

**DMPC Decision – PCD 904**

**Title: Hate Crime Victim Services 2021-2023**

**Executive Summary:**

MOPAC's current provision of specialist support for hate crime victims comprises a number of grants with specialist providers. This grant provision ends on 30 September 2021. It is MOPAC's intention to commission a new specialist support service for victims of hate crime that will go live when the existing provision expires.

MOPAC will offer a two-year contract by competitive tender to deliver a service designed to ensure that all victims of hate crime in London can access support that will best meet their needs. The contract, for a total value of £1,143,500 across three financial years, will commence on 1 October 2021 and run until 30 September 2023.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the budget of £1,143,500 for the provision of a specialist support service for hate crime victims in London for two years commencing 1 October 2021, funded from the MoJ grant and Mayoral Growth funds.
2. Approve the budget reprofile of Mayoral growth funding of £810,000 over the two-year contract period (three financial years).
3. Approve the inclusion in the contract of an option for an extension of up to a maximum of two years subject to the successful delivery of the contract and the available budget.
4. To delegate approval to award the contract to the Director of Commissioning and Partnership Criminal Justice & Commissioning in his capacity as Chair of the Contracts and Grants Oversight Group, subject to receiving assurance that the process has been conducted in compliance with procurement regulations.

**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

Spue Warden

Date

5/2/2021

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

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

- 1.1. The Police and Crime Plan committed the Mayor to “Commission new support services and referral mechanisms that are centred around the needs of (hate crime) victims, ensuring that these services are more effectively meeting these needs”. Hate crime victims often have complex needs which are best served by specialist ‘by and for’ services.
  - 1.2. This Mayoral commitment has been fulfilled by commissioning a number of specialist services;
    - A Hate Crime Victims’ Advocates Scheme supporting victims across all strands
    - Discreet grants to a number of specialist support organisations
    - Access to the MOPAC Victims Small Grants Fund for small, local hate crime victim support organisations.
- Decisions PCD 623, PCD 715 and PCD 848 authorise the funding of the current hate crime victims’ services until September 2021 and a further round of the MOPAC Victims Small Grants Fund opened on 18 November 2020.
- 1.3. There have been significant rises in reported hate crime during the pandemic and lockdown. The trend for all hate crime strands across the last 5 years continues to be upward.
  - 1.4. Providers report that as well as an increase in the number of referrals, the complexity of cases supported has increased. This is further compounded by the courts backlog, meaning victims require support for longer. Further, the range of communities being targeted is increasing, often driven by national events such as Brexit or the pandemic and lockdown. These developments point to the need for a service that can reach across communities and the organisations that support them.

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

- 2.1. MOPAC plans to commission a new specialist support service for victims of hate crime that will go live from 1 October 2021. The new MOPAC Hate Crime Victims Service will be delivered via a contract with the successful provider following a competitive tender process. The contract will replace the three services currently provided by existing grants.
- 2.2. The new MOPAC Hate Crime Victims Service will be delivered by specialist hate crime providers who will set up appropriate referral pathways and triage their support offer according to need. Research shows that victims of hate crime suffer higher levels of depression, stress and anger and more episodes of repeat victimisation when compared with victims of all crime. As such, the enhanced level of support provided by the Hate Crime Victims’ Advocates model currently operated in London has proved an excellent way to help victims to cope and recover and engage with criminal justice services, with high levels of victim satisfaction with the service. The service will fund a number of Hate Crime Victims’ Advocates posts in partner organisations across all hate crime strands.

- 2.3. It is proposed to deliver this work through a competitive process as this tender is over the EU Threshold and as such MOPAC will engage with Transport for London (TfL) to deliver this tender and ensure the process is conducted in line with the Public Contract Regulations (PCR) 2015.
- 2.4. This tender is subject to the Light Touch Regime (LTR) within the PCR 2015. Under this regime it is not necessary to utilise the standard procedures under the PCR 2015 however, it is best practice to utilise one of the procedures as a non-mandatory procedure to provide structure, ensure transparency and assurance.
- 2.5. The value of this work requires a full procurement strategy detailing the route to market including the marketing and evaluation processes. The strategy will be presented to TfL’s Strategy Evaluation and Award Recommendation (SEAR) board. The board must approve the procurement strategy before the tender is published. At the end of the tender process a Contract Award Report (CAR) will be presented to SEAR for review and approval. The CAR will provide further assurance that the process was conducted in line with PCR2015.
- 2.6. Subject to the Chief Executive Officer receiving assurance that the process has been conducted in line with the PCR2015, the Chief Executive Officer shall proceed to award the contract to the successful provider following the outcome of the competition.
- 2.7. The procurement and commissioning of the new service will be fully compliant with all regulations including Public Contract Regulations (2015) and MOPAC Contract Regulations.

2.8.

<b>Indicative Timetable</b>		
<b>Date</b>	<b>Task</b>	<b>Duration</b>
January 2021	PIN	1 day
January	Market warming	1 month
March	Tender published	8 weeks
May	Evaluation of tenders	2 weeks
July	Successful bid announced	1 day
July	Mobilisation begins	3 months
1 October 2021	Service delivery begins	-

- 2.9. The procurement and commissioning timetable is challenging and it is essential that the tender is published before the commencement of the pre-election period. No offer will be possible after week commencing 22 March 2021. Should the publication of the tender be delayed until after the Mayoral election, the mobilisation and commencement of the new service would be delayed
- 2.10. The only possible mitigation to delays in the timetable would be to extend the grants to existing hate crime victims’ services to ensure no interruption in support for victims

### **3. Financial Comments**

- 3.1. This decision requests approval to commission the Hate Crime Victims Service over a two-year period, with the option to extend for a further two years.

3.2. The total budget for this proposed procurement is £1,143,500, made up of provisional allocation of MoJ funding (of £199,000 per year) and £810,000 approved MOPAC funding from Mayoral Growth, which will require a reprofile as per the table below. The Mayoral Growth funding is derived from the £21.5m Mayoral Growth funding (PCD 715), of which £510,000 represents 20/21 approved budget and £300,000 earmarked in 21/22 for Hate Crime Victims Service.

Proposed reprofiling of Mayoral Growth budget

£	Current Profile of Mayoral Growth	Revised Profile	Variance
20/21	510,000		-510,000
21/22	300,000	339,000	39,000
22/23		372,000	372,000
23/24		99,000	99,000
<b>Total</b>	<b>810,000</b>	<b>810,000</b>	<b>-</b>

3.3. The current Hate Crime Victims Service is due to end in September 2021 and was approved under PCD 848, with a budget of up to £263,500. The new service will be delivered via a two-year contract from October 2021 to September 2023, with a budget of £1,143,500 (making the total available budget £1,407,000), as set out below.

£	Service Description	Provisional MoJ Grant Allocation	Mayoral Growth Funding	Total	Approval
21/22	Existing Service	186,500	77,000	263,500	PCD 848
21/22	Proposed Hate	12,500	262,000	274,500	
22/23	Crime Victims	199,000	372,000	571,000	
23/24	Service budget	199,000	99,000	298,000	
	<b>Total Budget</b>	<b>597,000</b>	<b>810,000</b>	<b>1,407,000</b>	

3.4. As the total funding available to MOPAC from the MoJ Victims Grant will not be confirmed before January 2021, the total financial commitment outlined above could be subject to change. The MoJ Victims budget of £199,000 per year is indicative and dependent on MoJ annual grant settlement to MOPAC.

3.5. Any changes to the indicative MoJ allocation of funding to the service will require a further DMPC Decision.

3.6. The outlined funding reprofile supports the service contract timeline into September 2023. This decision requests approval to transfer Mayoral growth funding into future years and will be held in earmarked reserves and profiled across the contract period. This will be undertaken at year-end (March 2021).

3.7. The authorisation of funding to exercise the option to extend the service contract for a further two years will require a separate DMPC decision.

#### 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."
- 4.3. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve business cases for revenue or capital expenditure of £500,000 or above.
- 4.4. The Mayor's Office 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 £181,302 or above will be procured in accordance with the Regulations.
- 4.5. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all requests to go out to tender for contracts of £500,000 or above.
- 4.6. Paragraph 4.15 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve the award of contracts with a total value of £500,000 or above.
- 4.7. Officers must ensure the Financial Regulations and Contract Regulations are complied with.
- 4.8. Officers should ensure that the funding agreements are put in place with and executed by MOPAC and each of the providers before any commitment to fund is made.
- 4.9. Officers confirm that sufficient assurance has been carried out to this decision to determine that the DMPC has legal authority to agree the recommendations on funding and the extension of grants/contracts.

## **5. Commercial Issues**

- 5.1. The contract to deliver this service will be offered by competitive tender in line with Section 3 of MOPAC's Contract Regulation and Public Contract Regulations (PCR) 2015 as it is over EU Threshold values. Due to the nature of the service the procurement comes under the Light Touch Regime (LTR) within the PCR 2015. Under this regime it is not necessary to utilise any standard procedure under the PCR 2015, however it is best practice to utilise a non-mandatory procedure to provide structure for the process, ensure assurance and provide transparency.
- 5.2. This procurement will be managed by MOPAC and delivered in partnership with Transport for London (TfL) which is in line with section 3 of MOPAC's Contract Regulations. TfL will provide the

additional governance required for tenders above the EU Threshold and provide access to their procurement ePortal, ProContract.

- 5.3. This procurement will be delivered in line with the UK's new e-notification service Find a Tender, which comes into effect on the 1<sup>st</sup> January 2021. No changes will be required to TfL's processes for advertising as tender as the ePortal will automatically redirect all advertisements to the new e-notification site.
- 5.4. Market research and consultation with stakeholders will inform the scope of the service in line with Section 9 of the MOPAC Contract Regulations.
- 5.5. A Prior Information Notice (PIN) will be published in line with the Policy Note 08/20 and Section 9 of the MOPAC Contract Regulations, and for the purpose of entering into consultation with potential providers.
- 5.6. Subject to the Director of Commissioning and Partnership Criminal Justice & Commissioning receiving assurance that the process has been conducted in line with the PCR2015, the Director of Commissioning and Partnership shall proceed to award the contract to the successful provider.
- 5.7. The recommended option to deliver the new service is a Prime Provider model, where the service is delivered by a consortium or partnership of specialist organisations led by a specialist provider. In this case MOPAC will expect the successful bidder to assume the lead on the partnership model and be responsible for sub-contractual arrangements and overall coordination. The market research will determine the viability of this recommended option and the final procurement strategy will be approved on that basis.

## **6. Public Health Approach**

- 6.1. London's Violence Reduction Unit (VRU) is taking a public health approach to violence reduction, that is contextual; looking at the context and influences that impact on individuals at significant points in their life.
- 6.2. 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.

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

- 7.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 7.2. The personal details of any individuals or organisations with whom contact is made for the purposes of engagement will be managed in accordance with MOPAC's wider Privacy Notice. Any organisation that is contracted to conduct work in support of this programme will be required to sign a MOPAC contract that will specify their GDPR responsibilities.

## **8. Equality Comments**

- 8.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. The definition of hate crime was set by the Home Office, in agreement with criminal justice system partners, in 2007. It states that “A hate crime is defined as any criminal offence which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a personal characteristic; specifically, actual or perceived race, religion/faith, sexual orientation, disability and transgender identity.” As such, certain communities are disproportionately affected by hate crimes on the basis of one or other of those characteristics.
- 8.3. Hate crime victims have higher levels of depression, stress and anger, and for longer, than victims of all crime. The service provider will comprise partners who work with and support victims of all strands of hate crime whether it be motivated by race, faith, sexual orientation, disability or transgender status or an intersection of two or more of these personal characteristics.
- 8.4. Equality monitoring will form part of the contract management of the service, ensuring equitable access to services and pro-actively addressing any barriers to the service.



**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

**ORIGINATING OFFICER DECLARATION**

*Tick to confirm statement (✓)*

**Financial Advice:**

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

**Legal Advice:**

Legal advice is not required.

✓

**Equalities Advice:**

Equality and diversity issues are covered in the body of the report.

✓

**Public Health Approach**

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.

✓

**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 is not required at this stage.

✓

**Director/Head of Service:**

The Head of Policy and Commissioning 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 20/01/2021**