



# MOPAC

MAYOR OF LONDON  
OFFICE FOR POLICING AND CRIME

Implementation of the Two-Tier Framework for out of court disposals (OOCs)

**MOPAC Investment Advisory & Monitoring meeting 4th October 2023**

**Report by DSu Katie Harber on behalf of the Chief People and Resources Officer**

**Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC**

## *EXECUTIVE SUMMARY*

This Business Justification requests funding and approval to procure and implement new digital tooling for the case management of out of court disposals, to support delivery of new 'Two-Tier Framework' (2TF) legislation – under Part 6 of the Police, Crime, Sentencing and Courts Act 2022.

The contract value required to deliver requirements is such that the Deputy Mayor for Policing and Crime must approve the decision.

An immediate decision is required to enable the MPS to be operationally ready for the legislation to take effect from 1st April 2024.

## **Recommendations**

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

**1. Approve the total cost of £3,682k over the next 5 years (2023-28) for the implementation and ongoing support for a new digital tool.**

Total costs are comprised of:

- a. Project revenue funding of £1,544k covering both FY 23/24 and 24/25 combined, to implement, configure and roll out the 3rd party Make Time Count 'out of court disposal' application. This will be funded from reserves.
- b. BAU revenue spend of £2.138m (excluding inflation) across 3 years i.e. 2025/26, 2026/27 and 2027/28 will be incorporated into the MTFP as no other mitigating savings have yet been identified. The inflation element will be funded from the non-pay inflation budgets for each of the years.

2. **Approve the direct award of the OOCd program to Make Time Count via a compliant Public Sector Framework Agreement with a total contract value of £3,500K and a term of 3 years, with one (1), twelve (12) month extension option for total 4-year term. The contract value is 25% higher than our current planned project spend to allow future enhancements over the length of the contact.**

### **Time sensitivity**

A decision is required from the Deputy Mayor by **31/10/2023**. This is because the MPS needs to immediately place a contract in order to be operationally ready for the new legislation by 1<sup>st</sup> April 2024.

There is considerable organisational change work required to implement the new work processes.

## **Non-confidential facts and advice to the Deputy Mayor for Policing and Crime**

### **Introduction and background**

1. The legislation replaces Penalty Notices for Disorder (PNDs), simple cautions and conditional cautions with two types of caution which **MUST** have at least one condition, in consultation with the victim. Conditions should be restorative or rehabilitative and can also have a financially punitive or restrictive requirement. They last up to 16-20 weeks and require police to monitor and breach offenders (magistrate's fine or charge).
2. The above statutory requirements has created new demand on policing, requiring new work processes and the supervision of offenders post investigative case disposal. A staff operating model to manage new requirements was agreed in June 2023 but was contingent of digital tooling being available - from an efficiency and implementation quality perspective.
3. A tool is needed to digitise OOCd workflow processes to improve consistency and quality of decision-making, enable MI and data analysis and achieve admin efficiency.
4. The MoJ are yet to agree a date of implementation, but it is expected by April 2024. The draft Codes of Practice are currently out for public consultation. An operating model is required to deliver the legal requirement and NPCC vision of the Two-Tier Framework, affecting an estimated 24,000 offenders a year in London (based on eligible detected offence volumes 2017-21).
5. Existing MPS IT systems cannot deliver the case management and work processes required to deliver a high quality offender management strategy under the Two-Tier Framework. New digital tooling can deliver these; eligibility screening, criminogenic needs assessment, prescribing of conditions to need, referral to service providers and ongoing management of compliance on a single platform e.g. attendance recording. New tooling will also enable data collection

to improve oversight of MPS use of the Two-Tier Framework (including disproportionality monitoring) and learning as to 'what works' to enable future precision in effective offender management using information not collected by existing systems.

6. Without digital tooling, the Met can be legally compliant and can issue the new cautions, but the feasibility of handling above volumes with the quality desired would be significantly compromised and would require a review of the staff operating model and an increase in posts.

### **Issues for consideration**

7. A major element of the Two-Tier approach is the referral of offenders to rehabilitative intervention providers to address root causes of offending e.g. drugs and alcohol, support with employability and training, coaching and mentoring, debt management as well as restorative interventions with individual victims or wider community. Attendance requirements need to be adequately tailored to individuals as well as sufficiently monitored for compliance – creating considerable administrative burden for police and providers.
8. A major benefit of the digital tooling requested is that it supports a single platform through which police could refer to service providers and jointly manage offenders, saving administration time for both parties.
9. The MTC tool provides a platform for all agencies (plus victim and offender) to work together and is fully auditable. This would enable the MPS to efficiently partner, at scale, with community service providers to support offenders' desistance from crime and victims could also be signed posted to support services. The MPS approach to the Two-Tier Framework, facilitated by digital tooling, will help make better use of existing provision locally.
10. The tool has been tested under a National Police Chiefs Council initiative (Project Fulcrum) and in an MPS pilot. It saves 86 mins per case compared to the administration of current conditional cautions, offering a saving of 27 FTE posts against MPS demand.
11. Two-Tier Framework demand is un-funded - for police implementation and intervention services

### **Contributes to the MOPAC Police & Crime Plan 2022-25<sup>1</sup>**

12. The Two-Tier Framework offers significant opportunity to support A New Met for London, especially community crime fighting in neighbourhood policing, by working with victims and local communities to design offender interventions that make meaningful amends and reduce reoffending through mandated (light touch) rehabilitation and restorative justice, delivered in a tailored and culturally competent way. Most neighbourhood crimes will be eligible for the new disposals. Quality implementation can also address long standing disproportionality concerns in the use of OOCs, by digitising eligibility

---

<sup>1</sup> [Police and crime plan: a safer city for all Londoners | London City Hall](#)

screening and other decision points to improve consistency of decision making.

### **Financial, Commercial and Procurement Comments**

13. There is no new government or MOPAC funding to meet the new demand.
14. Budget will be secured from
  - Reserves for the £1.544m for Project Revenue costs covering both FY 23/24 and 24/25
  - BAU revenue spend of £2,138k (excluding inflation) across 3 years i.e. 2025/26, 2026/27 and 2027/28 will be incorporated into the MTFP as no other mitigating savings have yet been identified.
15. For reasons of commercial sensitivity the full cost breakdown is contained in the restricted section of the report.
16. Costs cover:
  - a. The provision of a 'software as a service' (SaaS) IT solution and support services from Make Time Count to enable Two-Tier Framework implementation. This includes the on-boarding and ongoing IT support to external intervention providers accepting offender referrals - as well as support services for the MPS.
  - b. Internal MPS project costs incurred by DDaT to support delivery of a new IT solution.
17. Procurement. Make Time Count is the only supplier with an OOCd product on the market. The tool has been developed in close collaboration with the MPS and other forces.
18. The compliant route to market to access this Digital Software Tool is via a compliant Public Sector Framework Agreement, enabling a direct award following a down selection on the service offering from MTC.
19. To ensure that value for money has been achieved for the MPS, HQ Commercial Services have assessed a number of routes to market and resellers to achieve best value for money in procuring this solution. This information is contained in the restricted section of the report. Due to the sole source nature of the solution, having been developed in conjunction with MPS under pilot phase, it is not possible to compete or fully benchmark the costings proposed.
20. It is proposed to direct award an initial 3 year term with one (1) twelve (12) month extension via a compliant Public Sector Framework Agreement. This is subject to funding being agreed and Commercial risks being mitigated. This paper seeks approval for the full contract term including extension with total contract value of £3,500k, inclusive of contract headroom.

### **Legal Comments**

- 21.

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 (inc. VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

Purchasing through a compliant Framework Agreement will comply with the Regulations where the proposed award is within the scope of the Framework Agreement. The report confirms that a public sector Framework Agreement will be used and therefore on the basis the ordering processes for the framework agreement are followed, the proposed award will be compliant with the Regulations.

The MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:

- Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
- 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).
- 4.14 To reserve the right to call in:- • Any MPS proposal to award a contract for £500,000 or above.

Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement 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

## Equality Comments

22. This business case has undergone an initial Equality screening by the Equality Impact Assessment Lead in the MPS' Inclusion Team. Due regard has been taken to ensure compliance with the Equality Act 2010 in particular the Public Sector Equality Duty. Consideration has been taken to assess equality impact caused by the proposals within this document. As a result, a full Equality Impact Assessment will be completed once a decision on digital tooling is agreed. The EIA will review the entire MPS operating model to deliver new out of court disposal legislation, not just digital tooling, and will consider policies, processes and decision making, to ensure they are fair and do not present barriers or disadvantage any protected groups from participation. This requirement is listed on the internal MPS project plan..
23. The proposal contributes to delivering the London Anchor Institutions' Charter by offering access to rehabilitative support services, thus helping tackle social and economic inequalities and helping to divert young people to improve life chances.

## Privacy Comments

24. The MPS is subject to the requirements and conditions placed on it as a 'State' body to comply with the European Convention of Human Rights and the Data Protection Act 2018 (DPA). Both legislative requirements place an obligation on the MPS to process personal data fairly and lawfully in order to safeguard the rights and freedoms of individuals.
25. Under Article 35 of the UK General Data Protection Regulation (UK GDPR) and Section 57 of the DPA 2018, Data Protection Impact Assessments (DPIA) become mandatory for organisations with technologies and processes that are likely to result in a high risk to the rights of the data subjects.
26. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
27. An MPS pilot of the technology underwent a comprehensive DPIA and was compliant with data protection legislation. The DPIA will be further reviewed and updated if the technology is procured as a force wide solution. The project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with data protection legislation. DPIAs support the accountability principle, as they will ensure the MPS complies with the requirements of data protection legislation and they demonstrate that appropriate measures have been taken to ensure compliance.
28. The MPS will undertake an IT Health Check to ensure the security of the system given that Make Time Count will hold Met data. The scope the health-check will include both MPS and supply side services, the data security will be of at least equal standard to that required of MPS infrastructure. DDAT staff from the Cyber Security, Enterprise Architecture and Data office will support the wider project team on this process and provide the necessary assurance throughout the project. Commercial colleagues will ensure that this is a condition of the contract. There will be an agreed milestone in project delivery to ensure use of the system will not proceed until the supplier has met MPS GDPR and data security provisions.

## Real Estate Implications

29. There are no real estate implications.

## Environmental Implications

30. There is no impact on the Mayor's London Environment Strategy<sup>2</sup>.

## Background/supporting papers

---

<sup>2</sup> <https://www.london.gov.uk/WHAT-WE-DO/environment/environment-publications/draft-london-environment-strategy>

31. None.

Report author: Katie Harber, Detective Superintendent, Strategic Insight Unit.  
Katie.Harber@met.police.uk

**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 Implementation of the Two-Tier Framework for out of court disposals (OOCs) is likely to be 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 – Commercial Interests).
- The relevant sections under the FOIA that would exempt this information from disclosure, for example:
  - Commercial Interest Section 43

We will review whether commercial interest exemptions still apply after 4 years (October 2027).