



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

**Re-procurement of National Legal Services Framework (NLSF)
MOPAC Investment Advisory & Monitoring meeting 9 February, 2024**

Report by Dave Stuart on behalf of Jenny Leonard (Temp) Chief of Legal Services

Part 1 – This section of the report will be published by MOPAC. It is classified as OFFICIAL – PUBLIC

EXECUTIVE SUMMARY

To undertake a re-procurement exercise to re-tender the National Legal Services Framework Agreement (NLSF) for a four-year term commencing in May 2025.

The NLSF is a national framework accessible by Police Forces and Police and Crime Commissioners in England, Wales and Northern Ireland as well as the Greater London Authority and other stakeholders such as the National Crime Agency and British Transport Police.

The NLSF is used by the Directorate of Legal Services as an overflow facility for business as usual work to accommodate peaks in demand. The NLSF is also used by Property Services Department, Digital Data and Technology and Commercial Services for legal advice in relation to project work where DLS does not have a capacity and/or technical capability for some niche legal matters.

Recommendations

The Deputy Mayor for Policing and Crime, via the Investment Advisory and Monitoring meeting (IAM), is asked to:

- 1. Approve the request to undertake a re-procurement exercise to re-procure the National Legal Services Framework as the current framework agreement shall expire 30th April 2025.**
- 2. To note, it is estimated that the total expenditure on the proposed NLSF for all eligible users will be a maximum of £35m for the four-year term commencing 1st May 2025. Of this it is estimated that MPS expenditure will be no more than £21.6m, to cover the business as usual spend funded from the annual DLS revenue budget and spend on specialist projects by other Directorates, funded from budgets identified within approved business cases.**
- 3. To note, we 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.**

4. Approve delegated authority to award the above contracts to the MPS Director of Commercial Services.

Time sensitivity

A decision is required from the Deputy Mayor before the pre-election pause. This is to enable the relevant documentation to be finalised in readiness for publication in the summer to meet the timetable and ensure the new Framework is in place for 1st May 2025.

Non-confidential facts and advice to the Deputy Mayor for Policing and Crime

Introduction and background

1. The National Legal Services Framework (NLSF) is a national framework accessible by Police Forces and Police and Crime Commissioners in England, Wales and Northern Ireland as well as the Greater London Authority and other stakeholders such as the National Crime Agency and British Transport Police.
2. The NLSF is used by the Directorate of Legal Services as an overflow facility for business as usual work to accommodate peaks in demand. The NLSF is also used by Property Services Department, Digital Data and Technology and Commercial Services for legal advice in relation to project work where DLS does not have a capacity.
3. It is estimated that the total expenditure on the proposed NLSF for all eligible users will be a maximum of £35m for the four-year term commencing 1st May 2025. Of this it is estimated that MPS expenditure will be no more than £21.6m, to cover the business as usual spend funded from the annual DLS revenue budget and spend on specialist projects by other Directorates, funded from budgets identified within approved business cases.
4. 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.
5. There are a range of risks to not re-procuring the NLSF including a reduced capacity to support the organisation manage complex commercial and contractual matters and our ability to defend claims and comply with judicial deadlines. The impact of this would result in both reputational damage and financial losses to the organisation.

Issues for consideration

6. Approve the request to undertake a re-procurement exercise to re-procure the National Legal Services Framework as the current framework agreement shall expire 30th April 2025.
7. Approve delegated authority to award the NLSF contracts to the MPS Director of Commercial Services.

Contributes to New Met for London

8. Legal Services, both generally and through this framework, directly aligns to the New Met for London priorities. It contributes to building More Trust, Less Crime and High Standards by giving legal advice to frontline officers, staff and leaders to make decisions, balancing these priorities with the legal powers in which they operate. It supports Community Crime-Fighting by ensuring that officers are able to get advice, support and advocacy in using the full range of policing orders available to effectively undertake their role. This framework contributes to the Cultural Change by helping us to quickly give advice around whether we should concede liability and offer an apology and building more trust. It also fundamentally helps us to fix the foundations by helping the organisation to rebalance our workforce freeing up officers to focus on roles only they can perform and equipping them with the right, professional legal advice to perform that role well.

Financial, Commercial and Procurement Comments

9. Subject to approval, this contract will be set up as a framework agreement. The contract notice advertising the procurement will give an estimated value of expenditure for the MPS and nationally. Being a framework agreement there is no guaranteed level of expenditure by either the MPS or nationally. Figures given are based on previous contract expenditure. 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).
10. The Total MPS expenditure is anticipated to be no more than £21.6m over the four-year period, which will cover business as usual spend funded from the DLS annual revenue budget and spend on specialist projects by other Directorates, funded from budgets identified within approved business cases.
11. It is estimated that the additional external spend will be no more than £13m which is managed by the other public bodies themselves and does not affect MPS budget.
12. We are expecting the overall contract value to not exceed £35m; based on the last four-years where the total spend was £27.8m this is realistic.
13. The procurement will be undertaken via the restricted procedure as set out in the Public Contract Regulations 2015, and be in place when the current framework agreement expires on 30th April 2025.
 - a. The framework will follow previous three iterations with the same overall scope of work put out to market.
 - b. 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). It is expected that 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.

- c. 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.

Value for money

14. Keeping high level and complex legal work in-house such as counter-terrorism, complex litigation and public inquiry work allows the MPS to keep costs to the minimum. This creates flexibility when selecting the appropriate type of legal work to outsource and what to be kept in-house, which will maximise value for money. The more forces and partner agencies that utilise the framework agreement will provide value based on economies of scale.
15. 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.
16. The contract will be managed by the DLS MetLaw Team who will monitor Key Performance Indicators on behalf of the MPS, enforce any contractual penalties if applicable and interrogate invoices thoroughly. DLS watching brief lawyers also oversee work performed and spend incurred. Audits will be carried out regularly to ensure firms comply with the contract terms.

Legal Comments

17. 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.
18. This report confirms the MOPAC's route to market is compliant with the Regulations.
19. 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).

20. 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.

Equality Comments

21. There are considered to be 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.
22. In addition, it should be noted that 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

Privacy Comments

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.

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.

The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the service meets its compliance requirements.

The service does not use personally identifiable data of members of the public, so there are no GDPR issues to be considered.

Background/supporting papers

23. Please see Part 2.

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