

DMPC Decision – PCD 1521

Title: Digital Tool for Two-Tier Framework for Out of Court Disposals

Executive Summary:

This paper seeks approval for the investment of £3,682,000 over the next 5 years to implement a digital tool to support the implementation of the changes needed to address the change in out-of-court disposals (OOC). The paper seeks approval for the direct award of a contract to a supplier for the provision of the software and support services. The costs will be funded from reserves.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the total cost of £3,682,000 over the next 5 years (2023-28) for the implementation and ongoing support for a new digital tool. Total costs are comprised of:
 - a. Project revenue funding of £1,544,000 covering both FY 23/24 and 24/25 combined, to implement, configure and roll out the 3rd party Make Time Count 'out of court disposal' application to (up to) 400 police users and unlimited service providers. This covers £1,324k for the 3rd party implementation and £220k for DDaT project team. This will be funded from reserves
 - b. BAU revenue spend of £2.138m (excluding inflation) across 3 years i.e. 2025/26, 2026/27 and 2027/28 will be incorporated into the MTFP as no other mitigating savings have yet been identified. The inflation element will be funded from the non-pay inflation budgets for each of the years.
2. Approve the direct award of the OOC program to Make Time Count via a compliant Public Sector Framework Agreement with a total contract value of £3,500K and a term of 3 years, with one (1), twelve (12) month extension option for total 4-year term. The contract value is 25% higher than our current planned project spend to allow future enhancements over the length of the contact.

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

Spive Under

Date

10/11/2023

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

1. Introduction and background

- 1.1. Legislation has been enacted to replace penalty notices for disorder, simple and conditional cautions with two new types of caution. It is expected that the new arrangements will be required to become effective from April 2024.
- 1.2. This paper seeks approval for the investment in and purchase of a digital tool to manage the processes.

2. Issues for consideration

- 2.1. There is an estimated 24,000 offenders p.a. in London who may be affected by these changes. The NPCC and MPS funded a proof-of-concept trial of a digital tool (Project Fulcrum), which resulted in the tool the MPS is now seeking to procure. Kent Police tested the system and have since procured it as have other forces. MPS has trialled the system within one BCU.
- 2.2. The tool was developed by a social enterprise, Make Time Count (MTC) from an existing Probation product. The product has the potential to be used for other purposes such as Integrated Offender Management (IOM), tackling Anti-Social Behaviour (ASB) and supporting victims, where a single platform for joint agency collaboration and problem solving is beneficial in terms of outcomes and efficiencies.
- 2.3. The digital tool is seen as the best way to manage caseload, drive quality implementation and control against disproportionality.
- 2.4. If the tool is not procured the MPS will have to revert to a manual/spreadsheet arrangements which will be less efficient, and make the system more susceptible to human error and bias.

3. Financial Comments

- 3.1. The total estimated cost of the implementation and running costs of the digital tool over a 5 year period is £3,682,000. The implementation and first 2 year costs of £1,544,000 will be funded from reserves. The annual on-going costs from 2025/26 to 2027/28 of c£700,000, totalling £2,138,000 over the three year period will be considered as part of future annual budget reviews.

4. Legal Comments

- 4.1. The Mayor's Office for Policing and Crime ("MOPAC") 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 £213,477 (inc. VAT) or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.

- 4.2. MPS Directorate of Legal Services assure that purchasing through the proposed framework agreement will be compliant with procurement regulations.
- 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. 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, or where there is a particular public interest.
- 4.5. Paragraph 4.14 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to reserve the right to call in any MPS proposal to award a contract for £500,000 or above.
- 4.6. Paragraph 7.23 of the Scheme provides that the Director of Strategic Procurement 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.

5. Commercial Issues

- 5.1. This paper seeks the procurement of a software as a service digital tool, with support services. The route to market will be via a direct award from a public sector framework agreement. Make Time Count is the only supplier with an OOCN product on the market. The tool has been developed in close collaboration with the MPS and other forces.
- 5.2. The proposed contract is for a 4 year term (3 years initially with a 12 month optional extension) at a value of £3.5m, the value includes a contingency for enhancements.
- 5.3. The procurement will include the provision of a 'software as a service' (SaaS) IT solution and support services from Make Time Count to enable Two-Tier Framework implementation. This includes the on-boarding and ongoing IT support to external intervention providers accepting offender referrals - as well as support services for the MPS.
- 5.4. The proposal contributes to delivering the London Anchor Institutions' Charter by offering access to rehabilitative support services, thus helping tackle social and economic inequalities and helping to divert young people to improve life chances.
- 5.5. Further detail is included in the restricted party of this paper.

6. GDPR and Data Privacy

- 6.1. 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.
- 6.2. The MPS carried out a data protection impact assessment as part of the development and trial of the software. This assessment was compliant with data protection legislation. The MPS assure that the DPIA will be further reviewed if the technology is procured as a force wide solution. The MPS assure that it will undertake an IT Health Check to ensure the security of the system given that Make Time Count will hold Met data. The health-check will include both MPS and supply side services, the data security will be of at least equal standard to that required of MPS infrastructure.

7. **Equality Comments**

- 7.1. 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.
- 7.2. The MPS assure that the business case has undergone an initial Equality screening by the Equality Impact Assessment Lead in the MPS' Inclusion Team. Due regard has been taken to ensure compliance with the Equality Act 2010 in particular the Public Sector Equality Duty. Consideration has been taken to assess equality impact caused by the proposals within this document. As a result, a full Equality Impact Assessment will be completed once a decision on digital tooling is agreed. The EIA will review the entire MPS operating model to deliver new out of court disposal legislation, not just digital tooling, and will consider policies, processes and decision making, to ensure they are fair and do not present barriers or disadvantage any protected groups from participation. This requirement is listed on the internal MPS project plan.

8. **Background/supporting papers**

- Appendix 1 MPS Report – Implementation of the Two-Tier Framework for out of court disposals (OOCs)

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 – YES

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: 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 Commercial issues are covered in the body of the report.	✓
GDPR/Data Privacy GDPR compliance issues are covered in the body of the report .	✓
Drafting Officer Alex Anderson has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The interim MOPAC Chief Finance Officer and Director of Corporate Services 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

Hanahucherd.

Date 06/11/2023