MOPAC | MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

DMPC Decision – PCD 1106

Title: Request for financial assistance for the legal representation of serving and former officers at an Inquest

Executive Summary:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for financial assistance of £18,350.00 (excluding VAT) made by the Applicants for legal representation at an Inquest.

The DMPC has power to grant the application of £18,350.00 (excluding VAT) if she is satisfied that funding the Applicants legal expenses in the proceedings is likely to secure an efficient and effective police force.

Recommendation:

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for funding in the sum of £18,350.00 (excluding VAT) for serving and former police officers in respect of separate representation at an inquest.

The Deputy Mayor for Policing and Crime has the discretion to authorise financial assistance for police officers/staff where it would be conducive to the maintenance of an efficient and effective police force

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 Sophie Linden **Date 20/12/2021**

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

1. Introduction and background

1.1. These proceedings concern the representation of serving and former police officers at inquest proceedings. This is the 1st application in respect of these applicants but the 5th application made in connection with the same proceedings.

1.2. The Applicants represents that they satisfy the criteria for entitlement to financial assistance namely: that they were performing their official duties; that they were acting in good faith, and that they exercised reasonable judgement. The facts provided by the Applicants in support of their representation for financial assistance are set out in the exempt report.

1.3. The Commissioner's position in relation to the Applicants representations for financial assistance are also set out in the exempt report.

2. Issues for consideration

2.1. For the DMPC to consider whether there is a conflict of interest requiring separate representation and financial assistance and whether the financial assistance will secure an efficient and effective Police Service.

3. Financial Comments

The cost of these legal fees, if authorised, will be met from the 1996 Police Act Expenditure budget within the MPS Directorate of Legal Services' budget.

4. Legal Comments

4.1. The DMPC has a discretion under Section 3(6) and para. 7 of Schedule 3 of the Police Reform and Social Responsibility Act 2011 to fund police officers' legal expenses in proceedings if they consider that providing the funding secures the maintenance of an efficient and effective police force. The Deputy Mayor has delegated authority, under para. 4.10 of the Scheme of Delegation, to consider the current application for financial assistance.

4.2. A conflict of interest arises between the Commissioner and the Police Officers which gave rise to the need for separate representation and financial assistance for the reasons set out in the exempt report

4.3. Home Office Circular 010/2017 provides guidance which applies to MOPAC. In conclusion it states:

4.4. "*…police officers and staff must be confident that local policing bodies will provide financial assistance, whether in full or part, for officers facing legal proceedings where they have acted in good faith and have exercised their judgement reasonably*".

5. GDPR and Data Privacy

5.1. The processing of personal data has been minimised as part of this decision and is held within Part 2 of the report.

6. Equality Comments

6.1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly.

7. Background/supporting papers

7.1. Refer to Part 2 of the report. Part 2 of this Report is exempt because it falls within an exemption specified in para 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011 and/or under the Freedom of Information Act 2000, e.g. because the information amounts to personal data, is confidential or commercially sensitive.

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: n/a
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	✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.	✓
Commercial Issues Commercial issues are not applicable.	✓
GDPR/Data Privacy • GDPR compliance issues are covered in the body of the report and the GDPR Project Manager/Data Protection Officer [delete as applicable] has been consulted on the GDPR issues within this report. • A DPIA is not required.	✓
Director/Head of Service Judith Mullett 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  **Date 20/12/2021**