

**DMPC Decision – PCD 1700****Title: eDiscovery System for Operation Northleigh****Executive Summary:**

Operation Northleigh is the MPS investigation into the Grenfell Tower Fire tragedy. This paper seeks the approval to award a contract for a new e-Discovery system to enable the efficient and effective management of the estimated 152 million items of digital material being considered. The estimated cost of implementing and running the new system is estimated at £12,431,000 which will be funded from a combination of Home Office special grant and existing MPS budgets. Specifically this decision seeks approval to award the contract for a new e-Discovery system at a cost of upto £8,768,697.

**Recommendation:**

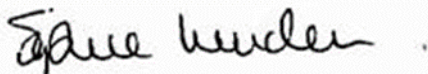
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the award for the provision of an E-Discovery tool for the Operation Northleigh investigation following on from a competitive tender process. The Award is via Crown Commercial Services (CCS) Framework (Lot 2) RM6336-eDisclosure and Review Services 2 to Deloitte. The total contract value is for £8,768,697 (inclusive of 30% commercial Headroom) over a maximum term of 4 years. The term of an initial 3 years with an optional extension of 12 months.

**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** 18/10/2024

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

### **1. Introduction and background**

- 1.1. Operation Northleigh was established in 2017 as the MPS investigation into the Grenfell Tower Fire tragedy.
- 1.2. The public inquiry into the Grenfell Tower fire has completed its hearings and is finalising its second report.

### **2. Issues for consideration**

- 2.1. Operation Northleigh is one of the largest and most complex criminal investigations in the UK. The investigation seeks to identify whether criminal offences were committed in respect of the Grenfell Tower fatal fire, if so by whom; and where sufficiency of evidence exists bring those responsible to justice.
- 2.2. E-discovery is a form of digital investigation that attempts to find evidence in email, business communications and other data that could be used in litigation or criminal proceedings. The proposed specialist eDiscovery tool is required to meet criminal investigation requirements and any future criminal proceedings.
- 2.3. The MPS assure that once fully implemented the cost of the new eDiscovery service will be less than the cost of the current service seen in 2023/24 notwithstanding inflation.

### **3. Financial Comments**

- 3.1. The estimated total cost of the acquiring and operating the new system is £12,431,000 over the 5-year period 2024/25-2028/29. This decision seeks approval for the acquisition of the software as a service at a cost of upto £8,768,697.
- 3.2. The MPS receive a Home Office special grant to meet some of the costs of this operation. The Home Office do not fund opportunity costs (existing officers and staff appointed to this work), and for 2024/25 the MPS sought funding for additional costs of £14,500,000 of which the Home Office provided only £7,250,000. Currently, future years special grant is subject to more tapering reducing any special grant further.
- 3.3. The MPS has assured that the combination of Home Office special grant (including tapering in future years) and the re-direction of existing budgets to this operation will meet the estimated costs.

### **4. Legal Comments**

- 4.1. The MPS Directorate of Legal Services assure that the proposed procurement route is compliant with Public Contract Regulations 2015.

- 4.2. 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.

## **5. Commercial Issues**

- 5.1. The service sought is the provision of a e-discovery system. The MPS has carried out a mini-competition from the Crown Commercial Services (CCS) Framework (Lot 2) RM6336-eDisclosure and Review Services 2.
- 5.2. The period of the contract is for a 3-year initial term with an optional 12-month extension. The estimated value for the upto 4-years of the contract is £8,768,697. The recommended provider is the supplier who scored highest overall on the evaluation of bids across the pricing, technical and social value assessments. The MPS assure that following due diligence the supplier is appropriate.
- 5.3. The contractor has offered a number of social value and sustainability elements as part of this contract. One example is their involvement with BrightStart. As part of this project, at least one apprentice will form part of the engagement team. The supplier has also agreed to re-invest 0.75% of the total contract value to MPS aligned social value and sustainability causes. This represents an additional £52,000 of investment.

## **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 assure that the project will ensure a privacy by design approach, which will allow the MPS to find and fix problems at the early stages of any project, ensuring compliance with GDPR, and that there are no apparent data protection issues at this early stage of the project and that a Data Protection Impact Assessment (DPIA) will be in put in place prior to contract signature containing data processor schedules reflecting the scope and risk in the potential contracts. This will ensure both parties understand their responsibilities and liabilities, assisting MPS in complying with sections 59 & 34(3) of the DPA 2018.

## **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 state that 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.

**8. Background/supporting papers**

- Appendix 1 MPS Report - eDiscovery System for Operation Northleigh

**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**

*Tick to confirm statement (✓)*

**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 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**

A handwritten signature in black ink, consisting of a circular loop followed by a horizontal line and a small upward stroke.

**Date** 15/10/2024