

**DMPC Decision – PCD 1607**

**Title: Procurement and Contract Award for the Appropriate Adult Service for Vulnerable Adults in London.**

**Executive Summary:**

The role of an Appropriate Adult (AA) is to safeguard the interests of a vulnerable adult suspected of a criminal offence, to ensure they are treated in a fair and just manner and are able to participate effectively in criminal proceedings. This aims to create equity for all those coming into custody.

The current Appropriate Adult Funded Scheme comes to an end on the 31<sup>st</sup> October 2024. This decision requests approval for MOPAC to fund, procure and contract award a new Appropriate Adult Service for Vulnerable Adults in London from 1<sup>st</sup> November 2024 until 31<sup>st</sup> March 2027. Following an options appraisal commissioned by MOPAC in partnership with NHS, MOPAC would like to commission a Pan London service with the inclusion of, where appropriate, local volunteering schemes.

This decision requests approval to procure this service at a maximum value of £5,438,000, to contract award the highest scoring bidder/s following a procurement process. There will be the opportunity to extend until March 2029 at MOPAC's discretion subject to confirmation of funding.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the maximum budget of £5,438,000 to fund the Appropriate Adult Service for Vulnerable Adults in London.
2. Approve proceeding to procurement for an Appropriate Adult Service for Vulnerable Adults in London.
3. Grant delegated authority to the Director of Commissioning and Partnerships to approve the award of any contract(s) following the procurement process and to sign future documents in relation to this Decision, including contracts and variations.

**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

*Spencer Under*

Date 08/03/2024

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

### **1. Introduction and background**

- 1.1. Police are required by law to contact and have present an AA when dealing with a suspect who is identified as vulnerable. Although provision for an AA service is a statutory requirement, legislation does not specify who is required to do so, apart from confirming it is illegal for the police force to do so.
- 1.2. The current Appropriate Adult Funded Scheme (AAFS) started in 2019, jointly funded for 3 years by the Mayor's Office for Policing and Crime (MOPAC), the Metropolitan Police Service (MPS) and National Health Service London (NHSE London) and has since been extended until the 31<sup>st</sup> October 2024. The AAFS scheme currently offers a grant to Local Authorities on the condition they provide match or in-kind funding and provide the following Appropriate Adult contracted service for vulnerable adults:
  - Available 24hrs a day, 7 days per week.
  - Available at all required stages of an investigation, including for pre-arranged suspect interviews held at, and away from police stations, including prisons.
  - For all detainees / suspects at locations within a given area, regardless of home address or location of alleged offence.
  - The providers of service should be members of the National Appropriate Adult Network (NAAN).
- 1.3. The current provision is inconsistent with some Local Authorities being unable to match fund or choosing to use alternative provisions. Although some form of provision is in place in all custody suites, the way it is procured and managed has not resulted in value for money, nor does it allow for a mechanism to ensure quality of provision. Due to these challenges, MOPAC contracted Transformation Partners in Health and Care to develop a detailed options appraisal for the future of the service. The option appraisal concluded that MOPAC were the most viable commissioner for this service.
- 1.4. The options appraisal recommended MOPAC to commission a Pan London service with the inclusion of any existing volunteering scheme in London which wish to continue. This is on the basis that some existing volunteering schemes are very well established and well regarded. In order to facilitate this mixed model MOPAC will need to engage with boroughs and provide them with funds and guidance. This will include the introduction of a Quality Standard ensuring that both the volunteering schemes and the commissioned service provide a consistent and high quality service to vulnerable adults.

### **2. Issues for consideration**

- 2.1. This decision requests funding of a maximum value of £5,438,000, procurement to and contract award for an Appropriate Adult Service for Vulnerable Adults in London for a contract duration of 2 years and 5 months.
- 2.2. Whilst it is MOPAC's intention to procure and contract award this service in time for the current scheme's end date, it is worth noting that the delay to funding discussions

has generated time pressures and we may need to consider extending the current provision to ensure the successful provider/s have enough time to mobilise. There will be no financial impact on this.

- 2.3. An Appropriate Adult Service for Vulnerable Adults in London will safeguard the interests of a vulnerable adults suspected of a criminal offence, to ensure they are treated in a fair and just manner and are able to participate effectively. Following the Casey review, a high quality and consistent Appropriate Adult Service for Vulnerable Adults is needed more than ever. This aims to create equity for all those coming into custody.
- 2.4. MOPAC funding will be used to pay for the management of the service including the management of volunteers (for those boroughs maintaining volunteering schemes), to provide the appropriate training for Appropriate Adults and for the salaries of paid Appropriate Adults.
- 2.5. MPS figures show the current demand for Appropriate Adults of Vulnerable Adults in London is 16.5% of those coming through custody. Evidence shows this demand might be higher but current thresholds for vulnerability and identification thereof means numbers are low. MOPAC will be working on the basis of demand reaching 21.4% over the lifetime of the contract. This will ensure as many vulnerable adults as possible requiring an Appropriate Adult will have access to one.
- 2.6. MOPAC will develop a quality standard, embedding guidance from the National Appropriate Adult Network (NAAN) to ensure both volunteering schemes and commissioned providers effectively meet the needs of vulnerable adults and key partners. The views of those with lived experience of receiving an Appropriate Adult will be embedded within this quality standard.

### 3. **Financial Comments**

- 3.1. The current provision totals £1,400,000 per year which is co funded between MOPAC, MPS, NHS and Local Authorities.
- 3.2. The total budget requirement for this work totals £5,438,000. As MOPAC have been unable yet to secure funding from partners for the new service, the programme will be currently be funded by MOPAC across 2 years and 5 months (1<sup>st</sup> November 2024 – 31<sup>st</sup> March 2027). In the event additional funding cannot be identified for 2025/26 onwards MOPAC will need to reduce the service it provides for appropriate adults to the minimum level they are statutorily obliged to deliver.
- 3.3. The below table shows an outline of this funding broken down by financial years (2024/25 includes some funding for the extension of the current service as approved by decision PCD 1463):

<b>Financial Years</b>	<b>Funding</b>
FY 24/25	£838,000
FY 25/26	£2,300,000
FY 26/27	£2,300,000

#### **4. Legal Comments**

- 4.1. Paragraph 4.8 of 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 or above.
- 4.2. The Mayor's Office for Policing Crime 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 £214,904 (inclusive of VAT) or above will be procured in accordance with the Regulations.
- 4.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all requests to go out to tender for contracts of £500,000 or above.
- 4.4. In addition, legal advice was obtained from TFL Legal who confirmed under PACE section C, it is not permissible for the Metropolitan Police Service (MPS) to directly commission services for appropriate adults nor could these be 'spot purchased' out of formal contracts. This reaffirms MOPAC is currently the only viable commissioner of this service.

#### **5. Commercial Issues**

- 5.1. This Decision report seeks to proceed to procurement for the provision of an appropriate adults service for 2 years 5 months at a maximum value of £5,438,000.
- 5.2. Ahead of MOPAC releasing an Invitation to Tender, market engagement will take place including with boroughs who have existing volunteering schemes. Consideration will be given to whether the service should be commissioned in lots to create resilience across London.
- 5.3. Local authorities continuing voluntary schemes will be required to submit a business case outlining how they will meet the Quality Standard for the service and the remainder of London will be procured through a formal tender process. This will have an impact on the overall value we put out to tender.
- 5.4. This requirement will fall under Schedule 3 of the Public Contracts Regulations 2015 or the 'light touch regime' as an above-threshold procurement. An open procurement process will be followed.

- 5.5. The Scheme of Delegation requires the approval of the DMPC to proceed to procurement at this value. Approval to award a contract at this value would also normally require the approval of the DMPC.
- 5.6. Following any approval to award a contract, contracts will be put in place with the relevant local authorities and successful bidders, and the necessary transparency notices will be published.
- 5.7. The actions proposed can be taken in compliance with procurement legislation and MOPAC's Contract Regulations.

## 6. **Public Health Approach**

- 6.1. The AA Service for Vulnerable Adults in London will support those most vulnerable in custody to safeguard them through the process and to sign post them onto additional support to divert them from further engagement with the criminal justice system. The monitoring requirements of the service will allow for better data collection on the needs of vulnerable adults to support the service become needs-led.

## 7. **GDPR and Data Privacy**

- 7.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.

## 8. **Equality Comments**

- 8.1. 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.
- 8.2. For an adult to be eligible for an AA, they will be identified as having one or a number of vulnerabilities such as a mental health condition, learning disability or physical disability which impacts on their capacity to understand and engage in the criminal proceedings. There will be intersectionality's with other protected characteristics such as with their gender and ethnicity which may affect how well officers identify vulnerability. The consultants options appraisal considered the representation of AAs, and this model will allow for standards to be put in place to improve quality and meet the needs of vulnerable adults. This will include having AAs representative of the communities they support.
- 8.3. An Equalities Impact Assessment (EIA) will be completed for the service ahead of a tender being released.

**9. Background/supporting papers**

9.1. N/A

**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? 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 - NO

<b>ORIGINATING OFFICER DECLARATION</b>	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> The TfL legal team has been consulted on the proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Public Health Approach</b> Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence.	✓
<b>Commercial Issues</b> The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>• GDPR compliance issues are covered in the body of the report.</li> <li>• A DPIA will be completed for this service before released to tender.</li> </ul>	✓
<b>Drafting Officer</b> Bethany Swanson has drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The Head of Policy and Commissioning 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**

**Date** 27/02/2024