contract under the Home Office Framework and for budget to be set aside, both at an estimated £660m, to cover the projected costs to the MPS of the medical appeal hearings over the next 4 years.

2. Issues for consideration

- 2.1. While the MPS had no input into the tendering process for the award of the contract to Duradiamond Healthcare, the MPS is responsible for settling any invoices for the service that are provided by the preferred supplier. The value of the overall invoice is dependent on the number of appeals that are made, a figure for which the MPS has no direct control. The actual value could theoretically exceed the projected estimate.
- 2.2. Costs are fully met by the MPS, with no additional budget being provided to the MPS by the Home Office.

3. Financial Comments

- 3.1. Duradiamond Healthcare and the Home Office have agreed costs for appeal hearings, which usually consist of 3 panel members costing £8,958, and for extra panel members at £1,200 each, if required.
- 3.2. It is difficult to gauge how many appeals the MPS will lodge with Duradiamond Healthcare during the new contract period as that is dependent on how many officers and ex-officers appeal decisions. The overall spend against the previous contract that ran from 1st April 2021 to 30th September 2023 (2.5 years), was £310,500, equating an average of £124,200 per year. Having seen a slight increase in spend in the previous 18 months, it is a reasonable to assume this will continue over the foreseeable future and as such £660k over a four-year contract has been allocated to support this.
- 3.3. This will be funded from within the Human Resources budget, where there is a budget within the Policy & Reward cost centre specifically allocated to the Duradiamond contract.

4. Legal Comments

- 4.1. The Mayor's Office for Policing and Crime ("MOPAC") is a contracting authority as defined in the Public Contracts Regulations 2015 ("the Regulations"). All awards of public contracts for goods and/or services valued at £213,477 or above shall be procured in accordance with the Regulations. The value of the proposed contract exceeds this threshold.
- 4.2. MOPAC's route to market is to call-off from a compliantly procured Home Office framework agreement and the MOPAC is an eligible user. The proposed call-off process shall be compliant with the Regulations.
- 4.3. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
 - 4.3.1. Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
 - 4.3.2. All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 4.4. Paragraph 7.23 of the Scheme provides that the Director of Commercial Services has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.

5. Commercial Issues

- 5.1. The MPS had no input into the tendering process for the award of the contract but is responsible for settling any invoices for the service that are provided by the preferred supplier.
- 5.2. MOPAC's route to market is to call-off from a compliantly procured Home Office framework agreement and the MOPAC is an eligible user.

6. GDPR and Data Privacy

- 6.1. There are no privacy issues associated with the contract.

7. Equality Comments

- 7.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2. There are no associated equality issues with this contract. MOPAC's route to market is to call-off from a compliantly procured Home Office framework agreement and the MOPAC is an eligible user. The proposed call-off process shall be compliant with the Regulations.

8. Background/supporting papers

None.

Part 2 - This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of the Implementation of the MPS Enterprise Data Platform proposal is exempt from publication for the following reasons:

- Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 - Trade Secrets and Prejudice to Commercial Interests).

The paper will cease to be exempt upon completion of the contract. This is because the information is commercially sensitive and could compromise future procurement activity.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES/NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – YES

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are covered in the body of the report.	✓
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report .	✓
Drafting Officer Omo Okuonghae has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The MOPAC Chief Finance Officer and Director of Corporate Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature

Sanakucherd.

Date 15/01/2024