

DMPC Decision – PCD 1634.**Title: Re-procurement of the National Legal Services Framework (NLSF)****Executive Summary:**

This paper seeks approval to initiate the re-procurement exercise to re-procure the National Legal Services Framework (NLSF) for a four-year term starting in May 2025.

The NLSF is a National Framework for legal services which is used by Police Forces and Police and Crime Commissioners (PPCs) in England, Wales and Northern Ireland as well as the Greater London Authority (GLA) and other public bodies such as the National Crime Agency (NCA) and British Transport Police (BTP).

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

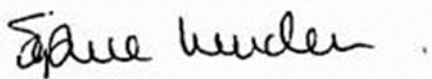
1. Approve the request to run a procurement exercise to re-procure the National Legal Services Framework for a four-year term starting in May 2025, as the current agreement expires on April 30th, 2025.
2. Approve the delegated authority to award the contracts under the framework to the Metropolitan Police Service (MPS) Director of Commercial Services.
3. To note, the total expenditure on the proposed NLSF for all eligible users will be a maximum of £35m throughout the four-year period starting 1st May 2025. Of this, MPS expenditure is expected to be no more than £21.6m, to cover the business as usual spend funded from the annual Directorate of Legal Services (DLS) income budget and spend on specialist initiatives by other Directorates funded from budgets identified within approved business cases.
4. To note, MPS will build on the fixed fee work which was introduced in the last iteration of the framework to balance achieving best value for money whilst also remaining commercially viable for suppliers.

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 27/02/2024

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

1. Introduction and background

- 1.1. The NLSF is used by the Directorate of Legal Services (DLS) as an overflow facility for business-as-usual work to accommodate peaks in demand. The NLSF is also used by Property Services Department (PSD), Digital Data and Technology (DDaT) and Commercial Services for legal advice in relation to project work where DLS does not have a capacity.
- 1.2. The current framework was approved in February 2020 (PCD 702) for a period of four years (2021-2025) and expires on April 30th 2025.
- 1.3. DLS are working to identify areas where the NLSF can be improved to encourage more Police Forces and PCCs to use the NLSF, this will increase the income that the MPS receives for managing the framework.
- 1.4. There are a range of risks for not re-procuring the NLSF including a reduced capacity to support the MPS manage complex commercial and contractual matters and the ability to defend claims and comply with judicial deadlines. The impact of this would result in both reputational damage and financial losses to the MPS.

2. Issues for consideration.

- 2.1. Approval is required to initiate the re-procurement exercise to ensure continuity of the provision of legal services. The current Framework agreement ends on the 30th of April 2025.

- 2.2. With the option to use the NLSF at peak periods or for specialised areas of work, DLS can provide legal advice and support to the MPS to meet the objectives of the Police and Crime Plan and keep London safe.
- 2.3. Keeping high-level and complex legal work in-house, such as counter-terrorism, complex litigation, and public inquiries, allows the MPS to keep costs to the minimum. This allows greater flexibility in selecting which types of legal work to outsource and which to keep in-house, resulting in value for money. The more forces and partner agencies that use the framework agreement, the greater the value provided through economies of scale.
- 2.4. Value for money is also achieved under the NLSF by the provision of free training; provision of secondees to provide support and legal advice to cover short term staffing issues or for more long-term project support; and free helplines in specialist areas of law.
- 2.5. The DLS MetLaw Team will manage the contract, monitoring Key Performance Indicators on behalf of the MPS, enforcing any contractual penalties that may apply, and thoroughly reviewing invoices. DLS watching Brief lawyers also oversee performed and expenditure incurred. Audits will be conducted on a regular basis to ensure that firms comply to the contract terms.

3. Financial Comments.

- 3.1. The overall contract value is not expected to not exceed £35m; based on the last four-years where the total spend was £27.8m.
- 3.2. The total MPS expenditure is estimated to be no more than £21.6m over the four-year period, funded from the DLS annual revenue budget and spend on specialist projects by other Directorates, funded from budgets identified within approved business cases.
- 3.3. Additional external expenditure managed by other public bodies is estimated not to exceed more than £13m and does not impact the MPS budget.
- 3.4. Any external spend from other public bodies is subject to a 1% rebate, which means that the MPS generates a 1% income from all spend outside of the MPS up to a value of £40m. The forecast is that the re-procured framework will generate at least £250k. Over the last four years, £272k of revenue was received. The revenue is used to offset the cost of the MetLaw Team at DLS, which manages the framework agreement on behalf of the MPS and all participating bodies.

4. Commercial and Procurement Comments.

- 4.1. The NLSF will be hosted by the MPS and will serve internal and external users; this includes other Police Forces, PCCs in England, Wales and Northern Ireland, the GLA and other public bodies such as the National Crime Agency (NCA).
- 4.2. Subject to approval, the contract will be set up as a framework. The contract notice advertising the procurement will include an estimated cost of expenditure for the MPS

and nationally. Because this is a framework agreement, there is no guarantees on a certain level of expenditure by the MPS or nationally. The proposed total expenditure figures are based on previous contract expenditure.

- 4.3. The procurement will be undertaken via the restricted procedure as set out in the Public Contract Regulations 2015 and will be in place when the current framework agreement expires on 30th April 2025.
- 4.4. The framework will follow previous three iterations with the same overall scope of work put out to market. The requirements will be structured into Lots.
 - Lot 1 Procurement, Contract and Commercial, Governance.
 - Lot 2 Civil Litigation and Personal Injury.
 - Lot 3 Employment.
 - Lot 4 Commercial, Residential Property and PFI.
- 4.5. There will be two to three suppliers per Lot. The current contract combines pricing structures of hourly rates based on the seniority of the fee earner, hourly rates based on the complexity of the work, hourly, daily and weekly rates and mini competitions for large projects.
- 4.6. MPS and eligible users of the framework will be able to direct award or conduct mini-competitions from the framework agreement – this will be dependent on the complexity of the requirement.

5. Legal Comments.

- 5.1. 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 or above shall be procured in accordance with the Regulations. This report confirms the value of the proposed contract exceeds this threshold.
- 5.2. The MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime ("DMPC") has delegated authority to approve:
 - Business cases for revenue or capital expenditure of £500,000 and above (paragraph 4.8); and
 - All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest (paragraph 4.13).
- 5.3. 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.

- 5.4. DLS has confirmed that the MPS's route to market is compliant with the Regulations.

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 service meets its compliance requirements.
- 6.4. The service does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

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 there are no negative equality or diversity implications arising from this process negating the requirement to present any mitigation. Any approved suppliers will be evaluated for acceptable equality and diversity statements, as well as their ability to meet the MPS requirements under the Equality Act 2010 as suppliers to MOPAC. The evaluation exercise will consider their ability to act as a responsible employer and meet employment obligations deemed commensurate with wider GLA objectives.
- 7.3. 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. MPS Report. Re-procurement of the National Legal Services Framework (NLSF)

<p>Public access to information</p> <p>Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC MPS website following approval.</p> <p>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.</p>
<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? Yes.</p> <p>If yes, for what reason:</p> <ul style="list-style-type: none"> ○ Commercial Interest Section 43. <p>Until what date: 14/02/2029.</p>
<p>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.</p> <p>Is there a Part 2 form –YES</p>

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 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. • A DPIA is not required. 		✓

Drafting Officer Stephen Kalyango has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Interim Chief Finance Officer and the 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 have 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. 27/02/2024

