

DMPC Decision – PCD 763**Title: Forensic Accreditation Services****Executive Summary:**

The Forensic Science Regulator (FSR) expects forensic activities wherever performed to be conducted to the standards set out in the Forensic Science Regulator's Codes (Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System). This applies irrespective of whether the provider is public, police or commercial. The Codes specifies the independent assurance mechanism used to ensure that the standards have been met and this mechanism is through accreditation by the United Kingdom Accreditation Service (UKAS).

In addition, the Accreditation of Forensic Service Providers Regulations 2018 legislation requires that competent law enforcement authorities must use an accredited forensic service provider to conduct any laboratory activity that

- (a) results in a DNA-profile or dactyloscopic data, and
- (b) is requested in relation to the prevention, detection or investigation of criminal offences.

The legislation states that a forensic service provider is accredited if they are accredited by UKAS as complying with European standard EN ISO/IEC 17025.

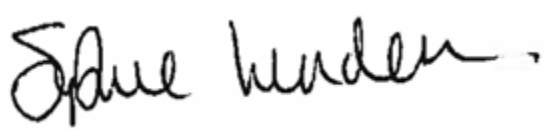
Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve direct award of a contract for the provision of Accreditation Services with UKAS for a proposed term of five years plus two possible extensions of one year each at an anticipated total contract value of £700k.

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****29/05/2020**

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

1. Introduction and background

- 1.1. Forensic Services provide a comprehensive range of forensic services to all of the Met's proactive and reactive investigations and intelligence gathering including
 - a. disaster victim identification (DVI), crime scene management, complex crime coordination
 - b. crime scene examination, interpretation and reporting - 24/7 provision across the Met
 - c. database searching; recovery, comparison and interpretation of trace evidence; recovery and provision of data
 - d. firearms, gunshot residue kits (GSRs), drugs, toxicology, road traffic accident - alcohol/drugs
 - e. digital kiosks that help officers get the forensic data from mobile devices they need quicker, evidential drug identification testing (EDIT), firearms 'make safe' activity
 - f. visual images identification and detections office (VIIDO), central forensic image team (CFIT), Met image circulation unit (MetCU)
- 1.2. Forensic results play a significant role in administration of justice.
- 1.3. Regulatory and legislative requirements on forensic services provision require accreditation by UKAS.
- 1.4. Unaccredited forensic activities are subject to increased disclosure, has the potential to come under criticism by defence or / and are inadmissible in court.

2. Issues for consideration

- 2.1. The MPS must use UKAS because this is stipulated by the Forensic Science Regulator and legislation.

3. Financial Comments

- 3.1. The nature of this work is entirely demand driven and the spend is known to be the result of increased forensic activities being accredited as well as maintenance of accredited activities.
- 3.2. The cost is expected to be £100k per annum and this is fully funded in the approved Forensic Services budget.

4. Legal Comments

- 4.1. The Mayor's Office for Policing Crime is a contracting authority as defined in the Public Contracts Regulations 2015 (the PCR). All awards of public contracts for goods and/or services valued at £181,302 or above will be procured in accordance with the Regulations.
- 4.2. Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime has delegated consent to approve all contract exemptions valued at £100,000 or above.
- 4.3. Paragraph 4.15 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to award MOPAC contracts with a total value of £500,000 or above.
- 4.4. In view of the estimated value of the contract with UKAS (which is above the financial threshold specified in the PCR), if MOPAC wishes to proceed with the contract with UKAS, it would need to proceed on the basis of a contract exemption.
- 4.5. Regulation 32(2)(b) of the PCR provides that in circumstances where:
 - (i) for reasons relating to the “protection of exclusive rights”; or
 - (ii) where there are “technical reasons”; only a particular economic operator can supply the service (and in either case provided that there is no reasonable alternative or substitute exists) a contract exemption is granted.
- 4.6. This report notes that UKAS holds an exclusive statutory right under the Accreditation of Forensic Service Providers Regulations 2018 (the Regulations) to provide services relating to DNA sampling and finger prints. Similarly the “Code of Practice for forensic units providing forensic science services” issued by the Forensic Science Regulator (the Code of Practice) designates UKAS as the provider of accreditation services for the purposes of compliance with the Code of Practice, relating to other forensic activities.
- 4.7. On the basis of the contents of this report, and assuming no reasonable alternative or substitute exists, the contract exemption at Regulation 32(2)(b) is engaged. In accordance with paragraph 4.13 of the Scheme of Delegation, the Deputy Mayor for Policing and Crime is recommended to approve this contract exemption.
- 4.8. Furthermore, the legal implications of not proceeding with the recommendations are that the MPS will not have the provision of Forensic Services and this impacts on the Criminal Justice in terms of the evidence provided to the required standard.
- 4.9. The proposals in this decision are in line with regulations.

5. Commercial Issues

- 5.1. The fees payable are stipulated by UKAS.
- 5.2. As an extension to an existing service this work does not change any aspects relating to responsible procurement.

- 5.3. UKAS is the sole accreditation body in the UK and is the only body mandated to be used by regulation and legislation, as such there is no other organization for the MPS to use.
- 5.4. The MPS is a signatory to the GLA Group Responsible Procurement Policy (www.london.gov.uk/rp-policy) which sets out a number of commitments including:
- a. Enhancing social value
 - b. Encouraging equality and diversity
 - c. Embedding fair employment practices
 - d. Enabling skills, training and employment opportunities
 - e. Promoting ethical sourcing practices
 - f. Improving environmental sustainability

The provider will ensure that the contract supports equalities and diversity as well as strategic labour needs and training opportunities in line with the commitments of the GLA Group Responsible Procurement Policy. This includes the reporting of relevant management information.

6. GDPR and Data Privacy

- 6.1. There is a confidentiality agreement in place between MPS and UKAS.
- 6.2. Privacy is taken very seriously by the MPS. A structured approach in terms of consultation with the MPS Data Protection Manager, Privacy Advisors and Senior Information Assurance Manager will ensure a proportionate approach is applied to privacy. Data Protection Impact Assessment (DPIA) and Data Protection Contract are considered where necessary whilst supplier technical, personnel and physical security arrangement are central to scrutiny whereby assessment are undertaken independent to the procurement team by the MPS Information Assurance Unit.
- 6.3. Following preliminary assessment, a full DPIA is not required for this contract.

7. Equality Comments

- 7.1. As this is an extension of an existing service this work does not change any aspects relating to equality or diversity.

8. Background/supporting papers

- 8.1. MPS Report.

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 Interim Chief Finance Officer 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

Sanakuchford

Date 27/05/2020



MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Forensic Accreditation Services MOPAC Investment Advisory Board – 30th April 2020

Report by Chanda Lowther-Harris on behalf of the Deputy Commissioner

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

EXECUTIVE SUMMARY

The Forensic Science Regulator (FSR) expects forensic activities wherever performed to be conducted to the standards set out in the Forensic Science Regulator's Codes (Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System). This applies irrespective of whether the provider is public, police or commercial. The Codes specifies the independent assurance mechanism used to ensure that the standards have been met and this mechanism is through accreditation by the United Kingdom Accreditation Service (UKAS).

In addition, the Accreditation of Forensic Service Providers Regulations 2018 legislation requires that competent law enforcement authorities must use an accredited forensic service provider to conduct any laboratory activity that

- (a) results in a DNA-profile or dactyloscopic data, and
- (b) is requested in relation to the prevention, detection or investigation of criminal offences.

The legislation states that a forensic service provider is accredited if they are accredited by UKAS as complying with European standard EN ISO/IEC 17025.

The budget is set at £100,000 per annum and is approved through a scheme of delegation of from the Director of Forensic Services, a finance representative and a commercial representative This requires renewal every year and is inefficient.

Request for approval to be given to award a contract with UKAS for the provision of accreditation Services for a proposed term of 5 years plus 1 year plus 1 year at an anticipated value of £700k.

Recommendations

The MPS Portfolio & Investment Board (PIB) is asked to:

- **Approve a direct award of a contract for the provision of Accreditation Services with UKAS for a proposed term of 5 years plus 1 year plus 1 year at an anticipated value of £700k.**

If supported by the MPS Portfolio & Investment Board, the Deputy Mayor for Policing and Crime, via the Investment Advisory Board (IAB), is asked to:

- **Approve a direct award of a contract for the provision of Accreditation Services with UKAS for a proposed term of 5 years plus 2 possible extensions of 1 year each at an anticipated total contract value of £700k.**

Time sensitivity

A decision is required from the Deputy Mayor by 13 of May 2020. This is because the current 12 month extension expires on 21 of Mar 2021 although an extension request has been made for a further £100,000 to cover any delay in agreeing this request.

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

Introduction and background

- Forensic Services provide a comprehensive range of forensic services to all of the Met's proactive and reactive investigations and intelligence gathering including
 - a. disaster victim identification (DVI), crime scene management, complex crime coordination
 - b. crime scene examination, interpretation and reporting - 24/7 provision across the Met
 - c. database searching; recovery, comparison and interpretation of trace evidence; recovery and provision of data
 - d. firearms, gunshot residue kits (GSRs), drugs, toxicology, road traffic accident - alcohol/drugs
 - e. digital kiosks that help officers get the forensic data from mobile devices they need quicker, evidential drug identification testing (EDIT), firearms 'make safe' activity
 - f. visual images identification and detections office (VIIDO), central forensic image team (CFIT), Met image circulation unit (MetCU)
- Forensic results play a significant role in administration of justice.
- Regulatory and legislative requirements on forensic services provision require accreditation by UKAS.
- Unaccredited forensic activities are subject to increased disclosure, has the potential to come under criticism by defence or / and are inadmissible in court.

Issues for consideration

- The MPS must use UKAS because this is stipulated by the Forensic Science

Regulator and legislation.

Contributes to the MOPAC Police & Crime Plan 2017-2021¹

- Forensic Services make a significant contribution to the investigation of crime.

Financial, Commercial and Procurement Comments

- As an extension to an existing service this work does not change any aspects relating to responsible procurement.
- UKAS is the sole accreditation body in the UK and is the only body mandated to be used by regulation and legislation, as such there is no other organization for the MPS to use.
- The fees payable are stipulated by UKAS.
- The nature of this work is entirely demand driven and the spend is known to be the result of increased forensic activities being accredited as well as maintenance of accredited activities.
- The cost is expected to be £100k per annum and this is fully funded in the approved Forensic Services budget.
- The MPS is a signatory to the GLA Group Responsible Procurement Policy (www.london.gov.uk/rp-policy) which sets out a number of commitments including:
 - a. Enhancing social value
 - b. Encouraging equality and diversity
 - c. Embedding fair employment practices
 - d. Enabling skills, training and employment opportunities
 - e. Promoting ethical sourcing practices
 - f. Improving environmental sustainability

The provider will ensure that the contract supports equalities and diversity as well as strategic labour needs and training opportunities in line with the commitments of the GLA Group Responsible Procurement Policy. This includes the reporting of relevant management information.

Legal Comments

- The Mayor's Office for Policing Crime is a contracting authority as defined in the Public Contracts Regulations 2015 (the PCR). All awards of public contracts for goods and/or services valued at £181,302 or above will be procured in accordance with the Regulations.

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

- Paragraph 4.13 of the MOPAC Scheme of Delegation and Consent provides the Deputy Mayor for Policing and Crime has delegated consent to approve all contract exemptions valued at £100,000 or above.
- Paragraph 4.15 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to award MOPAC contracts with a total value of £500,000 or above
- In view of the estimated value of the contract with UKAS (which is above the financial threshold specified in the PCR), if MOPAC wishes to proceed with the contract with UKAS, it would need to proceed on the basis of a contract exemption.
- Regulation 32(2)(b) of the PCR provides that in circumstances where:
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- This report notes that UKAS holds an exclusive statutory right under the Accreditation of Forensic Service Providers Regulations 2018 (the Regulations) to provide services relating to DNA sampling and finger prints. Similarly the “Code of Practice for forensic units providing forensic science services” issued by the Forensic Science Regulator (the Code of Practice) designates UKAS as the provider of accreditation services for the purposes of compliance with the Code of Practice, relating to other forensic activities.
- On the basis of the contents of this report, and assuming no reasonable alternative or substitute exists, the contract exemption at Regulation 32(2)(b) is engaged. In accordance with paragraph 4.13 of the Scheme of Delegation, the Deputy Mayor for Policing and Crime will be required to approve this contract exemption.
- Furthermore, the legal implications of not proceeding with the recommendations are that the MPS will not have the provision of Forensic Services and this impacts on the Criminal Justice in terms of the evidence provided to the required standard.

Equality Comments

- As this is an extension of an existing service this work does not change any aspects relating to equality or diversity.

Privacy Comments

- There is a confidentiality agreement in place between MPS and UKAS.

- Privacy is taken very seriously by the MPS. A structured approach in terms of consultation with the MPS Data Protection Manager, Privacy Advisors and Senior Information Assurance Manager will ensure a proportionate approach is applied to privacy. Data Protection Impact Assessment (DPIA) and Data Protection Contract are considered where necessary whilst supplier technical, personnel and physical security arrangement are central to scrutiny whereby assessment are undertaken independent to the procurement team by the MPS Information Assurance Unit.
- Following preliminary assessment, a full DPIA is not required for this contract.

Real Estate Implications

- There are no Real Estate implications as accreditation takes places within Forensic Services work space.

Report author: Chanda Lowther-Harris Band L Quality Lead 02072303820 / 07827083415