

**DMPC Decision – PCD 878**

**Title: Two-year Extension to London Victim and Witness Service contract**

**Executive Summary:**

In order to provide funding certainty at this time of crisis and realign commissioning with the postponed Mayoral election and new administration, this decision requests the extension until the end of March 2023 of the contract with Victim Support to deliver the London Victim and Witness Service. The total financial commitment required is £15,553,600 over the 2 years.

**Recommendation:**

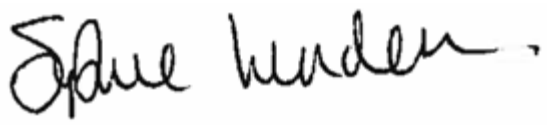
The Deputy Mayor for Policing and Crime is recommended to approve the extension of the contract between MOPAC and Victim Support for the provision of the London Victim and Witness Service by two years to 31 March 2023, at a cost of £15,553,600 over two years.

**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**

**30/11/2020**

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

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

- 1.1. MOPAC has statutory responsibility for commissioning victims' services in London which are free of charge and accessible whether or not the victim has reported to the police.
- 1.2. To deliver this responsibility, MOPAC commissions a partnership led by Victim Support to provide the London Victim and Witness Service (LVWS). LVWS is the main service for adult victims of crime in London. It provides:
  - Practical and emotional support for adult victims;
  - Specialist support for survivors of domestic abuse;
  - Pre-trial and outreach support for London-resident witnesses going to court;
  - Access to restorative justice; and
  - Support to anyone impacted by Major Crime Incidents in London.
- 1.3. The COVID-19 pandemic has had a wide-reaching impact on MOPAC, the MPS and commissioned services. At this time of crisis, it is more important than ever for commissioners and providers to have certainty of funding.
- 1.4. A large proportion of MOPAC's commissioned services and contracts and grants are due to expire on 31<sup>st</sup> March 2021. This aligned with the original dates for the Mayoral election and production of the new Police and Crime Plan. However, as a result of the pandemic, the election has been postponed until May 2021. This means that these services face a cliff-edge of funding at the end of this financial year.
- 1.5. In order to realign commissioning with the postponed Mayoral election and production of the new Police and Crime Plan, this decision relates to LVWS, the main service for adult victims of crime in London.
- 1.6. The initial LVWS contract runs from 1 April 2019 to 31 March 2021 (PCD 516). Clause 2.2 of the contract allows for either a further one-year or a two-year extension at MOPAC's sole discretion.
- 1.7. This decision requests the extension for the maximum two-years allowed under the contract.

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

- 2.1. The recommendation is for a two-year extension rather than one-year. This is because a one-year extension would mean starting the commissioning cycle in early 2021, prior to the publication of the next three-year Police and Crime Plan and while recovery from the impact of COVID-19 is ongoing. It would also be before the completion of the Victims Strategic Needs Assessment for London, which will inform the next Police and Crime Plan and MOPAC's commissioning strategy for the next Mayoral term.

- 2.2. The performance of the LVWS has also been taken into account. The performance of the service to date is satisfactory and this extension therefore does not present a risk. The extension has also been considered as part of MOPAC’s wider commissioning, budgets and priorities.

### 3. Financial Comments

- 3.1. This decision requests approval to extend the contract delivered by Victim Support, at a total indicative maximum financial commitment of £15,553,600 from 1<sup>st</sup> April 2021 to 31st March 2023 (2 years).
- 3.2. This expenditure is budgeted from the Ministry of Justice Victims Grant (£15,353,600) and the £21.5m Mayoral growth funding awarded to MOPAC as part of the budget setting process for 2020/21 (£200,000). This is set out in the table below:

Service Name	21/22 Allocation	22/23 Allocation	Funding Source
London Victim and Witness Service (LVWS)	£7,676,800	£7,676,800	MoJ Victims Grant
	£200,000	N/A	Mayoral Uplift funding

- 3.3. As the total funding available to MOPAC from the MoJ Victims Grant will not be confirmed until later in 2020/21, the total financial commitment remains indicative and represents the maximum allocation approved under this decision. Any change in funding allocation to the LVWS would require a further DMPC Decision. The final confirmation of the MoJ funds will take place in March 2021 and this will be the level at which MOPAC can fund up to.
- 3.4. Payments will be made in line with current arrangements in the contract, following satisfactory performance and contract management meetings.

### 4. Legal Comments

- 4.1. MOPAC’s general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must “secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective.” Under Schedule 3, paragraph 7 (1) 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.
- 4.2. Section 143 (1) (b) of the Anti-Social, Behaviour Crime and Policing Act 2014 provides for MOPAC to provide or commission services “intended by the local policing body to victims or witnesses of or other persons affected by, offences and anti-social behaviour.” Section 143 (3) specifically allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate.

- 4.3. There are further relevant powers set out in the Crime and Disorder Act 1998 at sections 17(1) (a) to (c) which place MOPAC under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it can to prevent, crime and disorder (including anti-social and other behaviour adversely affecting the local environment), reoffending in its area, and the misuse of drugs, alcohol and other substances in its area. The proposed arrangements are consistent with MOPAC's duties in the Crime and Disorder Act 1998.
- 4.4. Under MOPAC's Scheme of Delegation, the approval of business cases for revenue or capital expenditure of £500,000 and above, are for the DMPC. The strategy for contract extensions are also for the DMPC. The decisions in this report can be approved by the DMPC.
- 4.4. Officers must ensure the Financial Regulations and Contract Regulations are complied with.
- 4.5. Officers should ensure that the funding agreements are put in place with and executed by MOPAC and the provider before any commitment to fund is made.
- 4.6. The TfL Legal Team were consulted on the contract for LVWS, and the terms are based on the standard contract for services template used by TfL and the GLA. Where appropriate this template has been amended and updated to ensure it reflects MOPAC's requirements, and this was done in consultation with MOPAC's Chief Financial Officer and the TfL Legal Team.
- 4.7. Officers confirm that sufficient assurance has been carried out to this decision to determine that the DMPC has legal authority to agree the recommendation on funding and the extension of the contract.

## **5. Commercial Issues**

- 5.1. This decision requests to extend an existing contract, as laid out in paragraph 1.6. There are no procurement issues with this decision, as this decision relates to activating the relevant clauses in an existing contract only.
- 5.2. MOPAC makes no commitment to fund the provider until the contract extension has been signed by both parties. This will detail the new performance and payment schedules, in line with previous arrangements.
- 5.3. Further details on the commercial issues can be found in decision PCD 516.
- 5.4. The extension to the contract will comply with the MOPAC Scheme of Delegation and Consent.

## **6. Public Health Approach**

- 6.1. This decision provides the funding to enable a better informed and more cohesive partnership approach to improving outcomes for victims in London which will much

align with and support the VRU's public health approach to tackling the causes of violent crime in London.

- 6.2. Further details on the public health approaches of each project or service can be found in the decisions referenced in 1.6.

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

- 7.1. MOPAC does not have access to any data related to LVWS which is personally identifiable. Victim Support has submitted a DPIA for LVWS which extensively covers the GDPR implications.
- 7.2. Further details on the data protection considerations can be found in decision PCD 516.

## **8. Equality Comments**

- 8.1. Under s149 of the Equality Act 2010 (the Equality Act), as a public authority the Deputy Mayor/MOPAC must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under this Act; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 8.2. The extension of this contract ensures that, at this time of crisis, vulnerable Londoners do not face a reduction in support.
- 8.3. The provider will be required to have due regard to the protected characteristics of the people and communities relevant to this piece of work.
- 8.4. Equality comments for the LVWS can be found in the decision PCD 516.

## **9. Background/supporting papers**

- [PCD 516 Integrated Victims and Witnesses Service – contract award](#)

**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 – 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> Legal advice is not required.	✓
<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. This has been reviewed and supported by a senior manager within the VRU.	✓
<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> </ul>	✓
<b>Director/Head of Service:</b> The Director Commissioning and Partnerships 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 25/11/2020