

**DMPC Decision – PCD 652**

**Title: Independent Custody Visiting Scheme Volunteer Management and Support**

**Executive Summary:** Section 51 of the Police Reform Act 2002 (as amended) requires Police and Crime Commissioners in England and Wales – MOPAC in London - to make arrangements for detainees to be visited by independent custody visitors. MOPAC discharges these duties through its Independent Custody Visiting Scheme, which includes the recruitment, retention and management of approximately 240 volunteers. This decision seeks approval for funding to commission a third sector organisation to work in partnership with MOPAC to deliver the administrative management for the London Independent Custody Visiting Scheme.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to approve:

- The allocation of £200,000 over 24 months for the provision of a partner organisation to support and manage the volunteer Independent Custody Visitors; and
- The initiation of a tender process to select the Partner Organisation
- The delegation for signing of any grant or contract to the Chief Executive Officer in accordance with the Scheme of Delegation.

**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**

23/10/2019

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

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

- 1.1. MOPAC has a legal obligation under Section 51 of the Police Reform Act, 2002 (as amended) to make arrangements for detainees to be visited by persons appointed under independent custody visiting (ICV) arrangements.
- 1.2. The delivery of the ICV Scheme involves the recruitment, training and management of circa 220 volunteers, as well as the management of quarterly panel and chairs' meetings to collate the feedback and seek assurance from the MPS on the delivery of safe and effective custody arrangements for detainees.
- 1.3. Delivery of the Scheme is resource intensive and requires specialist skills in volunteer management. This being the case, it has been agreed that an alternative model of delivery will be implemented involving the commissioning of an external provider to support the Scheme. This decision seeks approval for the funding to commission the external provider.

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

- 2.1. MOPAC has a statutory duty to make arrangements for detainees to be visited by persons appointed under independent custody visiting (ICV) arrangements. However, the legislation is not prescriptive about how that work is resourced within MOPAC other than the requirement to ensure a senior officer lead has responsibility for the Scheme.
- 2.2. The Mayor has made a commitment within the Police and Crime Plan to continue to provide support to the Scheme as part of our work to deliver a better police service. It is therefore proposed that an external provider is commissioned to deliver the administrative management of the London Independent Custody Visiting Scheme. It is anticipated that this will improve the ICV/customer experience and service provided to our committed volunteers. This arrangement will ensure we can continue to provide public reassurance in relation to the detention facilities and custody services provided by the MPS (as well as British Transport Police (BTP) and UK Border Force (UKBF) where MOPAC has a financial arrangement to provide custody visiting services).
- 2.3. One of the key drivers for the proposal to commission external support for the Scheme is that it will release MOPAC officer to focus on improving transparency, strategic governance and oversight of the MPS's delivery of detention. In addition, it will also release officers from the Criminal Justice Directorate who are also supporting the Scheme, so that their capacity can be re-focused on delivery of other Police and Crime Plan priorities.
- 2.4. This is an innovative approach that has only ever been attempted with a much smaller scheme. As such, there are some risks associated with this approach, including a lack of support for the approach from the ICVs and the potential that there is no successful bidder for the tender. In relation to the former, officers have briefed the ICVs about the proposals and have made a commitment to have the volunteers represented on the assessment panel. In relation to the latter risk, officers have conducted some scoping of the market and have formed the view that there may be some interest, but in the event

that the tender exercise does not produce a successful bidder the current interim support arrangements will remain in place while MOPAC management reconsider the approach to delivery of support to the Scheme and confirm an alternative course of action.

### **3. Financial Comments**

- 3.1. The proposed budget for this programme of work is £200,000 over two years. This is to be funded from the MOPAC core budget. The funding will be awarded through an open competitive process and the successful bidder will be required to sign a MOPAC contract, which will set out the terms and conditions, the monitoring and delivery requirements and the payment schedule.

### **4. Legal Comments**

- 4.1. The Deputy Mayor for Policing and Crime is authorised to take this decision by the MOPAC Scheme of Consent & Delegation, Section 4, "Delegation to the Deputy Mayor for Policing and Crime", "Financial administration" para 4.7: "The approval of ...MOPAC expenditure, income and funding of annual revenue budgets and capital programme".
- 4.2. The activities set out in this decision are in accordance with MOPAC's responsibilities under section 51 of the Police Reform Act 2002 (as amended), which requires Police and Crime Commissioners in England and Wales – MOPAC in London - to make arrangements for detainees to be visited by Independent Custody Visitors. MOPAC's general powers are set out in the 2011 Act. Under Schedule 3, paragraph 7 of the 2011 Act, MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office". Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.

### **5. Commercial Issues**

- 5.1. The funding will be awarded through an open competitive tendering process, in line with the GLA Responsible procurement policy and MOPAC contract regulations. All bids will be assessed by a panel that includes the Head of Service, the MOPAC ICV Scheme lead officer, a representative of the ICVs and a representative of the Independent Custody Visiting Association. This panel will also conduct the interview part of the tendering process.
- 5.2. In line with standard practice, the successful bidder will be required to sign up to MOPAC's standard contract terms and relevant due diligence checks will be completed prior to finalisation of the contract award.
- 5.3. Officers have given consideration to the GLA Responsible Procurement Policy in developing the specification. In particular, the requirement for the successful bidder to demonstrate effective equality and diversity practice and fair employment practices have been built into the specification.

## **6. GDPR and Data Privacy**

- 6.1. A Data Protection Impact Assessment has been conducted for the ICV Scheme. In addition, the successful bidder will be required to sign up to MOPAC's standard terms and conditions, which makes explicit their responsibilities with respect to GDPR and compliance with the Regulations will be confirmed as part of the due diligence process for awarding the contract.

## **7. Equality Comments**

- 7.1. Section 149(1) of the Equality Act 2010 provides that in the exercise of their functions, public authorities must have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.5. An equalities impact assessment has been conducted on this proposal and the tender specification requires the successful bidder to be able to demonstrate compliance with equalities legislation, which forms a key element of the assessment criteria and to continue to work to diversify the ICV cohort so that it better reflects the detainee population.

## **8. Background/supporting papers**

- 8.1. 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

**ORIGINATING OFFICER DECLARATION**

	<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> Legal advice is not required.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report and the Workforce Development Officer has been consulted on the equalities and diversity issues within this report.	✓
<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 and the GDPR Project Manager has been consulted on the GDPR issues within this report.</li> <li>• A DPIA has been completed.</li> </ul>	✓
<b>Director/Head of Service:</b> Natasha Plummer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

**OFFICER APPROVAL****Interim 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**

22/10/19

