

DMPC Decision – PCD 1642.

Title: Extension of Contract for External Legal Support to support the Under Cover Policing Inquiry (UCPI).

Executive Summary:

This paper seeks approval to extend the current external legal support contract to support the continuation of Under Cover Policing Inquiry (UCPI).

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

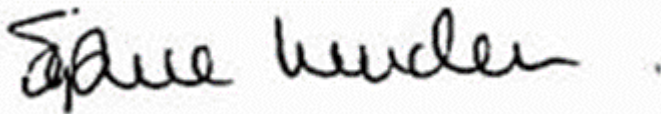
1. Approve the extension of the current UCPI contract at, a total cost of £1,622m from August 2024 to Dec 2026.

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 12/03/2024

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

1. Introduction and background.

- 1.1. The Designated Lawyer Team (DL) Team was set up in 2017 by the Metropolitan Police Service (MPS) using DLS lawyers and administrative staff to support with the Undercover Policing Inquiry (UCPI).
- 1.2. To ensure value and technical ability, three firms were invited to provide quotations and statements on experience and capacity in this area, and the incumbent firm was successfully awarded a contract -PCD (1010).
- 1.3. The purpose is to offer advice and representation to current and former MPS officers and staff who may be required to provide evidence and appear before the UCPI at public or closed hearings.
- 1.4. This was believed to be cost-effective at the time. However, the number of clients was limited to 20, and the UCPI was expected to be completed within two years. This has now radically changed.

2. Issues for consideration.

- 2.1. The DL team can only represent individuals without any conflict of interest between the witnesses and the Commissioner of Police of the Metropolis. The Commissioner is represented by a separate legal team known as the Commissioner's Legal (CL) Team.
- 2.2. The inquiry examines high-profile cases of police officers who entered long-term relationships with members of their target groups while deployed undercover. This has negatively impacted the MPS's reputation and the trust of women in London.
- 2.3. The Inquiry's work will most likely not be completed until 2026. As a result, the resource requirements and demand for flexibility have increased significantly, which the MPS did not anticipate at the onset.
- 2.4. Since 2021/22, the MPS forecast a 5% increase in requests for advice and hearings due to the rising demand for the DLS services. The team currently represents 116 witnesses, and the Inquiry did not last up to two years as originally planned.

- 2.5. The MPS would have to outsource other work to create capacity to resource the DL team's work which would be more expensive compared to extending the current contract. Therefore, the contract extension is necessary to ensure client continuity, document security, strong relationships with stakeholders, and increased resource flexibility.
- 2.6. MPS state that "if the contract is not extended, lawyers and administrative staff will have to be abstracted from DLS for the next 2-3 years, reducing DLS' capability to meet the demands of legal advice sought by the MPS".

2.7. The advantages of maintaining the current arrangements are;

- The majority of the DL team will be provided by a single, external law firm which already has expertise in supporting UCPI and;
- There will be continuity of personnel, greater flexibility of resource and administrative support.
- Work will be provided under a single Service Level Agreements, supporting quality and delivery requirements through the contract period.
- DLS will retain Key personnel to provide legal support in other areas.
- Service disruption will be minimised while providing advice to clients because support will be delivered within MPS premises whilst ensuring continued document security.

- 2.8. To ensure value and technical ability was sourced, three firms were originally invited to provide quotes and statements on experience and capacity in this area. The incumbent firm was successful in the original procurement exercise and subsequently a contract was awarded under PCD (1010).

3. Financial Comments.

- 3.1. The forecast cost of the proposed contract extension for a total of £1.622m from August 2024 to December 2026.
- 3.2. The paper is not seeking an increase in budgets; the DLS budget is currently under review as part of the wider MPS 2024/25 budget work and may be revised down. Budget holders must manage expenditure to remain within new budget allocations for each year.

5. Legal Comments.

- 5.1. 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, and modifications to, public contracts for goods and/or services valued at £214,904 or above shall be procured in accordance with the Regulations. This report confirms both the value of the original contract, and the proposed modification exceeds this threshold.
- 5.2. The original contract award was undertaken in compliance with regulation 10 which provides for certain exclusions from advertising and competitive tendering requirements of the Regulations. Where a particular contract falls withing regulation

10, it does not need to be completed in accordance with the Regulations. DLS assure that contract extension is with

- 5.3. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.

6. GDPR and Data Privacy.

- 6.1. 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 (DPA) 2018. 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.
- 6.2. Under Article 35 of the General Data Protection Regulation (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.
- 6.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the programme / project
- 6.4. The project does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

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. As a result, no negative impact has been identified to any individual and/or group safeguarded by a protected characteristic and to those who are not negating the requirement to document any mitigation.
- 7.2. The paper seeks additional funding for an existing function therefore, there is no real organisational change. Further reviews will be conducted and if any new Equality Impact is identified, a full Equality Impact Assessment will be initiated


8. Background/supporting papers.

8.1. Appendix 1 Extension of contract for external legal support to the UCPI.

<p>Public access to information:</p> <p>Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC MPS website following approval.</p> <p>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.</p>
<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? NO</p> <p>If yes, for what reason:</p> <p>Until what date:</p>
<p>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.</p> <p>Is there a Part 2 form –Yes.</p>

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
<p>Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.</p>	✓
<p>Legal Advice: The MPS legal team has been consulted on the proposal.</p>	✓
<p>Equalities Advice: Equality and diversity issues are covered in the body of the report.</p>	✓

Commercial Issues: The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy <ul style="list-style-type: none"> • GDPR compliance issues are covered in the body of the report. 	✓
Drafting Officer Stephen Kalyango has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Interim Chief Finance Officer and the 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 have 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. 12/03/2024	

