



MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Police Superintendents Association (PSA) Grant for Legal Protection Insurance (LPI) 2024 - 2029

MOPAC Investment Advisory & Monitoring meeting 5th November 2024

Report by Mark Pomroy on behalf of the Director of HR

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

EXECUTIVE SUMMARY

The paper is seeking approval for the provision of grant funding to the Police Superintendents Association (PSA) annually for Legal Protection Insurance necessary to support MPS superintending ranks at a total cost of £1.461m for a 5 year term.

Recommendations

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

1. Approve the provision of a grant to the PSA annually between 2024/25 and 2028/29 to secure the provision of Legal Protection Insurance (LPI) for MPS superintending ranks via a group insurance policy.

Time sensitivity

A decision is required from the Deputy Mayor by 30 November 2024. This is because the funds due to the PSA for 2024/25 are overdue. The MPS did not consider that the paper required MOPAC sign off hence the delay for the submission. The paper has been brought to Board as soon as it was recognised that additional governance was required.

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

Introduction and background

The MPS funds the cost of the Legal Protection Insurance provided by the PSA.

Legal Protection Insurance for Police superintending ranks is provided via a group insurance policy through the PSA to all forces. This insurance is offered to serving officers at Superintendent and Chief Superintendent ranks and provides cover for matters such as criminal prosecution, misconduct and unsatisfactory performance.

Similarly to the Police Federation and Chief Police Officers' Staff Association (CPOSA), the PSA is a representative body.

Issues for consideration

The MPS has paid the PSA for LPI costs annually for a number of years. Historically, the level of costs were considered by MPS to not require MOPAC sign off. In previous years, sign off was provided at Management Board level with payment made via budget held by HR. The payment is based on the number of serving superintending ranks on 1st April and provides cover for all PSA members, regardless of date of joining, throughout the year.

Similarly to MOPAC approval for CPOSA payments in 2022 (PCD1259), and due to the annually recurring, routine nature of this payment to PSA, MOPAC approval is sought for the MPS to provide this grant annually for 2024/25 and the next 4 years up to 2028/29.

The MPS has not considered self-insurance for this arrangement, as this is not a service which is provided to the MPS/MOPAC. This decision has been reached as the MPS is not procuring the service but we are providing funding for it via grant. This decision is also based on the additional points:

- We align to the same arrangements as all other police forces. There is a collective approach.
- There are a limited number of specialist suppliers that could support the activity, therefore, seeking an independent arrangement is not likely to yield a better price.
- The collective arrangement amongst 43 forces is likely to provide best value for money (and may drive costs up for the remaining 43 forces).
- The arrangement benefits individuals police officers rather than the MPS.

Contributes to the New Met for London (NMfL) Plan and / or MOPAC Police & Crime Plan 2022-25¹

There is no direct link to NMfL or the MOPAC Police & Crime Plan.

Financial, Commercial and Procurement Comments

The actual grant for Legal Protection Insurance premiums which is paid to the PSA annually is based on the number of serving officers of Superintendent or Chief Superintendent ranks in the MPS on 1st April each year. The premiums payable and number of officers serving annually will be subject to change.

Funding is held within the existing HR service budget. Any budget uplifts necessary will be progressed through the MTFP and annual budget planning process based on actual contractual increases. The basis for the inflation risk assumptions is limited. Funding inflation impacts of this potential magnitude is however not affordable within

¹ [Police and crime plan: a safer city for all Londoners | London City Hall](#)

the MTFP and therefore the decision to agree this will mean some level of prioritisation against available HR budget in future years.

The PSA engage an independent advisor, Marsh Legal to procure the insurance policies on their behalf. Marsh are an independent advisor to the Police Superintendents Association (PSA) and CPOSA and they have no financial relationship with the insurance providers.

Given that the proposal is for grant funding and, as advised in the legal section, the funding is not subject to MPS procurement rules, we are not bound by the procurement legislation PCR2015 in this case. Instead of seeking approval to commence a procurement or approve an STA, this case seeks approval for grant funding disbursement.

The MPS is fully satisfied that the appropriate level of governance has been completed by the PSA in the award of the contract to Marsh Legal.

Legal Comments

This report confirms the PSA is a limited company and so a distinct legal entity from MOPAC. The payment from MOPAC to the PSA is not subject to procurement law, as it does not have as its subject the provision of services from the PSA to MOPAC. Therefore the payment should be categorised as a grant conditional upon being used for the specific purpose of obtaining professional indemnity insurance for Police superintending ranks.

It is advisable to seek prior confirmation from the PSA that it is able to comply with the conditions of the grant under its Articles of Association and it shall seek to achieve best value².

The legal powers applicable to the award of the Grant will be under Schedule 3, Paragraph 7 of the Police Reform and Social Responsibility Act 2011 which provides that:

“7(1) The Mayor’s Office for Policing and Crime may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office.

(2) That includes— entering into contracts and other agreements (whether legally binding or not);”

If approved, the terms and conditions of any grant will be formalised between the relevant parties, overseen by MPS Commercial Services. The Grant Agreement will be published pursuant to The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012.

Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime has delegated authority for the approval of:

² The PSA Group President, Nick Smart has provided written confirmation that the PSA can comply with the conditions.

- All offers made of grant funding and/or where appropriate a strategy for grant giving.
- The strategy for the award of individual grants and/ or the award of all-individual grants whether to secure or contribute to securing crime reduction in London or for other purposes.

Equality Comments

There are no equality issues that arise from the content of this paper.

Privacy Comments

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 programme meets its compliance requirements.

Of note there is a requirement of the PSA that members join and are fully paid up members throughout their time in the superintending ranks. Insurance cover will not be granted where subscriptions are not up to date. There are limited privacy risk to the MPS on the basis that officers voluntarily provide their details to the PSA.

Real Estate Implications

There are no real estate implication associated with this paper.

Environmental Implications

There are no environmental implications associated with this paper.

Background/supporting papers

None

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Part 2 – This section refers to the details of the Part 2 business case which is NOT SUITABLE for MOPAC Publication.

The Government Security Classification marking for Part 2 is:
OFFICIAL-SENSITIVE [COMMERCIAL]

Part 2 of Superintendent Legal Insurance is exempt from publication for the following reasons:

The relevant sections under the FOIA that would exempt this information from disclosure:

S43 Commercial Interests

The paper will cease to be exempt until the end of the 5-year contract. Any request for information under FOIA would need to be assessed on a case by case basis, no matter what or when the original decision was made, as the circumstances may have changed e.g. information no longer commercially sensitive.