

DMPC Decision – PCD 574**Title: Custody Transformation - Target Operating Model (TOM)****Executive Summary:**

- Custody Transformation is part of a wider sequence of transformative events that will collectively deliver a modern, professional, efficient, safe, and highly effective custody service fit for the 21st Century.
- The overarching aim of Custody Transformation is to safeguard the most vulnerable, work in partnership to reduce offending and help to make London the safest global city. Custody must adapt to a new environment where alternatives to arrest and detention are more prevalent, where demand for custody services has decreased, and where alternative approaches to progressing investigations require development.
- This decision seeks approval to progress the custody Target Operating Model (TOM) transformation.

Recommendation:

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

- An improved and efficient approach to custody and associated services that will deliver net savings of £2.940m against the Medium Term Financial Plan (MTFP) in 2019/20 rising to £4.787m pa from 2020/21.
- It will include:
 - An officer reduction of 41 posts and staff reduction of 48 Designated Detention Officers (DDOs) and 11 custody nurse practitioner posts from 2019/20 to release £3.343m in savings.
 - The use of £1.083m from savings to fund one off costs of refurbishing custody suites (£0.765m) and implementation of Electronic Medical Record System (EMRS) (£0.318m);
 - An increase in officer and staff overtime budget against Medium Term Financial Plan (MTFP) by £1.353m and £0.808m pa respectively from 2019/20.

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

Stephen Hendon

Date

26 6 19

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

1. Introduction and background

- 1.1 The Metropolitan Police Service (MPS) faces a number of significant challenges to achieve its mission to make London the safest global city in the world. The organisation needs to be able to continuously adapt to changing crime patterns, changing demand and the needs of London within a restrictive financial environment.
- 1.2 Therefore, the transformation of custody services must be delivered in the most efficient and cost-effective way possible. These changes must also be aligned to wider transformation programmes within the MPS and its Criminal Justice Partners.
- 1.3 Custody transformation must support both the MPS and National Police Chief Council (NPCC) National Vision for the future of Police Custody:
 - a. MPS Vision: To develop a transparent custody operation that is safe, effective, efficient and consistent across London
 - b. NPCC Vision: Develop a transparent, safe, effective and efficient custody model through a nationally consistent approach to new initiatives, new investment and improved practice.
- 1.4 The custody transformation aims to deliver:
 - A new Custody Estate of 23 Suites & 8 Contingency Suites to maximise efficiency and ensure greater alignment to the Basic Command Units (BCUs).
 - A revised staffing model that is more in line with current demand.
 - An improved in-house healthcare model.
 - An enhanced HQ function that draws together Core Custody & Forensic Healthcare providing a more efficient and holistic approach.
 - The development of non-custodial options for progressing investigations, identifying how and where these can be developed, and where policy or procedures need to be updated to meet current demands.
 - Opportunities for diverting offenders through diversionary activity.
 - technological advances and the introduction of new equipment

2. Issues for consideration

- 2.1 **Custody Demand:** The number of detainees within MPS custody suites has been declining for a number of years with the number of arrests reducing by 54% since 2008. The MPS has signed up to National Custody principles that seek to use custody only when necessary. Predicting future demand is challenging and projected detainee throughput was based on the average yearly decrease of 8%. There is a possibility that the trend in falling demand will not continue and the number of arrests and therefore detainee throughput will start to increase.
- 2.2 **Future Structure:** Met Detention will remain a separate standalone command aligned to BCU boundaries. This will ensure that custody services remain consistent and professionalism is maintained.
- 2.3 **Estate & Establishment:** As part of the full custody transformation project options for custody suites and post reductions have already been identified and approved. Met Detention have already removed a number of posts and reduced the number of custody suites from 32 to 26.
- 2.4 Despite these reductions the MPS recognises that there are further opportunities to rationalise the estate and establishment to improve efficiency and reduce costs. The new Custody Estate Model will consist of 23 '24/7' Custody suites and eight contingency suites aligned to new BCU boundaries.
- 2.5 Travel times to suites will increase for four of the 12 BCUs. In most cases there is a very high proportion of the BCU that is covered based on average 30 minute peak travel time. The South Area BCU does have some areas outside of this radius.
- 2.6 **Healthcare:** Current Healthcare provision is of a good standard but has not been reviewed since 2013. The new Healthcare model has allowed for a comprehensive review of principles, assumptions and limitations. The revised Healthcare Model includes 21 suites with '24/7' embedded Custody Nurse Practitioners (CNP), 2 suites with CNP's roaming between the sites and requires 2 Forensic Medical Examiner (FME) areas. This will maximise the number of locations benefiting from enhanced healthcare.
- 2.7 An Electronic Medical Records System (EMRS) will also be procured at a future date.
- 2.8 **Mental Health Provision in Custody:** Met Detention have appointed a Mental Health lead to review current practices and address issues relating to conducting mental health assessments and sectioning detainees in police custody.
- 2.9 **Liaison & Diversion in Custody:** The MPS works with NHS England who provide L&D practitioners (Nurses and academic practitioners) across all Met custody suites bringing specialist independent professional advice and a consistency of approach across the capital. The focus is on custody vulnerability and identifying mental health in custody. This has led to an increase in the total number of people being identified as having vulnerabilities - such as mental health needs, substance misuse and learning disabilities.
- 2.10 To improve diversion schemes available in custody, custody managers will work with the local BCU Partnership and Prevention hubs to maximise awareness and use of available diversion schemes.

- 2.11 **Voluntary Attendance:** Progressing investigations for a wide range of offences can take place without the need for arrest. Officers have recognised that a non-custody approach can be more convenient and efficient than the custody alternative.
- 2.12 There are however risks to this approach. Practices within custody that are designed to ensure the safety of suspects, protect their rights, and protect the public have been developed over many years through continuous improvement, inspection & review, and learning from adverse incidents. Many of those practices have been integrated into I.T systems or are otherwise automated, and the custodians of those processes are dedicated custody professionals with specific training.
- 2.13 Nearly all of the custody safeguards must be (either legally or morally) equally applicable to suspects who are progressed outside of custody yet there is currently no National guidance for officers in relation to what those safeguards are, or how they should be applied.
- 2.14 The TOM will allow for the development of non-custodial options for progressing investigations, identifying how and where these can be developed, and where policy or procedures need to be updated to meet current demands
- 2.15 **Appropriate Adult (AA) provision:** The primary factor behind the lack of national guidance is the absence of statutory responsibility on any agency to provide AA services for vulnerable adult suspects. (Statutory responsibility for juveniles sits with Local Authorities). The proposed solution is for local councils to continue with the commissioning of AA services with the MPS and NHS each contributing to assist in funding the provision of AA for vulnerable adults.
- 2.16 This specific approach to AA provision was the subject of decision (PCD 565) which was signed by the DMPC in April 2019.

3. Financial Comments

- 3.1 An improved and efficient approach to custody and associated services will deliver net savings of £2.940m against the Medium Term Financial Plan (MTFP) in 2019/20 rising to £4.787m pa from 2020/21.
- 3.2 The major savings achieved against the MTFP in 2019/20 are £3.166m in officer pay from a reduction of 41 officer posts and £0.177m staff pay from a reduction of 48 DDO and 11 custody nurse practitioner posts (total of £3.343m).
- 3.3 Identified savings will fund one off costs of £0.765m to refurbish custody suites (Bexley & Stoke Newington) and £0.318m for the purchase and implementation of an Electronic Medical Record System (EMRS).
- 3.4 Savings will also fund an increase in officer and staff overtime budget against the MTFP of £1.353m and £0.808m pa respectively from 2019/20.
- 3.5 Decision PCD 565 has already dealt with the new approach to AA provision. This will see funding arrangements shared across the MPS, Local Authorities (LAs) and NHS. Excluding the LAs, the annual budget to initiate this approach is £480,000. This will be funded through equal contributions from NHS England and MOPAC via the MPS. Therefore, a new budget of £0.24m per annum is required for this purpose.

3.6 The £0.240m MPS yearly contribution will be off set against the savings identified within the Custody TOM.

4. Legal Comments

4.1 The MPS Directorate of Legal Services was consulted as part of the assurance process and no concerns have been raised to date.

4.2 The Police and Criminal Evidence Act 1984 and its statutory Codes of Practice (PACE codes C & G plus other relevant sections) were consulted for guidance and legal obligations in providing Appropriate Adult provision and Voluntary Attendance.

4.3 Vulnerable individuals are considered in law to be at significant risk of various forms of poor treatment, abuses of power and ineffective participation in the process. To reduce these risks, whenever police officers treat such a person as a suspect, whether detaining them in custody or asking them to attend a voluntary interview, they are required by law to contact an Appropriate Adult (AA) and ask them to attend.

4.4 Under Schedule 3 Paragraph 7 of the Police Reform and Social Responsibility Act 2011 ("2011 Act") MOPAC may enter into contracts and other agreements (whether legally binding or not), which are "calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the office".

4.5 Paragraph 4.8 of the MOPAC's Scheme of Consent and Delegation provides the Deputy Mayor for Policing and Crime with delegated powers including:

- Business cases for revenue or capital expenditure of £500,000 and above.
- Budget virements or movements of £500,000 and above, (whether on a temporary or permanent basis).
- Bids for grant funding made and all offers made of grant funding; and/or where appropriate a strategy for grant giving.

5. Commercial Issues

5.1 Contained in the restricted section of the report.

6. Public Health Approach

6.1 The provision of effective custody facilities, integration of medical professionals, identification of those who are vulnerable and provision of appropriate adults are all instrumental in preventing and mitigating the impact of violent crime.

7. GDPR and Data Privacy

- 7.1 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.
- 7.2 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.
- 7.3 The Information Assurance and Information Rights Units within MPS will be consulted at all stages to ensure PEQF implementation meets its compliance requirements.
- 7.4 The procurement and implementation of an EMRS system for healthcare in custody is currently on hold following a breakdown in the supply chain. Once the choice of EMRS system is confirmed and a supplier has been identified a DPIA will be completed and submitted as it is recognised that personally identifiable information regarding members of the public will be used.

8. Equality Comments

- 8.1 Under Section 149 of the Equality Act 2010 (the Equality Act), as a public authority the Deputy Mayor/MOPAC [and Commissioner] 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 MPS has completed an Equality Impact Assessment (EIA) of the TOM.
- 8.3 Operationally there are a range of potential considerations concerning the age, disability, gender reassignment, pregnancy & maternity, religion and gender of detainees. No negative impact is anticipated, the proposed changes intending to enhance service provision. Furthermore, new guidance around Voluntary Attendance is expected to enhance risk assessment and lead to more sound decision making.
- 8.4 Staff and Officers will be affected by suite closures and internal re-structuring as a result of changes to their working location and shift pattern etc. Those processes are being managed through highly developed corporate HR processes which are designed to safeguard against breaches of the Equalities Act, and have themselves been subject to EIA.

9. Background/supporting papers

- 9.1 IAM Part One - Custody Target Operating Model

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

Tick to confirm statement (✓)

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

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.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report.
- A DPIA will be completed

✓

Director/Head of Service

The MOPAC CFO 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

R. Lawrence

Date

26/6/19



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Programme 4 Transforming Investigations & Prosecution – Custody Target Operating Model Final Business Case

MOPAC Investment Advisory & Monitoring Meeting 01/05/2019

Report by DAC Duncan Ball on behalf of the Deputy Commissioner

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

EXECUTIVE SUMMARY

Custody Transformation is part of a wider sequence of transformative events that will collectively deliver a modern, professional, efficient, safe, and highly effective custody service fit for the 21st century. A key point on this journey was the creation of the Met Detention command in January 2015, and planned developments outside of this project include the introduction of the CONNECT I.T system.

The purpose of the report is to set out the future use & delivery of custody services and to develop and describe alternatives to custody.

The overarching aim of Custody Transformation is: **To safeguard the most vulnerable, work in partnership to reduce offending and help to make London the safest Global City. Custody will adapt to a new environment where alternatives to arrest & detention are more prevalent, where demand for custody services has decreased, and where alternative approaches to progressing investigations require development.**

Where custody is necessary it will strive to:

- Consistently identify and manage risk;
- Invest in new technology that supports economic efficiency across the wider criminal justice system;
- Encourage and innovate appropriate alternatives to custody;
- Work with partners in medical and mental health fields to manage the needs of detainees and to identify opportunities for diversion from the criminal justice system;
- Deliver a high quality healthcare service within the custody environment and support the criminal justice system;
- Improve access to diversionary schemes for offenders from within and outside of custody; and
- Deliver a resilient and effective headquarters function that provides oversight, resource management, policy, training and infrastructure that supports the operational delivery of custody which is safe for detainees, officers, staff and visitors.

The adaptation required and necessitated by the changing use of arrest and detention broadly sits within the following themes:

- Adjusting the Custody estate and staffing model to meet new demand and maximise efficiency:
 - A new Custody Estate of 23 Suites supported by 8 Contingency Suites
 - A revised staffing model that is more in line with current demand
- The development of non-custodial options for progressing investigations, identifying how and where these can be developed, and where policy or procedures need to be updated to meet current demands
- Delivery of high quality healthcare which is safe and consistent across custody:
 - Increasing the number of suites with embedded custody nurse practitioners
 - Providing improved access to a healthcare professional leading to better triage and more timely treatment and ongoing review
 - Closer alignment with the national service spec of a nurse led model

Recommendations

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

1. **'An improved and efficient approach to custody and associated services that will deliver net savings of £2.940m against the Medium Term Financial Plan (MTFP) in 2019/20 rising to £4.787m pa from 2020/21 including: An updated custody model for London with a reduced custody estate that reflects current demand and the potential for future variation. An enhanced and improved custody Healthcare solution. New policies and processes to address significant risks to service delivery.'**

Members are invited to approve the following financial decisions:

- A. **Agree to use identified savings in 2019/20 to fund one off costs of refurbishing custody suites (Bexley & Stoke Newington) and for the purchase and implementation of an Electronic Medical Record System (EMRS).**
- B. **Agree to increase officer and staff overtime budget against Medium Term Financial Plan (MTFP) by £1.353m and £0.808m pa respectively from 2019/20.**
- C. **Agree to release gross savings in the Custody budget against MTFP of £4.023m in 2019/20, rising to £4.787m net savings from 2020/21 onwards.**

Included within the solution described are the following key updates from the earlier outline business case.

1. Approve the revised Custody Estate Model
2. The replacement of Plumstead with Bexley Custody Suite in the Custody Estate model.
3. An increase in the number of contingency suites from 7 to 8 through the inclusion of Plumstead Custody Suite.
4. Funding to carry out essential works at Stoke Newington and Bexley Custody suites to ensure that they meet the required Security and or Health & Safety standards
5. The new 'Core Custody' staffing model which reflects the changing demand within core custody.
6. A new Healthcare model which provides 21 suites with 24/7 Custody Nurse Practitioners (CNPs) and moves to 2 FME areas. This model formalises the Medical Director / Nursing director (remodeled as Healthcare Director) roles that were absent from Strategic HR design.
7. The funding for an electronic medical records system (EMRS) that will significantly enhance information available to healthcare professionals from within and outside the MPS.
8. Introduction of an Operations Support team within HQ.
9. The new HQ model which streamlines the SLT structure.
10. An increase in the Custody overtime budget providing the necessary resilience to ensure that Core Custody can continue to provide an environment that is safe for both detainees and staff.
11. The need of ongoing assessment of custody throughput and ongoing review of Met Detention establishments, with the next review to be scheduled in September 2019 ahead of the 2020-21 budget setting.
12. Launch of MPS wide Voluntary Attendance policy which seeks to address the risks identified and ensure that custody safeguards are applied to suspects progressed outside of custody.
13. A new approach to Appropriate Adult provision to improve current provision and reflect the changing Borough Command Units (BCU) and custody landscape. The new approach will also include tri party funding arrangements to be shared across the MPS, Local Authorities and the NHS.

Detailed financial and commercial information is contained within the exempt part of this report.

Time sensitivity

A decision is sought as soon as possible from the Deputy Mayor because a number of key activities including urgent custody refurbishments, suite closures and key service improvements need to be implemented to realise the benefits.

Introduction and background

14. The MPS faces a number of significant challenges to achieve our mission to make London the Safest Global City in the World. The organisation needs to be able to continuously adapt to changing crime patterns, changing demand and the needs of London with a challenging financial environment. Prevention and Safeguarding are at the core of what we do and Custody & Prosecutions must be developed to support and maximise effectiveness within this changing landscape.
15. The transformation of custody services, prosecutions and potential outcomes must be delivered in the most efficient and cost effective way possible. Ensuring these changes are aligned to wider transformation programmes within the MPS and our Criminal Justice Partners.
16. Custody transformation will support both the MPS and NPCC National Vision for the future of Police Custody:
 - a. **MPS Vision:** To develop a transparent custody operation that is safe, effective, efficient and consistent across London
 - b. **NPCC Vision:** Develop a transparent, safe, effective and efficient custody model through a nationally consistent approach to new initiatives, new investment and improved practice.
17. In support of the above this paper will set out the future use and delivery of custody services which includes:
 - A new Custody Estate of 23 Suites & 8 Contingency Suites to maximise efficiency and greater alignment to the BCUs
 - A revised staffing model that is more in line with current demand
 - An improved in-house healthcare model
 - An enhanced HQ function that draws together Core Custody & Forensic Healthcare providing a more efficient and holistic approach to the delivery of key custody objectives.
 - The development of non-custodial options for progressing investigations, identifying how and where these can be developed, and where policy or procedures need to be updated to meet current demands
 - Opportunities for diverting offenders through diversionary activity
 - The impact of technological advances and the introduction of new equipment

Custody Demand:

18. The number of detainees within MPS custody suites has been declining for a number of years with the number of arrests reducing by 54% since 2008.
19. The MPS has signed up to National Custody principles that seek to use custody only when necessary. This principle feeds into a number of the drivers for falling arrests, whilst other drivers are unrelated.
20. Drivers impacting on demand include:
 - a. increased use of alternatives to custody:
 - i. Voluntary Attendance,
 - ii. Community Resolutions,
 - iii. Postal Charge Requisition,
 - b. Crime Rates,
 - c. Stop & Search,
 - d. MilInvestigation,
 - e. Changes to the Bail Law
 - f. Organisational Strength.
21. Predicting future demand is challenging and projected detainee throughput for 2018 was based on the average yearly decrease of 8%.
22. Detainee throughput is only one measure of custody demand and a broader understanding has been developed which factors in detainee complexity and the impact on custody workload.

23. There is a possibility that the trend in falling demand will not continue and the number of arrests and therefore detainee throughput will start to increase.

Future Structure

24. Met Detention will remain a separate standalone command aligned to BCU boundaries. This will ensure that custody services remain consistent and professionalism is maintained.

Estate & Establishment

25. As part of the full Custody transformation project options for custody suites and post reductions have already been identified and approved. Met Detention have already removed a number of posts and reduced the number of custody suites from 32 to 26.
26. Despite these reductions it is recognised that there are further opportunities to rationalise our estate and establishment to improve efficiency and reduce costs.
27. Changes to the MPS local structure to a BCU model gives us the opportunity to review our current structure and identify improvements that improve alignment to the new model and increase the opportunities for consultative decision making and enhance BCU stakeholder management.
28. The new Custody Estate Model will consist of 23 24/7 Custody suites and eight contingency suites aligned to new BCU boundaries.
29. Eleven of the twelve BCUs will have two suites and the remaining BCU (North Area) will be serviced by 1 super suite at Wood Green.
30. It has been an objective of Custody Transformation to maximise the efficiency of the custody estate, including the utilisation of cells. With greater decreases in detainee numbers and the retention of 23 suites for broader operational purposes, this ambition has not resulted in an increase in cell utilisation but rather it has mitigated the reduction in cell utilisation and decreased the variability between suites. This approach has also maintained enough flexibility within the model to accommodate a reverse in the current trend of reduced detainee throughput.
31. Travel times to suites will increase for four of the 12 BCUs. In most cases there is a very high proportion of the BCU that is covered based on average 30min peak travel time. The South Area BCU has the largest areas outside of this radius.
32. The current custody staffing model (developed in 2014) has been reviewed and adapted based upon several factors including, number of suites, detainee throughput, time spent in detention, the complex needs of detainees, constant supervision / enhanced checks, healthcare needs, changes to pre-charge bail legislation and Forensic innovations. The impact of the implementation of 'Connect' (MiPS) was also taken into consideration.
33. The result of this review has led to the development of the staffing model which has established new minimum strengths for custody.

Healthcare

34. Current Healthcare provision is of a good standard but has not been reviewed since 2013.
35. In 2015 the MPS started to plan for custody healthcare to be provided through NHS commissioning but in Dec 2015 the Home Secretary announced the decision not to transfer healthcare funding to the NHS and as a result provision has remained 'in house'.
36. Historically challenges in recruiting sufficient nurses has resulted in more suites being serviced by Forensic Medical Examiners (FMEs) than is in the current design and is therefore more expensive.
37. The absence of a review during this period means that the current service provision is at odds with the existing design and is still based on the delivery of healthcare to 32 custody suites. Work carried out as part of the commissioning has been developed to inform the proposed healthcare model.
38. The Healthcare model has comprehensively reviewed the principles, assumptions and limitations informing the outcome of the review include:

- a. Embedded permanent Custody Nurse Practitioner (CNP) provision provides greater care, better triage and more timely treatment and ongoing review. This is the preferred level of provision.
 - b. A mixed healthcare model which included both CNP & FMEs provides increased resilience and the best level of service and care.
 - c. There are some roles that currently only a doctor (FME) can undertake and therefore the MPS must retain a model of mixed provision.
39. The CNP and FME models are intrinsically linked, whilst some FMEs are always required the model could always contain a combination of embedded 24/7 CNPs, mobile CNPs covering more than one location or, mobile FMEs covering more than one location. The number and distribution of CNPs directly effects the number and distribution of FMEs.
40. Where an embedded presence is required CNPs are far more cost effective than an FME.
41. When considering CNP distribution the first criteria is those locations where demand clearly warrants an embedded 24/7 presence.
42. The revised Healthcare Model includes 21 suites with 24/7 embedded CNPs, 2 suites with CNP's roaming between the sites and requires 2 FME areas. This will maximise the number of locations benefiting from enhanced healthcare that embedded 24/7 nurse provision can provide and will be supported by the 2 FME areas
43. An Electronic Medical Records System (EMRS) will also be procured. EMRS will deliver significant benefits and greatly enhance healthcare provision and risk management. The system will allow access to previous custody healthcare across the MPS and a number of other forces. The system will maintain existing access to Summary Care records and enhance clinical governance as well as introduce MI that can be used to develop care across the service.

Mental Health Provision in Custody

44. Whilst Mental Health provision is not in scope for the Custody TOM it is recognised by both the project team and Met Detention that access to Liaison and Diversion services and other mental health professionals is key to ensure that the service provided in custody is safe, effective, efficient and consistent across London.
45. Met Detention have appointed a Mental Health lead to review current practices and address issues relating to conducting mental health assessments and sectioning detainees in police custody. To assist with this adjustments have been made to NSPIS to enhance the recording of and to assist with the review of mental health assessments.
46. These changes have enabled an improved understanding of mental health in custody and has helped to provide evidence to the NPCC and Cabinet Office highlighting where current gaps and challenges lie around Mental Health provision within the Criminal Justice system.

Liaison & Diversion in Custody

47. The MPS currently works with NHS England who provide L&D practitioners (Nurses and academic practitioners) across all Met custody suites bringing specialist independent professional advice and a consistency of approach across the capital.
48. The model is focused on custody vulnerability and identifying mental health in custody. The main purpose is to screen individuals and identify where mental health intervention or sign posting is required. The new model has led to an increase in the total number of people being identified as having vulnerabilities - such as mental health needs, substance misuse and learning disabilities in police stations and courts and receiving follow-up support through referrals to other agencies such as mental health and housing services. In 2018 circa 7000 detainees (5% of all detainees) were assessed by L & D practitioners.
49. The NHS has provided additional funding to enhance L&D services across the MPS, this has resulted in an uplift in the number of L&D nurses, enabled the hours of operation to be extended and provides access to embedded mental health services at the weekend.

Service Improvements:

Voluntary Attendance (VA):

50. Progressing investigations for a wide range of offences can take place without the need for arrest. This cultural acceptance has resulted in the expansion of this approach and may continue to do so. Officers may have recognised that a non-custody approach can be more convenient and efficient than the custody alternative.
51. There are risks for policing from this approach. Practices within custody that are designed to ensure the safety of suspects, protect their rights, and protect the public have been developed over many years through continuous improvement, inspection & review, and learning from adverse incidents. Many of those practices have been integrated into I.T systems or are otherwise automated, and the custodians of those processes are dedicated custody professionals with specific training.
52. Nearly all of the custody safeguards must be (either legally or morally) equally applicable to suspects who are progressed outside of custody yet there is currently no National guidance for officers in relation to what those safeguards are, or how they should be applied.

Appropriate Adult (AA) Provision:

53. The primary factor behind the entrenched issues is the absence of statutory responsibility on any agency to provide AA services for vulnerable adult suspects. (Statutory responsibility for juveniles sits with Local Authorities)
54. The proposed solution is for local councils to continue with the commissioning of AA services with the MPS & NHS each contributing 33% to assist in funding the provision of AA for vulnerable adults.

Accommodation for Juveniles remanded in Custody

55. Linked to AA provision but not included in the Custody TOM are accommodation issues linked to young people in custody.

Detention Rooms

56. Within Home Office guidelines the only differential between detention rooms and cells is the direct accessibility of the charge area, otherwise these two facilities can be identical. MPS Property Services guidelines do not necessitate a distinction between cells and detention rooms. The proposed Custody Estate will have 55 detention rooms spread across the 23 24/7 suites including 4 rooms at Hammersmith Custody Suite when it re-opens in 2020.

Local Authority Accommodation

57. Young people remanded in custody should be accommodated by Local Authorities. Historically there has been a shortage of both secure and non-secure accommodation leading to ongoing detention within Police Custody Suites. The MPS is actively seeking to address these issues in partnership with local authorities via London Councils

Diversion:

58. To improve diversion schemes available in custody, custody managers will work with the local BCU Partnership and Prevention hubs to maximise awareness and use of available diversion schemes.

Issues for consideration

59. The changing demand for custody services and non-custodial options
60. The current estate configuration, how this is utilised, and how it impacts on the custody establishment.
61. The most effective configuration, structure and positioning of custody services to maximise safety, confidence and efficiency.
62. The degree of alignment to new TP BCU boundaries.
63. The specific risks identified; which are shared with partners, where existing practice does not meet current policy, legislation or guidance.

64. The opportunities to reduce the cost of custody services.
65. The reliance on BCU roll-out, MilInvestigation and the opening of Hammersmith Custody to deliver on objectives, realise savings, and on the timing of key milestones.
66. The dependence on decreasing detainee demand in order to deliver establishment savings.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

67. Custody is an integral part of investigative and criminal justice processes. Effective custody provision and associated services enables operational colleagues to maximise their effectiveness in tackling the Police & Crime plan priorities.

Providing a better Service for London

68. The Police & Crime plan also references the financial challenges facing the MPS and this programme will deliver cashable savings and release resources that can be delivered into high priority areas.

A better Criminal Justice System for London:

69. The revised healthcare model which includes both CNPs & FMEs will provide increased resilience and ensure the best level of service and care. This will be further enhanced through the introduction of an electronic medical records system that will improve Clinical Governance and increase collaboration with the NHS and Liaison & Diversion Services whilst ensuring that custody remains a safe place for detainees.
70. The implementation of a voluntary attendance policy will ensure that custody safeguards are applied to those attending a voluntary interview. This will also help assist in the consistency of investigations
71. Collaboration with the BCU Partnership and Prevention hubs will increase awareness regarding available diversion schemes on offer to detainees to help reduce re-offending.

Keeping children and young people safe:

72. The proposed solution for the Appropriate Adults scheme will ensure that improved provision is available for vulnerable adults and juveniles coming into custody.

Financial, Commercial and Procurement Comments

Appropriate Adult Provision

73. A new approach to Appropriate Adult provision to improve current provision, and reflect the changing BCU and custody landscape. The new approach will also include funding arrangements to be shared across the MPS, Local Authorities and NHS. With a new budget of £0.24m per annum required for this purpose.
74. The required annual budget to initiate the proposed approach is £480,000. This will be funded through equal contributions from NHS England and MOPAC via the MPS.
75. The £0.240m MPS yearly contribution will be off set against the savings identified within the Custody TOM.

Legal Comments

76. The MPS Directorate of Legal Services was consulted as part of the assurance process and no concerns have been raised to date.
77. The Police and Criminal Evidence Act 1984 and its statutory Codes of Practice (PACE codes C & G plus other relevant sections) were consulted for guidance and legal obligations in providing Appropriate Adult provision and Voluntary Attendance.

Appropriate Adult Provision

78. These groups are considered in law to be at significant risk of various forms of poor treatment, abuses of power and ineffective participation in the process. To reduce these risks, whenever police officers treat such a person as a suspect, whether detaining them in custody or asking

¹ Police and crime plan: a safer city for all Londoners | London City Hall

them to attend a voluntary interview, they are required by law to contact an Appropriate Adult (AA) and ask them to attend.

79. Under Schedule 3 Paragraph 7 of the Police Reform and Social Responsibility Act 2011 ("2011 Act") MOPAC may enter into contracts and other agreements (whether legally binding or not), which are "calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the office". This could include making or receiving a Grant to any person or organisation if they are of the opinion that it will secure, or contribute to assisting in the discharge of duties within the Metropolitan Police District (MPD).
80. MOPAC has an obligation pursuant to paragraphs 3(f) under the schedule of the Elected Local Policing Bodies (Specified Information) Order 2011, as amended, to publish details of grants made, including the conditions (if any) attached to the grant, the recipient of the grant, the purpose of the grant and the reasons why it is considered that the grant would secure, or contribute to securing, crime and disorder reduction in the MPD.
81. Paragraph 4.8 of the MOPAC's Scheme of Consent and Delegation provides the Deputy Mayor for Policing and Crime with delegated power to make grants. The MPS does not have a sufficient level of delegation to fully implement the Appropriate Adult Service, therefore MOPAC approval is sought prior to entering into any contractual relationship with either NHS London or a Local Authority.

Equality Comments

82. The Equality Impact Assessment has been completed and has identified minimal impact on the key areas as a result of existing legislation.
83. Operationally there are a considerable range of considerations around age, disability, gender reassignment, pregnancy & maternity, religion and gender of detainees and these are largely governed by legislation – there are no changes in such areas proposed. New guidance around Voluntary Attendance will enhance risk assessment in a number of the areas listed above and lead to more sound decision making.
84. Staff and Officers who are effected by suite closures and internal re-structuring as a result of changes to their working location, shift pattern etc. will have protected characteristics and as such Equalities Impact is relevant. Those processes are being managed through highly developed corporate HR processes which are designed to safeguard against breaches of the Equalities Act, and have themselves been subject to EIA.

Privacy Comments

85. 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.
86. 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.
87. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
88. The project does not currently use personally identifiable data of members of the public, so there are no current GDPR issues to be considered. If the project uses personally identifiable data of members of the public at a later date DPIAs will be completed as needed.
89. The procurement and implementation of an EMRS system for healthcare in custody is currently on hold following a breakdown in the supply chain. Once the choice of EMRS system is confirmed and a supplier has been identified a DPIA will be completed and submitted as it is recognised that personally identifiable information regarding members of the public will be used.

Real Estate Implications

90. The new Custody Estate End State model will see five suites becoming contingency suites and the opening of two suites, with a custody end state of 23 24/7 custody suites and 8 contingency suites.

Suites Closed for Operational Necessity

- a. Southall

Suites switched to Contingency Status for Operational Necessity

- b. Harrow
- c. Sutton

Suites to become Contingency

- d. Hounslow - Summer 2020 to coincide with the opening of Hammersmith
- e. Plumstead - Once refurbishment of Bexley is completed (date to be confirmed)

Suites to Open

- f. Hammersmith opens summer 2020
- g. Bexley date to be confirmed – Q1 2020

91. There will also be a change in the Central London Contingency provision following the sale of Belgravia with this suite being replaced by Kentish Town in 2020.
92. All of the Custody suites listed for closure sit within Police Stations (as opposed to being dedicated custody builds), with the exception of Southall each will be retained as a contingency suite. Southall is due for disposal in 2020/21 with savings included within the Estates strategy.
93. The remaining locations do not have separate running costs from those of the station in which they are housed. There will be small reductions in utility costs and wear & tear maintenance through transition to contingency status, however these savings have not been able to be quantified.
94. Funding is required to carry out essential works at Stoke Newington and Bexley Custody suites to ensure that they meet the required Security and or Health & Safety standards. This work will be funded from the identified savings for FY19/20.

Environmental Implications

95. No environmental implications have been identified at this stage

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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 [OPERATIONAL]

Part 2 of Transforming Investigations & Prosecution - Custody Target Operating Model – Final Business Case is exempt from publication under Article 2(2)(a) of the Elected Local Policing Bodies (Specified Information) Order 2011 and Section 43 – Commercial Interest of the Freedom of Information Act.

The paper will be exempt until September 2022 at which point a review will take place to determine if the exception should be extended.

