

**DMPC Decision – PCD 751****Title: Engagement of Temporary Agency Workers in the MPS****Executive Summary:**

The Metropolitan Police Service (MPS) currently has a contract with Reed to supply temporary agency workers via the national MSTAR 2 framework. In July 2019, MOPAC approved a business case (PCD 614 refers) requesting both an increase in the Reed contract value (by 45%), and, authority to initiate procurement activity for the renewal of the agency staff contract to the Metropolitan Police Service (MPS), The procurement of which would be undertaken as a collaborative process on behalf of all Greater London Authority (GLA) Functional Bodies (FB's). As a result, the original contract value of £110m was increased by £50m to £160m.

Since approving the business case, the GLA procurement has been delayed due to complexities in formalising the procurement strategy across all GLA Functional Bodies. Currently the GLA are indicating that the tender will be published by April 2020, which would mean an indicative contract implementation date of May/June 2021. However, for contingency, the MPS is requesting approval to extend the contract to August 2021. If the GLA contract is implemented sooner then, if feasible, the MPS will transition across to the new arrangements prior to August 2021. There is also the unforeseen impact of COVID-19 and the potential requirement to increase short-term officer and staff capacity as part of the MPS business continuity provision. This may result in an imminent increase of agency workers including ex-officers for some months.

This decision seeks approval for a further contract extension to Reed Specialist Recruitment for a period of 10 months between October 2020 and August 2021 and an increase to the contract value of £55m (50% of original contract value £110m). This request is not for additional funds but simply to increase the headline value of the contract.

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to approve the contract extension to Reed Specialist Recruitment for a period of 10 months between October 2020 and August 2021 and an increase of £55m onto the current contract headline value relating to contract SS3/16/68 - The Engagement of Temporary Agency Workers with immediate effect.

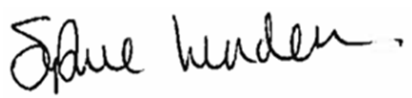
**Deputy Mayor for Policing and Crime**

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** 28/4/20

A handwritten signature in black ink, appearing to read "Julie Hadden", is written on a light-colored rectangular background.

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

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

- 1.1. The contract with Reed was originally awarded in October 2016 on a 2+1+1 basis (an initial 2 year period with two optional extensions of 12 months). The total value of the contract was set at £110m, split evenly over a 4-year contract period commencing October each year - £27.5m per year. The contract value was limited in this way as the organisation was committed to reducing overall agency spend during the lifetime of the contract and the subsequent increase in demand from significant operational events was not reasonably foreseen.
- 1.2. In July 2019, MOPAC approved a business case (PCD 614 refers) requesting both an increase in the Reed contract value (by 45%), and, authority to initiate procurement activity for the renewal of the agency staff contract to the Metropolitan Police Service (MPS), the procurement of which would be undertaken as a collaborative process on behalf of all Greater London Authority (GLA) Functional Bodies (FB's). This was required as a consequence of delays to the GLA procurement timetable. These delays were primarily due to an extensive transformation programme underway within TfL which has led to difficulties in them formalising their organisational design.
- 1.3. This specific request to increase the contract value also includes the unforeseen impact of COVID-19. As part of the MPS contingency plan, we may need to increase agency worker numbers in the short-term to reinforce officer and staff capacity. It is not known how long this additional resourcing option will be required and exactly what type of resource we will need. Therefore, we have requested the maximum amount of headroom that the procurement regulations will allow. It should be noted that the additional £24m for COVID-19 contingency is contract headroom only not committed spend.
- 1.4. In the event that the additional term and value is not approved, the MPS would be unable to raise any further spend commitments for agency workers supplied by Reed as the contract would have expired. The MPS would be unable to secure or extend existing or future requests from MPS internal managers for agency workers; regardless of their proven business case. This would create significant operational risk in many priority areas and would greatly impact upon the ability to deliver support operationally to units tackling violent crime such as Homicide Teams, Violent Crime Taskforce and the delivery of critical Transformation programmes such as CONNECT.
- 1.5. It is also important to stress that this case is not asking for additional budget. The police staff budget is set as part of MPS Business Group devolved revenue budgets and agency staff required to support the Capital Programme are met from approved capital project budgets as required. The issue is purely whether spend occurs through payroll for the cost of permanent staff, or through this contract for temporary staff. Local budget managers will need to decide through this contract. Local budget managers will need to take decisions through 2020/21 that ensures spend is incurred in accordance with agreed financial controls to access the benefits envisaged from the proposed arrangements.

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

- 2.1. Establishing and utilising a broader workforce including temporary agency workers is a cost effective option when it comes to addressing short to medium term skill / capability gaps when it does not make financial sense to retain within the substantive workforce.

This resourcing option also addresses surge requirements and offsets future redundancy / outsourcing costs where change is imminent. The use of ex-officers has been particularly valuable in the response to the increased demand for detectives and investigative skills.

- 2.2. The flexibility to increase capacity through Temporary Agency Workers continues to provide valuable support to the MPS in a number of roles and areas aligned to the Met Direction and the strategic workforce plan. In particular, the demand for Civilian Investigators has increased in response to the rise in violent crime (Homicide teams and Violent Crime Taskforce) and the continued requirement for Investigators on the Grenfell investigation and current detective requirements in Safeguarding Teams. We have also seen a rise in the demand for Associate Trainers, this is due to officer growth and drive to maximise the number of operational officers to the frontline. This is in addition to a broad spectrum of technical and specialist agency workers including digital specialists and other roles within the sectors of Programme Management; Legal; Procurement; and Finance. The facility to engage highly specialist individuals is instrumental to service delivery.
- 2.3. The existing appropriate governance process will be maintained and ensure that business discussions consider that the use of temporary agency workers is the most appropriate and best value for money resource option. The integrated HR/Finance system PSOP ensures inbuilt, robust governance through automated workflows. This requires all requests for a temporary agency worker to be scrutinised for the required approvals, with no possibility for work arounds.
- 2.4. There are currently circa 600 agency workers engaged with the MPS, performing a wide range of roles and funded from both the approved revenue and capital budgets dependent on the specific assignment. Police staff recruitment has improved significantly to ensure a more resilient supply of resource into the Met. Many of the resources now engaged as agency staff are enabling the MPS to respond to surge requirements or where we cannot attract the skills required by employing resources on a temporary or permanent basis.
- 2.5. It is anticipated that the requirement for Digital experts will continue to increase with the Digital and Data Strategy and the CONNECT programme. It is likely that demand for civilian investigators will not reduce in the short term due to the experience profile of our new recruits. With this in mind, it is anticipated that the demand for temporary agency workers over the next 1-2 years is unlikely to see a significant reduction.
- 2.6. There are many ways that the use of temporary agency workers impacts positively across the MPS, where their roles support operational policing and assist the organisation to deliver services to the people of London. The Violent Crime Taskforce, the investigation of Grenfell, Counter Terrorism activities, Safeguarding investigations all directly impact on the public and the assistance of temporary agency workers in these directly feeds into public confidence. Equally, the Transformation Programme change continues to introduce ways of working that directly support the public e.g. improved access to services and more modern and efficient reporting methods.

### **3. Financial and Commercial Comments**

- 3.1. Approval is sought to increase the existing contract value of £160m by £55m to £215m in total, to cover the proposed 10 month extension from October 2020 to August 2021 plus an additional £24m COVID-19 contingency. The proposed increase in contract value should not be viewed as authority to spend, as Business Groups will meet the cost of

temporary agency workers from their devolved revenue budgets and approved capital and revenue project budgets.

- 3.2. The proposed increase in the existing contract value has been calculated using the average monthly spend on temporary staff based on current average spend of 3.1m per month, which gives a 10 month figure of circa £31m plus an additional £24m COVID-19 contingency which is contract headroom not committed spend. It is not known how long this additional resourcing option will be required and exactly what type of resource we will need. Therefore, we have requested the maximum amount that the procurement regulations will allow.
- 3.3. This case is not asking for additional budget. The police staff budget is set as part of MPS Business Group devolved revenue budgets and agency staff required to support the Capital Programme are met from approved capital project budgets as required. The issue is purely whether spend occurs through payroll for the cost of permanent staff or through this contract for the cost of temporary staff. Local budget managers will need to take decisions through 2020/21 that ensures spend is incurred in accordance with agreed financial controls to access the benefits envisaged from the proposed arrangements.
- 3.4. Expenditure in respect of the existing and proposed new Temporary Agency Workers contracts will be met from either Business Group devolved revenue budgets and from approved project budgets, as required.

#### **4. Legal Comments**

- 4.1. The MOPAC is a contracting authority as defined in the Public Contract Regulations 2015 (the PCRs). All awards of public contracts for goods or services valued at £189,330 or more must be procured in accordance with the PCRs. This report confirms that the request exceeds the £189,330 threshold and therefore the PCRs are engaged.
- 4.2. This report confirms the unprecedented circumstances following the COVID-19 global pandemic have accelerated requirements exponentially.
- 4.3. In light of the timing between the request to Portfolio and Investment Board and the rapid acceleration of COVID-19, this report seeks to modify the Reed contract in order to address business continuity in the face of the impacts of COVID-19 and the delays to the GLA procurement. The report therefore has two elements as a basis for the overall modification. These are addressed below.
- 4.4. The report confirms the proposal to extend the term and vary the value of the MOPAC's current Temporary Agency Worker is "unforeseen".
- 4.5. Regulation 72(1)(b) provides a contracting authority may modify a contract during its term in a limited number of circumstances. Regulation 72(1)(b) provides a modification will be permitted for additional services that have become necessary and were not included in the initial procurement, where a change in contractor:
  - cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and

- would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;
- 4.6. The report confirms a change in contractor for the period of ten months is not possible for economic and technical reasons and to do so would cause MOPAC to suffer significant inconvenience and/or costs duplication. The MOPAC's ability to successfully defend any legal challenge to the proposed extension (if approved) will depend on the sufficiency of its auditing and the robustness of its reasoning as to why a change in contractor is not possible.
- 4.7. Regulation 72(1)(c) provides a modification will be permitted where all of the following conditions are fulfilled:
- the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
  - the modification does not alter the overall nature of the contract; and
  - any increase in price does not exceed 50% of the value of the original contract.
- 4.8. The report confirms the value of both modifications combined does not exceed 50% of the value of the original contract. DLS is satisfied regulation 72(1)(c) is met.
- 4.9. Where the MOPAC modifies a contract under regulation 72(1)(b) or 72(1)(c) it is required to publish a notice to that effect in the Official Journal of the Europe Union pursuant to regulation 72(3). The notice should give reasons for both events and cite both provisions under regulation 72 as the legal justifications.
- 4.10. Paragraph 4.13 of the MOPAC Scheme provides the Deputy Mayor for Policing and Crime has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above when the variation or extension is greater than 10% of the original value.

## **5. GDPR and Data Privacy**

- 5.1. 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.
- 5.2. 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.
- 5.3. The Information Assurance and Information Rights units within MPS will be consulted at all stages to ensure the project meets its compliance requirements.
- 5.4. The business case does not currently use personally identifiable data of members of the public, so there are no current GDPR issues to be considered. If the business case uses

personally identifiable data of members of the public at a later date DPIAs will be completed as needed.

## **6. Equality Comments**

- 6.1. This business case has undergone initial equality screening. Due regard has been taken to the Equality Act's Public Sector Equality Duty. Real consideration has been taken to assess equality impact caused by the proposed business changes. As a result, no positive or negative impact has been identified to any individual and/or group safeguarded by a protected characteristic and those who are not.
- 6.2. Regular screening will take place throughout the procurement process and a full Equality Impact Assessment will be carried out if necessary.

## **7. Background/supporting papers**

- 7.1. MPS Paper.

**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 – NO

**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**

The proposal is in keeping with the GLA Group Responsible Procurement Policy.

✓

**GDPR/Data Privacy**

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required.

✓

**Director/Head of Service**

The Chief Finance Officer has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

**Interim 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**

**Date** 7/4/20







MAYOR OF LONDON  
OFFICE FOR POLICING AND CRIME

## Engagement of Temporary Agency Workers to the MPS

MOPAC Investment Advisory & Monitoring meeting 2<sup>nd</sup> April 2020

Report by Clare Davies on behalf of the Chief of Corporate Services

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

### *EXECUTIVE SUMMARY*

- The Metropolitan Police Service (MPS) currently has a contract with Reed to supply temporary agency workers via the national MSTAR 2 framework. In July 2019, the MOPAC approved a business case (PCD 614 refers) requesting both an increase in the Reed contract value (by 45%), and, authority to initiate procurement activity for the renewal of the agency staff contract to the Metropolitan Police Service (MPS). The procurement of which would be undertaken as a collaborative process on behalf of all Greater London Authority (GLA) Functional Bodies (FB's). As a result, the original contract value of £110m was increased by £50m to £160m.
- Since approving the BJP in July 2019, the GLA timescales have suffered a succession of slippages due to complexities in formalising the procurement strategy across all GLA Functional Bodies. Currently the GLA are indicating that the tender will be published by April 2020, which would mean an indicative contract implementation date of May/June 2021. However, for contingency, in case of further slippage or longer than anticipated implementation timescales, the MPS is requesting approval to extend the contract to August 2021. If the GLA contract is implemented sooner then, if feasible, the MPS will transition across to the new arrangements prior to August 2021. There is also the unforeseen impact of COVID-19 and the potential requirement to increase short-term officer and staff capacity as part of the MPS business continuity provision. This may result in an imminent increase of agency workers including ex-officers for some months.
- We ask the Board to approve a further contract extension to Reed Specialist Recruitment for a period of 10 months between October 2020 and August 2021 and an increase to the contract value of £55m (50% of original contract value £110m). This request is not for additional funds but simply to increase the headline value of the contract.

## Recommendations

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

1. **Approve a further contract extension to Reed Specialist Recruitment for a period of 10 months between October 2020 and August 2021 and an increase of £55m onto the current contract headline value relating to contract SS3/16/68 - The Engagement of Temporary Agency Workers with immediate effect.**

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

## Introduction and background

2. The contract with Reed was originally awarded in October 2016 on a 2+1+1 basis (an initial 2 year period with two optional extensions of 12 months). The total value of the contract was set at £110m, split evenly over a 4-year contract period commencing October each year - £27.5m per year. The contract value was limited in this way as the organisation was committed to reducing overall agency spend during the lifetime of the contract and the subsequent increase in demand from significant operational events was not reasonably foreseen.
3. In July 2019, the MOPAC approved a business case (PCD 614 refers) requesting both an increase in the Reed contract value (by 45%), and, authority to initiate procurement activity for the renewal of the agency staff contract to the Metropolitan Police Service (MPS), the procurement of which would be undertaken as a collaborative process on behalf of all Greater London Authority (GLA) Functional Bodies (FB's). This was required as a consequence of delays to the GLA procurement timetable. These delays were primarily due to an extensive transformation programme underway within TfL which has led to difficulties in them formalising their organisational design.
4. The increase in contract value also includes the unforeseen impact of COVID-19. As part of the MPS contingency plan, we may need to increase agency worker numbers in the short-term to reinforce officer and staff capacity. It is not known how long this additional resourcing option will be required and exactly what type of resource we will need. Therefore, we have requested the maximum amount of headroom that the procurement regulations will allow. It should be noted that the additional £24m for COVID-19 contingency is contract headroom only not committed spend.
5. In the event that the additional term and value is not approved, the MPS would be unable to raise any further spend commitments for agency workers supplied by Reed as the contract would have expired. The MPS would be unable to secure or extend existing or future requests from MPS internal managers for agency workers; regardless of their proven business case. This would create significant operational risk in many priority areas and would greatly impact upon the ability to deliver support operationally to units tackling violent crime such as Homicide Teams, Violent Crime Taskforce and the delivery of critical Transformation programmes such as CONNECT.
6. It is also important to stress that this case is not asking for additional budget. The police staff budget is set as part of MPS Business Group devolved revenue budgets and agency staff required to support the Capital Programme are met from approved capital project budgets as required. The issue is purely whether spend occurs through payroll

for the cost of permanent staff, or through this contract for temporary staff. Local budget managers will need to take decisions through 2020/21 that ensures spend is incurred in accordance with agreed financial controls to access the benefits envisaged from the proposed arrangements.

## Issues for consideration

7. Establishing and utilising a broader workforce including temporary agency workers is a cost effective option when it comes to addressing short to medium term skill / capability gaps when it does not make financial sense to retain within the substantive workforce. This resourcing option also addresses surge requirements and offsets future redundancy / outsourcing costs where change is imminent. The use of ex-officers has been particularly valuable in the response to the increased demand for detectives and investigative skills.
8. The flexibility to increase capacity through Temporary Agency Workers continues to provide valuable support to the MPS in a number of roles and areas aligned to the Met Direction and the strategic workforce plan. In particular, the demand for Civilian Investigators has increased in response to the rise in violent crime (Homicide teams and Violent Crime Taskforce) and the continued requirement for Investigators on the Grenfell investigation and current detective requirements in Safeguarding Teams. We have also seen a rise in the demand for Associate Trainers, this is due to officer growth and drive to maximise the number of operational officers to the frontline. This is in addition to a broad spectrum of technical and specialist agency workers including digital specialists and other roles within the sectors of Programme Management; Legal; Procurement; and Finance. The facility to engage highly specialist individuals is instrumental to service delivery.
9. The existing appropriate governance process will be maintained and ensure that business discussions consider that the use of temporary agency workers is the most appropriate and best value for money resource option. The integrated HR/Finance system PSOP ensures inbuilt, robust governance through automated workflows. This requires all requests for a temporary agency worker to be scrutinised for the required approvals, with no possibility for work arounds.
10. There are currently circa 600 agency workers engaged with the MPS, performing a wide range of roles and funded from both the approved revenue and capital budgets dependent on the specific assignment. Police staff recruitment has improved significantly to ensure a more resilient supply of resource into the Met. Many of the resources now engaged as agency staff are enabling the MPS to respond to surge requirements or where we cannot attract the skills required by employing resources on a temporary or permanent basis.
11. It is anticipated that the requirement for Digital experts will continue to increase with the Digital and Data Strategy and the CONNECT programme. It is likely that demand for civilian investigators will not reduce in the short term due to the experience profile of our new recruits. With this in mind, it is anticipated that the demand for temporary agency workers over the next 1-2 years is unlikely to see a significant reduction.

## **Contributes to the MOPAC Police & Crime Plan 2017-2021<sup>1</sup>**

12. There are many ways that the use of temporary agency workers impacts positively across the MPS, where their roles support operational policing and assist the organisation to deliver services to the people of London. The Violent Crime Taskforce, the investigation of Grenfell, Counter Terrorism activities, Safeguarding investigations all directly impact on the public and the assistance of temporary agency workers in these directly feeds into public confidence. Equally, the Transformation Programme change continues to introduce ways of working that directly support the public e.g. improved access to services and more modern and efficient reporting methods.

## **Financial and Commercial Comments**

13. Approval is sought to increase the existing contract value of £160m by £55m to £215m in total, to cover the proposed 10 month extension from October 2020 to August 2021 plus an additional £24m COVID-19 contingency. The proposed increase in contract value should not be viewed as authority to spend, as Business Groups will need meet the cost of temporary agency workers from their devolved revenue budgets and approved capital and revenue project budgets.
14. The proposed increase in the existing contract value has been calculated using the average monthly spend on temporary staff based on current average spend of 3.1m per month, which gives a 10 month figure of circa £31m plus an additional £24m COVID-19 contingency which is contract headroom not committed spend. It is not known how long this additional resourcing option will be required and exactly what type of resource we will need. Therefore, we have requested the maximum amount that the procurement regulations will allow.
15. This case is not asking for additional budget. The police staff budget is set as part of MPS Business Group devolved revenue budgets and agency staff required to support the Capital Programme are met from approved capital project budgets as required. The issue is purely whether spend occurs through payroll for the cost of permanent staff or through this contract for the cost of temporary staff. Local budget managers will need to take decisions through 2020/21 that ensures spend is incurred in accordance with agreed financial controls to access the benefits envisaged from the proposed arrangements.
16. Expenditure in respect of the existing and proposed new Temporary Agency Workers contracts will be met from either Business Group devolved revenue budgets and from approved project budgets, as required.

## **Legal Implications**

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, and

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

modifications to, public contracts for goods and/or services valued at £189,330 or above must be procured in accordance with the Regulations.

18. Since MPS Portfolio and Investment Board considered the original request to modify the Reed contract on 10 March 2020 this report confirms the unprecedented circumstances following the COVID-19 global pandemic have accelerated requirements exponentially.
19. In light of the timing between the request to Portfolio and Investment Board and the rapid acceleration of COVID-19, this report seeks to modify the Reed contract in order to address business continuity in the face of the impacts of COVID-19 and the delays to the GLA procurement. The report therefore has two elements as a basis for the overall modification. These are addressed separately below.

### **GLA procurement delays**

20. The report confirms the proposal to extend the term and vary the value of the MOPAC's current Temporary Agency Worker is "unforeseen".

Regulation 72(1)(b) provides a contracting authority may modify a contract during its term in a limited number of circumstances. Regulation 72(1)(b) provides a modification will be permitted for additional services that have become necessary and were not included in the initial procurement, where a change in contractor:

- cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
- would cause significant inconvenience or substantial duplication of costs for the contracting authority, provided that any increase in price does not exceed 50% of the value of the original contract;

21. The report confirms a change in contractor for the period of ten months is not possible for economic and technical reasons and to do so would cause MOPAC to suffer significant inconvenience and/or costs duplication. The MOPAC's ability to successfully defend any legal challenge to the proposed extension (if approved) will depend on the sufficiency of its auditing and the robustness of its reasoning as to why a change in contractor is not possible.

### **COVID-19**

22. Regulation 72(1)(c) provides a modification will be permitted where all of the following conditions are fulfilled:

- the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- the modification does not alter the overall nature of the contract; and
- any increase in price does not exceed 50% of the value of the original contract.

23. The report confirms the value of both modifications combined does not exceed 50% of the value of the original contract. DLS is satisfied regulation 72(1)(c) is met.

24. Where the MOPAC modifies a contract under regulation 72(1)(b) or 72(1)(c) it is required to publish a notice to that effect in the Official Journal of the Europe Union pursuant to regulation 72(3). The notice should give reasons for both events and cite both provisions under regulation 72 as the legal justifications.
25. Paragraph 4.13 of the MOPAC Scheme provides the Deputy Mayor for Policing and Crime has delegated authority to approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above when the variation or extension is greater than 10% of the original value.

### **Equality Comments**

26. This business case has undergone initial equality screening. Due regard has been taken to the Equality Act's Public Sector Equality Duty. Real consideration has been taken to assess equality impact caused by the proposed business changes. As a result, no positive or negative impact has been identified to any individual and/or group safeguarded by a protected characteristic and those who are not. Regular screening will take place throughout the procurement process and a full Equality Impact Assessment will be carried out if necessary.

### **Privacy Comments**

27. 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 project meets its compliance requirements. The business case does not currently use personally identifiable data of members of the public, so there are no current GDPR issues to be considered. If the business case uses personally identifiable data of members of the public at a later date DPIAs will be completed as needed.

### **Real Estate Implications**

28. No impact anticipated to the Estate in relation to this paper.

### **Environmental Implications**

29. No impact anticipated for environmental concerns in relation to this paper.

Report author: Clare Davies Director of HR/Rebecca Bee Head of HR Operations