

DMPC Decision – PCD 1058

Title: Project Fulcrum- Grant Acceptance

Executive Summary:

This is a request for MOPAC to accept Home Office Science, Technology and Research (STAR) funding of £355,000 for Project Fulcrum for 2021/22. Project Fulcrum is an NPCC multi-force proof of concept proposal to develop and test a digital tool for the management of out of court disposals (OOCs), to help forces deliver conditional cautioning requirements under forthcoming legislation, as well as other diversionary criminal justice approaches.

Recommendation:

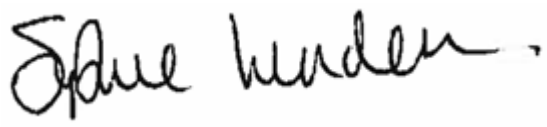
The Deputy Mayor for Policing and Crime is recommended to approve acceptance of a Grant of up to £355,000 from the Home Office Star Fund for Project Fulcrum.

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 6/10/2021

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

1. Introduction and background

- 1.1. This application seeks acceptance of grant funding awarded from the HO STAR fund of £355,000 to support the development of a digital tool for managing out of court disposals and diversion activity, titled Project Fulcrum. There is a time pressure for this decision due to the lateness of the award from the HO with all funds to be utilised by 31/3/22
- 1.2. Project Fulcrum is an NPCC multi-force proof of concept proposal to develop and test a digital tool for the management of out of court disposals (OOCs), to help forces deliver conditional cautioning requirements under forthcoming legislation, as well as other diversionary criminal justice approaches. Using the supplier Make Time Count, there is the potential of adapting their existing tool used in Probation that could connect offender managers, intervention providers and offenders in one place to manage the end to end process of an OOC.
- 1.3. The need for developing digital support in OOCs is high. OOCs currently comprise one third of all police case disposals and police-led diversion and offender supervision within OOCs will increase considerably with forthcoming legislation. The Police, Crime, Sentencing and Courts Bill 2021 mandates conditional cautioning and will replace the simple caution, fixed penalty notices for disorder and all drugs warnings from April 2023. Other diversionary criminal justice approaches via deferred prosecution, community resolution and application of Home Office Outcome Code 22 will remain at the discretion of forces.
- 1.4. Combined, the new legislation will create new demand on front line policing to manage and support offenders, aiming to prevent reoffending. A digital tool could mitigate some of the additional demand requirements, by bringing efficiencies in harnessing access to existing community rehabilitative support and reducing offender management administration time.

2. Issues for consideration

- 2.1. If funds are not released by October, the viability of the project within the current funding envelope is at risk and work would be halted. This could jeopardise the entire project and lead to loss of the funding opportunity.
- 2.2. If successful, the project can help keep young people safe by improving early intervention to prevent those at risk of offending or being drawn into a life of crime. Decision support tools within the product could reduce disproportionality of criminal justice outcomes issued by police and improve victim satisfaction.

3. Financial Comments

- 3.1. The cost break down is taken from the successful STAR fund application and covers the supplier's costs only. Policing project costs are absorbed into business as usual.

Role	Amount
Business Analyst	67,500
Development	160,000
Infrastructure	13,500
Prog Mgmt	40,500
Non Labour Costs	14,075
VAT	59,115
Total	354,690

- 3.2. Funding is entirely via the Home Office STAR grant until 31st March 2022.
- 3.3. This is a proof of concept project only. If promising, further consultation and funding to fine tune the tool, procure and roll out to forces would be required.

4. Legal Comments

- 4.1. MOPAC may legally accept this offer of Grant funding pursuant to legal powers granted under Schedule 3, Paragraph 7 of the Police Reform and Social Responsibility Act 2011 which provides that,
- 7(1) The Mayor’s Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.
- (2)That includes—
- entering into contracts and other agreements (whether legally binding or not);
- 4.2. In accordance with Paragraph 4.8 of the MOPAC Scheme of Consent and Delegation, the DMPC may approve all offers made of grant funding; and/or where appropriate a strategy for grant giving.
- 4.3. The Mayor’s Officer 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 £189,330 or above will be procured in accordance with the Regulations.
- 4.4. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement has consent to approve all proposals to award of all contracts with the exception of those called in through the agreed call in procedure.
- 4.5. The proposed route to market is via the Crown Commercial services G-Cloud 12 Framework, MPS shall comply with the Crown Commercial guidance in relation to the use of G-Cloud 12, and therefore the procurement is compliant with the Public Contracts Regulations 2015.

5. Commercial Issues

- 5.1. The value of the procurement is within the delegation of the Metropolitan Police Service. MPS Commercial Services legal advice confirm procurement of the Make Time Count tool can be conducted in accordance with the Public Contracts Regulations 2015 if procured via the G-Cloud 12 Framework. The G Cloud procurement route is a recognised, timely and compliant route to market.
- 5.2. Make Time Count Limited are a Social Enterprise Company and are listed as a supplier on the G-Cloud 12 Framework. Forces as public sector bodies can access all services offered on the G-Cloud Framework provided they undertake the process as set out in the G-Cloud 12 Customer Guidance.
- 5.3. Value for Money: MTC are the only supplier that supplies this product and are offering rates which are discounted against their normal G-Cloud rate.

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 project meets its compliance requirements. On the advice of the Director responsible for the above unit, for this project, this role is being undertaken by Kent Police given the live pilot sits within their force. The MPS are neither the Data Controller or Data Processor. Kent Police own the project and data until such time it is launched nationally, at which time the DPIA requirement will be reviewed.
- 6.4. The DPIA is being completed by Kent Police. The initial pilot will be in Kent. Though the MPS is the lead force for the project there will be no data processed in the MPS at this stage. The project will ensure a privacy by design approach, which will allow the tool to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS and partner forces complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.

7. Equality Comments

7.1. A full Equalities Impact Assessment has been conducted by the multi-force project team and will be a living document as the tool is developed. No equality and diversity concerns have been identified and the digital tool does not exclude or reduce provision of service to offenders and appropriate adults without digital access themselves.

8. Background/supporting papers

8.1. MPS Report – Project Fulcrum

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: N/A

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 Alex Anderson has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The 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



Date 6/10/2021



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Project Fulcrum

MOPAC Investment Advisory & Monitoring meeting – September 2021

Report by Katie Harber on behalf of the Chief of Corporate Services

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

EXECUTIVE SUMMARY

This is a request for MOPAC to be the contracting authority for a successful NPCC national bid for Home Office STAR funding, to prototype a digital tool for the management of out of court disposals (Project Fulcrum).

MOPAC approval to accept this offer of grant funding from STAR Fund (£355k) is required to initiate immediate procurement with Make Time Count.

Recommendations

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

- 0. Pursuant to the MOPAC Scheme of Consent and Delegation, the Board is asked to support the submission of this paper to MOPAC in order to secure**
 - **Approval to accept a Grant of £355k from the HO Star Fund for Project Fulcrum**

Time sensitivity

A decision is required from the Deputy Mayor by 1st October 2021 to enable procurement arrangements to start immediately. Delay would jeopardise project timescales which must be met as a condition of Home Office funding. The supplier cannot continue to operate at risk. There will be a detrimental impact on the 3rd party supplier in the event of further delays beyond 1st October as they continue to incur costs.

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

Introduction and background

- 1. This application seeks acceptance of grant funding awarded from the HO STAR fund of £355k to support the development of a digital tool for managing out of court disposals and diversion activity, titled Project Fulcrum. There is a time pressure for this decision due to the lateness of the award from the HO with all**

funds to be utilised by 31/3/22

2. Project Fulcrum is an NPCC multi-force proof of concept proposal to develop and test a digital tool for the management of out of court disposals (OOCs), to help forces deliver conditional cautioning requirements under forthcoming legislation, as well as other diversionary criminal justice approaches. Using supplier Make Time Count, there is the potential of adapting their existing tool used in Probation that could connect offender managers, intervention providers and offenders in one place to manage the end to end process of an OOC.
3. The need for developing digital support in OOCs is high. OOCs currently comprise one third of all police case disposals and police-led diversion and offender supervision within OOCs will increase considerably with forthcoming legislation. The Police, Crime, Sentencing and Courts Bill 2021 mandates conditional cautioning and will replace the simple caution, fixed penalty notices for disorder and all drugs warnings from April 2023. Other diversionary criminal justice approaches via deferred prosecution, community resolution and application of Home Office Outcome Code 22 will remain at the discretion of forces.
4. Combined, the new legislation will create new demand on front line policing to manage and support offenders, aiming to prevent reoffending. A digital tool could mitigate some of the additional demand requirements, by bringing efficiencies in harnessing access to existing community rehabilitative support and reducing offender management administration time.

Issues for consideration

5. If funds are not released by October, the viability of the project within the current funding envelop is at risk and work would be halted. This could jeopardise the entire project and lead to loss of the funding opportunity.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

6. If successful, the project can help keep young people safe by improving early intervention to prevent those at risk of offending of being drawn into a life of crime. Decision support tools within the product could reduce disproportionality of criminal justice outcomes issued by police and improve victim satisfaction.

Financial, Commercial and Procurement Comments

7. The cost break down is taken from the successful STAR fund application and covers the supplier's costs only. Policing project costs are unfunded and absorbed into business as usual.

Role	Amount
Business Analyst	67,500
Development	160,000

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

Infrastructure		13,500
Prog Mgmt		40,500
Non Labour Costs		14,075
VAT		59,115
Total		354,690

8. Funding is entirely via the Home Office STAR grant until 31st March 2022.
9. This is a proof of concept project only. If promising, further consultation and funding to fine tune the tool, procure and roll out to forces would be required.
10. MPS Commercial Services legal advice confirm procurement of the Make Time Count tool can be conducted in accordance with the Public Contracts Regulations 2015 if procured via the G-Cloud 12 Framework. Make Time Count Limited are a Social Enterprise Company and are listed as a supplier on the G-Cloud 12 Framework. Forces as public sector bodies can access all services offered on the G-Cloud Framework provided they undertake the process as set out in the G-Cloud 12 Customer Guidance.
11. The G Cloud procurement route is a recognised, timely and compliant route to market. The down select would be used to award to a single supplier who can offer competitive pricing and compliance with the Met specification of requirements. The down-select and subsequent clarification exercise will be conducted in a fair, open and transparent manner and compliant with the terms of the G-Cloud framework in order to have the suppliers explain their service description, terms and conditions, pricing or service definition documents.
12. Through this process the MPS will clarify the supplier offering based on best fit against a set of predetermined criteria specifically relating to the project requirements. This will take into account:
 - a. Whole life cost, cost effectiveness, price and running costs
 - b. Technical merit and functional fit
 - c. After sales and service management
 - d. Non-functional characteristics
13. Value for Money: MTC are the only supplier that supplies this product and are offering rates which are discounted against their normal G-Cloud rate.
14. The STAR Fund have confirmed approval of the successful bid through a formal offer letter. The letter supports the commencement of the activity with funding transfer arrangements to be confirmed. There is no indication that the STAR fund will issue any further documentation to formalise the arrangement however, any formal Grant Agreement subsequently issued by the STAR Fund will be reviewed by Commercial Services prior to completion.

Legal Comments

15. In accordance with Paragraph 4.8 of the MOPAC Scheme of Consent and Delegation, the DMPC may approve all offers made of grant funding; and/or where appropriate a strategy for grant giving.
16. MOPAC may legally accept this offer of Grant funding pursuant to legal powers granted under Schedule 3, Paragraph 7 of the Police Reform and Social Responsibility Act 2011 which provides that,
 - 7(1) The Mayor's Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.
 - (2) That includes—
 - a. entering into contracts and other agreements (whether legally binding or not);
17. MOPAC has an obligation to publish details of any grant agreement entered into pursuant to Schedule 1, Paragraph 3(g) of the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012.
18. With the exception of the broad conditions outlined within the formal offer letter from the Authority, no formal Grant agreement outlining terms and conditions of the proposed grant funding have been received by the Authority at this stage.
19. The 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 £189,330 or above will be procured in accordance with the Regulations.
20. Paragraph 10 of this report confirms the proposed route to market is via the Crown Commercial services G-Cloud 12 Framework and shall be awarded in compliance with Crown Commercial guidance in relation to the use of G-Cloud 12. On that basis the procurement is compliant with the Public Contracts Regulations 2015.
21. Paragraph 7.23 the MOPAC Scheme provides that the Director of Strategic Procurement has consent to approve:
 - All requests to go out to tender for contracts below £500,000. With the exception of any contract, regardless of its value, felt to be of an exceptional nature.
 - The award of all contracts, with the exception of those called in through the agreed call in procedure.

Equality Comments

22. A full Equalities Impact Assessment has being conducted by the multi-force

project team and will be a living document as the tool is developed. No equality and diversity concerns have been identified and the digital tool does not exclude or reduce provision of service to offenders and appropriate adults without digital access themselves.

Privacy Comments

23. 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.
24. 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.
25. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements. On the advice of the Director responsible for the above unit, for this project, this role is being undertaken by Kent Police given the live pilot sits within their force.
26. The DPIA is being completed by Kent Police. The project will ensure a privacy by design approach, which will allow the tool to find and fix problems at the early stages of any project, ensuring compliance with GDPR. DPIAs support the accountability principle, as they will ensure the MPS and partner forces complies with the requirements of GDPR and they demonstrate that appropriate measures have been taken to ensure compliance.
27. The MPS are neither the Data Controller or Data Processor. Kent Police own the project and data until such time it is launched nationally, at which time the DPIA requirement will be reviewed.

Real Estate Implications

28. Not applicable.

Environmental Implications

29. No impact. The project supports paperless offender processing and audit trail.

Background/supporting papers

30. See Part 2 – exempt from publication

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]

Exempt under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 (Data Protection Section 43 – Commercial Interests).

A separate business case from the Home Office STAR bid is not required for this submission. However the STAR bid and grant approval is attached with the submission and is commercially sensitive as it contains details of the supplier's technical capability and potentially intellectual property.

The paper will cease to be exempt from 6 years after the completion of the project. Any request for information under FOIA after this time would need to be assessed on a case by case basis, no matter what or when the original decision was made, as the circumstances may have changed eg information no longer commercially sensitive.