

**DMPC Decision – PCD 584**

**Title:** Request for financial assistance made by the Applicants for separate representation at the Undercover Policing Inquiry

**Executive Summary:**

This report contains an application for financial assistance made by the Applicant for separate representation at the Undercover Policing Inquiry.

**Recommendation:**

The Deputy Mayor for Policing and Crime is asked to consider an application for funding in the sum of £29,150 (excl VAT) for a former officer in respect of separate representation at the Undercover Policing Inquiry. 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****Date**

19/6/19

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

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

- 1.1. The counterpart 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.
- 1.2. On 12 March 2015 the Home Secretary announced the appointment of Sir Christopher Pitchford to conduct an inquiry under the Inquiries Act 2005 to "review practices in the use of undercover policing, establishing justice for the families and victims and making recommendations for future operations and police practice" ("the Inquiry").
- 1.3. The Commissioner of Police of the Metropolis is a designated Core Participant and therefore no legal advice or representation can be provided to any other individual.
- 1.4. The applicant, having opted to receive legal advice and representation as a witness to the Inquiry, but being unable to be represented by the designated lawyer team for reasons of identified or potential conflict, applied via Messrs Slater and Gordon for MPS to fund their separate representation at the Inquiry.
- 1.5. The applicant represents that he satisfies the criteria for entitlement to financial assistance namely: that they were performing official duties; that they were acting in good faith and that they exercised reasonable judgment.

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

- 2.1. For the DMPC to consider whether the financial assistance will secure an efficient and effective Force.
- 2.2. A decision is required on funding for separate representation as soon as reasonably practicable but in any event by 10 June 2019. This is because, in the event that MOPAC declines to fund the applicant, they may need to make funding applications to the Inquiry. The Inquiry intends to publish the applicant's cover identity in the near future. Whilst the applicant has previously opposed this, they will be expected to make written application to the Inquiry if that position is maintained.

### **3. Financial Comments**

- 3.1. The funding estimate of £29,150 is for the representation of the applicant. This estimate is in relation to the solicitor and counsel costs for production of evidence and up to conclusion of evidential hearings. It will be necessary to make a further application should the hearing time estimates prove insufficient.
- 3.2. If approved, the cost of providing legal representation set out within this paper will be met from a specific reserve created to support work undertaken in respect of the Public Inquiry into Undercover Policing

#### **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. Conflicts of interest and potential conflicts of interest as they arise between the MPS and the applicant are set out in the Part 2 report

#### **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. In order to ensure the Undercover Policing Inquiry (UCPI) can meet its Terms of Reference, it is important the MPS as an organisation, is as open and transparent as it can be in providing information on the actions and activities of those deployed as part of the SDS and seconded to the NPOIU. This includes ensuring allegations of sexual or racial discrimination and which are relevant to those Terms of Reference, are able to be properly explored by the UCPI.
- 6.2. The details outlined in the Exempt Report are an indication of the complexities the MPS are dealing with in assisting the Inquiry, however they also demonstrate the extent of that assistance which will in turn impact upon community confidence in policing and the organisation in general.

#### **7. Risk (including Health and Safety) Implications**

- 7.1. There is a risk to the safety and welfare of the applicant should their identity and the fact that they were an undercover officer reach the public domain.

#### **8.**

##### **Background/supporting papers**

- 8.1. Refer to Part 2 of the 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 – 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 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**

The 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**

R. Lawrence

**Date** 18/6/19