

DMPC Decision – PCD 1587

Title: Community Engagement Review – EY contract variation

Executive Summary:

- The Mayor's Action Plan for Transparency, Accountability and Trust in Policing made a commitment to overhaul community scrutiny structures in London to ensure they are more transparent, accountable and representative.
- Black Thrive were commissioned to undertake an extensive consultation exercise on the future for a more representative and effective framework of community-led scrutiny of policing.
- The Black Thrive report makes a series of recommendations and MOPAC must now consider how best to take them forward.
- This work will enable delivery of a Mayoral commitment and support the Met's delivery of the Casey Review recommendations and priorities set out by the Commissioner in the New Met for London strategy.
- This decision seeks approval to vary an existing contract for the provision of additional capabilities across a number of areas, including user-led service design; demand and capacity modelling and commissioning and target operating model (TOM) design and delivery, to develop costed options for the future target operating model for community scrutiny.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

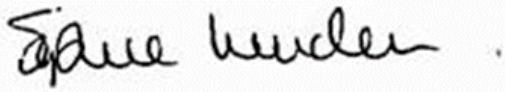
Approve the variation of the Ernst & Young LLP (EY) contract up to a maximum value of £100,000. This will bring the total contract value to £595,270.

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

A handwritten signature in black ink, appearing to read "E. Anderson", is written over a light gray rectangular background.

Date 19/01/2024

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

1. Introduction and background

- 1.1. In June 2022 MOPAC commissioned Black Thrive to specifically explore what the wider future of community engagement and community-led scrutiny should look like to better represent and build trust and confidence with London's Black communities.
- 1.2. This work delivers on two key commitments in the Mayor's Action Plan for Transparency, Accountability and Trust in Policing (2020).
- 1.3. The consultation ran from October 2022 to March 2023
- 1.4. A multi-disciplinary working group, including young people was convened to work with Black Thrive to develop the recommendations which include:
 - 1.4.1. Appointing independent body, commissioned and funded by MOPAC, to support and oversee pan-London and locally led engagement and scrutiny of policing in London.
 - 1.4.2. Implement a centralised platform where communities can collectively agree on priorities, collaborate on solutions and have a transparent means to track the implementation and effectiveness of community led police engagement and accountability initiatives.
 - 1.4.3. The new framework should provide leadership and development opportunities for young people
 - 1.4.4. Providing substantial resource and investment, a dynamic communication strategy and the supporting management, support and communications infrastructure so that all communities are aware of and have equal access to these mechanisms.

2. Issues for consideration

- 2.1. The Black Thrive report provides a useful, and more in-depth evidence base for this work for MOPAC than ever before. MOPAC now needs to determine how this work could best be delivered, taking into account the consultation findings, MOPAC, community and MPS resources and capacity and the work underway to deliver the Casey Review recommendations and the New Met for London strategy.
- 2.2. MOPAC has already identified the need to bring in additional resources and technical skills to support delivery specifically in relation to additional capabilities related to user-led service design and demand, and capacity and cost modelling.
- 2.3. The complexity of this work to date, and the need to build trust with communities to support participation in further consultation, resulted in the work taking longer than expected. There is significant interest in this work and given the potential positive impact on trust and confidence, a need to move forward as quickly as possible. The addition of specialist capacity will enable MOPAC to more quickly identify how the recommendations can be progressed to improve outcomes.
- 2.4. EY will gather a carefully selected groups of expert stakeholders both internally and externally to develop costed targeted operating models on how best to deliver

scrutiny well across a broader range of police powers than is commonly currently covered. Specifically:

- Stop and search
- Handcuffing
- Use of taser
- Strip searching
- MTIPS (more thorough intimate parts search)
- They will also scope the feasibility of scrutinising local complaints and misconduct data.

2.5. As such, it is proposed that EY be contracted to deliver this work through a variation to their existing contract for Consultancy Support with MOPAC to take advantage of the additional skills and capacity to develop costed options for the target operating model.

3. Financial Comments

The maximum budget requirement for this work totals £100,000 in 2023/24. This will be funded by the 2023/24 Strategy budget.

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 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 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. The original contract with EY was procured in August 2023.

4.3 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 unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.

If you require legal advice from TfL, request this as early as possible. It's much easier for TfL to support you as you are shaping proposals. Requests to TfL **must** be sent to Claire Lefort (ClaireLefort@tfl.gov.uk) and Louise Seely (LouiseSeeley@tfl.gov.uk), who will direct your request appropriately. If you do this, TfL are more likely to meet their commitment of turning advice round in seven days.

TfL might need specialist advice from an external legal firm, which will cost extra. Before agreeing this, you **must** have support from your Director and the budget to pay for it. It will be your responsibility to raise a purchase order. If you intend to use external legal support, please let Judith Mullett know.

The type of questions to consider asking TfL include:

- Does the DMPC have the power to make this decision?
- Is the DMPC legally obliged to consult with anyone before making this decision?

5. **Commercial Issues**

5.1 A contract variation will be made to EY to deliver the work set out above, under the call off terms of the two-year ESPO framework contract 664-21. The variation to the contract will be issued in line with the variation procedure outlined in the original contract and will be accepted by signature of both parties.

5.2 The existing contract commenced on 11th August 2023 and runs until 11th August 2025 with provision for further extension of up to 12 months taking the total term to a maximum of 36 months.

6. **Public Health Approach**

6.1. MOPAC supports the Public Health Approach in all its policies, and this will be reflected in the development and operationalisation of the target operating model.

7. **GDPR and Data Privacy**

7.1. The provider will not be commissioned to process any personally identifiable information. If over the course of the delivery, it appears necessary for the provider to process personally identifiable information then MOPAC's Data Protection Officer will be consulted, and a Data Protection Impact Assessment will be completed.

8. **Equality Comments**

8.1. The Equality Act 2010 puts a responsibility on public authorities to have due regard to the need to eliminate discrimination and promote equality of opportunity.

8.2. 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.

8.3. This work falls directly out of the Mayor's Action Plan to address disproportionality in policing published in 2020, which found that existing community-led scrutiny mechanisms were not representative of London, and failed to operate in a transparent and accessible way so as to build trust in all communities – including those most affected by disproportionate policing - that the police service in London is sufficiently independently scrutinised at a local level.

8.4. The work to develop the target operating model will therefore include the direct input and lived experiences of under-represented and minoritised communities, and in particular those with the lowest levels of trust and confidence in policing including Black, LGBTQ+, Gypsy, Roam and Traveller communities, and those living with disabilities.

9. Background/supporting papers

9.1. None

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? YES/~~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~~/NO

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
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 <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report and the has been consulted on the GDPR issues within this report. 	✓
Drafting Officer Gwanwyn Mason has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Natasha Plummer 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.

SignatureA handwritten signature in dark ink, appearing to read 'Hannah Clifford', written in a cursive style.**Date** 15/01/2024