

## DMPC Decision – PCD1 409

**Title: National Driver Offender Retraining Schemes**

### Executive Summary:

The National Police Chiefs Council (NPCC), with a view to furthering road safety, encourages Police Forces to provide National Driver Offender Retraining Schemes (NDORS) as a voluntary alternative to court and prosecution to offending motorists who would benefit from improving their driving skills and road awareness following police intervention.

The NPCC via UK Road Offender Education (UKREOd Ltd) have established a UK National Model Programme which the service provider must deliver and conform to at all times, ensuring that the Schemes operated on behalf of all Police Forces of the United Kingdom and Northern Ireland conform to one common standard.

A number of forces, including the MPS currently utilise the Bedfordshire Police Framework for Driver Offender Retraining and this is due to expire in December 2023. This is currently delivered by one provider who have registered interest in the next procurement.

The Metropolitan Police Service will take the lead on retendering the Framework agreement on the behalf of the Police Forces of Derbyshire Constabulary, Northumbria Police, Surrey & Sussex Police, Thames Valley Police, City of London Police and Bedfordshire Police Cambridgeshire Constabulary and TfL.

The courses provided under the framework:

- National Speed Awareness Course (classroom NSAC and digital iNSAC).
- National Motorway Awareness Course (NMAC – classroom and digital iNMAC)
- RiDE likely to be replaced by National Rider Risk Awareness Course (NRAC) in early 2023.
- Safe and Considerate Driving (SCD)
- What's Driving Us? Course.
- Safe and Considerate Cycling Course (SCCC)
- Your Belt Your Life (YBYL)

The MPS seeks to award a single supplier framework, whereby all the forces named can create their own contract under the framework via the direct award of a call off contract, once the framework is live.

Because of the unique partnership arrangement for improving Driver Standards in London between the MPS and TfL it is essential that in order to maximise financial return this framework will require an opportunity for TfL to align contracts. An opportunity for TfL to call off this Framework will be made available should they wish to.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the request to run a procurement exercise to re-new the National Driver Offender training framework, expiring 31st December 2023 for 3 + 1 years.
2. Approve that Delegated authority to award the contracts under the Framework, to the most commercially advantageous bid, is passed down to the Director of Commercial Services.
3. Note that there are no funding requirements for this procurement as all costs are recovered with an income generation of circa £700,000 per year.

**Deputy Mayor for Policing and Crime**

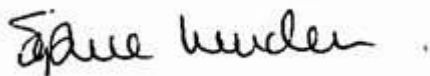
I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

**Signature**

**Date**

**10-03-23**



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

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

- 1.1. A number of forces currently utilise the Bedfordshire Police Framework for Driver Offender Retraining which commenced on 18/03/2019 and following an extension will expire in December 2023. The MPS has agreed to lead on the procurement of safer driver courses following expiry of the current framework agreement. All forces have agreed and given the MPS authority to do so on their behalf.
- 1.2. It is standard policy position for MO10, Met Prosecutions, Traffic, to offer the full suite of NDORs courses as a disposal option, in line with the criteria set out by NPCC, for relevant traffic offences reported. This includes safety camera detections, on-street enforcement resulting in the issue of a Traffic Offence Report (TOR), Fixed Penalty Notice (FPN) and Road Traffic Incidents (RTIs) reported by members of the public via Single on-line Home (SOH).
- 1.3. In addition, a course is the primary disposal option following a collision for minor driving infringements and where no serious injuries have resulted. The safer driving courses provide an opportunity to utilise behavioural change techniques to produce safer drivers, thereby reducing harm on London's roads and assisting in the Met achieving Vision Zero ambitions in eliminating people being killed or seriously injured by 2041.
- 1.4. It is therefore critical for the MPS to continue to offer diversionary courses as a disposal option and commission a provider to deliver these services.
- 1.5. In 2020/21 and 2021/22 the number of driver offender training courses completed was circa 23,000. For the first two quarters of 2022 (April to September) 15,500 courses have already been completed, showing an increase from the previous two years. COVID-19 is likely to have impacted the figures from 2020-2022, therefore it is difficult to know if these figures are a true representation. This will be fully monitored over the next contract to understand the impact of driving offenders and if this initiative is reducing the number of offences.

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

- 2.1. Approval is required to commence the procurement process by February 2023.

### **3. Financial Comments**

- 3.1. The contract is at nil cost to the MPS, as the service provider recovers all payments for the courses by the offending driver. The referring forces recover a standard £45 fee from UKROEd, who administer the NDORS scheme. The fee is made up of course and administrative costs only.

- 3.2. Currently MO10 has an income budget of £821k p/a against NDORs courses, which offset operational costs. During 22/23 MO10 are forecasting 772k over achievement on this budget line, but this is offset by additional operational costs.
- 3.3. In addition the provision of the Police Crime and Sentencing Bill provides a legislative footing for the delivery of safer driving courses and will provide further income generating opportunities. Presently this is capped at the agreed £45 standard recovery fee.

#### **4. Legal Comments**

- 4.1. The MOPAC Scheme of Delegation and Consent provides that the Director of Commercial has consent to approve business cases within the approved MPS budget for revenue or capital expenditure below £500,000, with the exception of expenditure proposals of an exceptional nature.
- 4.2. There is no financial consideration for this contract which can be approved by the Director of Commercial Services however it is submitted for DMPC approval because Paragraph 4.8 of the MOPAC to MPS Scheme of Delegation requires DMPC approval of inward donations and sponsorship £50,000 and above in value. In this case, MOPAC will receive revenue in excess of this sum to compensate for the costs incurred in administering the courses. Although this is not a donation it is arguable that DMPC approval should be sought to approve the receipt of revenue in this matter because it is akin to income generation.
- 4.3. Paragraph 7.23 of the Scheme provides that the Director of Commercial Services has consent for the approval of the award of all contracts, with the exception of those called in through the agreed call in procedure. Paragraph 4.14 of the Scheme provides the DMPC reserves the right to call in any MPS proposal to award a contract for £500,000 or above.
- 4.4. The contract can be lawfully awarded under the Public Contract Regulations 2015.

#### **5. Commercial Issues**

- 5.1. Based on the previous contract MPS will be procuring this on a fixed fee basis as this created better value for money, enabling the provider to forecast total costs over the duration of the contract. There will be no incremental yearly increase.
- 5.2. The provision of courses is well established and failure to offer these would result in complaints and reduced public confidence.
- 5.3. A Prior Information Notice (PIN) was published in November to engage the market on potential interest and for innovations in the market. So far 8 providers (including the incumbent) have expressed an interest in bidding for the contract, of which two of these are SMEs.

- 5.4. The procurement will be via a restricted tender process to ensure quality and value for money is adhered to.
- 5.5. The contract will be managed by commercial services in conjunction with the MPS business lead via monthly meetings. A set of KPIs is currently being developed to ensure the service is delivered in a timely and robust manner. This will include the number of bookings made within an appropriate period of time.

## **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.
- 6.4. The project does not use currently 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. As the requirement progresses discussion will arise regarding baseline non-functional security requirements that the bidder/supplier must adhere to.

## **7. Equality Comments**

- 7.1. Any approved suppliers will be evaluated for acceptable Inclusion, Diversity and Equality statements, as well as their ability to meet the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. This may include completing an Equality Impact Assessment to demonstrate 'Due Regard' in-line with the MPS's Public sector Equality obligations. The evaluation exercise will consider its ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.
- 7.2. The MPS support the Mayor's Responsible Procurement Policy including: Enhancing Social Value, Encouraging Inclusion, Diversity and Equality, Embedding fair employment practices, Enabling skills, training and employment opportunities, promoting ethical sourcing practices and improving environmental sustainability.

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

### **8.1. Report**

**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**

*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 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.

✓

**Drafting Officer**

Craig James has drafted this report in accordance with MOPAC procedures.

✓

**Director/Head of Service:**

The Chief Finance Officer 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** 06-03-2023

