

DMPC Decision – PCD 947

Title: Appointment of a fund manager to help allocate additional Ministry of Justice victims funding

Executive Summary:

In January 2021, the Ministry of Justice (MoJ) announced £40 Million of emergency funding to be made available nationally for Domestic Abuse (DA) and Sexual Violence (SV) Support Services as part of PCCs' victims grants for 2021/22. MOPAC has been allocated £1,377,081 for the DA uplift and £716,787 for the SV uplift. MoJ has set out the process for accessing this funding, which necessitated MOPAC to arrange an open and transparent process so that as many organisations working in these areas in London could apply.

This Decision is to enable MOPAC to undertake commissioning activities to swiftly administer this funding. External capacity is required to administer part of the funds and support organisations in the monitoring requirements attached to the funding. Therefore, this Decision is to approve the transfer of £800,327 of funding from the MoJ allocation to the London Community Foundation to distribute through an open process via the London Community Response Fund to DA and SV organisations to enable them to meet increased demand throughout the period of the pandemic.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. approve the transfer of up to £800,327 to The London Community Foundation, via a variation to their contract for the management of the VAWG Grassroots Fund, to distribute a portion of the funding that MOPAC will receive from MoJ; and
2. pay £48,020 as a management fee to The London Community Foundation; and
3. delegate the approval of detailed arrangements to enable the disbursement of these additional funds and contract variations to the Chief Finance Officer.

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

Edue Under

Date

26/8/2021

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

1. Introduction and background

- 1.1. Following the allocation of the first round of emergency Covid-19 funding (PCD 772), MoJ requested PCC areas to complete a needs assessment of DA and SV support organisations to establish ongoing and additional future needs anticipated in the continuing response to, and recovery from, the COVID-19 pandemic.
- 1.2. MoJ has used these needs assessments to allocate additional funding to PCC areas for DA (£1,377,081 for MOPAC) and SV (£716,787 for MOPAC) as part of the wider victims grant for 2021/22 set out in PCD943.

2. Issues for consideration

- 2.1. The **Domestic Abuse Support Uplift** and the **Sexual Violence Support Uplift** were subject to MOPAC submitting a needs assessment to the Ministry of Justice which details how funds will be allocated to best meet the needs of Londoners. MOPAC advertised this funding opportunity and run an open competitive process, subsequently up to 23 grants have been awarded.
- 2.2. Of these 23 grants, MOPAC proposes that the London Community Foundation manage 11 to a value of £800,327 to ensure swift access to funds is possible and aligned monitoring takes place for smaller recipient organisations who already a current funding relationship with the London Community Foundation.
- 2.3. To undertake this work MOPAC must pay a management fee to the London Community Foundation and must arrange for a transfer of funds for the London Community Foundation to pay grant recipients on MOPAC's behalf. This approach has been successful previously and is accepted by the Ministry of Justice.

3. Financial Comments

- 3.1. This decision seeks authority to transfer a proportion of the additional victims funding grant for 2021/22, £800,327, to the London Community Foundation (LCF) to manage up to 11 of the grants.
- 3.2. The MoJ grant distribution requires additional LCF staff capacity to support delivery within the 2021/22 funding period. This work will cost £48,020 in management fee to be paid to LCF.
- 3.3. Management cost is a non-allowable cost within the MoJ grant; payment to LCF will be contained within 2021/22 Commissioning and Partnership's core budget.
- 3.4. LCF charge of £48,020 has been costed at 6% of the MoJ funding (£800,327) which LCF will be responsible for administering. This cost is consistent with market rates of 6%-7% presently applied on the existing contract held with LCF.

4. Legal Comments

- 4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." Under Schedule 3, paragraph 7 MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.2. Section 143 (1) (b) of the Anti-Social Behaviour Crime and Policing Act 2014 provides an express power for MOPAC, as a local policing body, to provide or commission services "intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour."
- 4.3. The recommendations in this decision are in line with the legislation and MOPAC's Scheme of Consent and Delegation. In line with section 4 of the Scheme, the DMPC has the authority for the:
 - approval of business cases for revenue or capital expenditure of £500,000 or above (paragraph 4.8); and
 - approval of unforeseen contract variations and extensions to contracts (paragraph 4.13).
- 4.4. Officers must ensure the Financial Regulations and Contract Regulations are complied with.
- 4.5. Officers should ensure that the funding agreements are put in place with and executed by MOPAC and each of the providers before any commitment to fund is made.
- 4.6. Officers confirm that sufficient assurance has been carried out to this decision to determine that the DMPC has legal authority to agree the recommendations on funding and the extension of grants/ contracts.

5. Commercial Issues

- 5.1. The proposed contract variation is concerned with varying the VAWG Grassroots Fund (PCD 711) contract by £48,020 in terms of fees paid to the London Community Foundation.
- 5.2. The contract has been previously varied three times, to a total value of £151,130 during 2020/2021 (PCD772, PCD780 and PCD884) to support the distribution of emergency Covid-19 funding provided by the Ministry of Justice to specialist providers of support services for victims of domestic abuse and sexual violence.
- 5.3. These variations were undertaken as part of MOPAC's emergency response to the Covid-19 pandemic and, while the contract was modified multiple times, in line with Cabinet

Office guidance on responding to the pandemic ([PPN 01/20](#)), no individual variation exceeded 50% of the original contract value.

- 5.4. This further variation has been formally approved by the Chair of MOPAC's Procurement, Contract and Grants Oversight Board.
- 5.5. This fee will enable the London Community Foundation to distribute and manage funds of £800,327 to eleven organisation on MOPAC's behalf.
- 5.6. MOPAC will incorporate the appropriate terms and conditions from the contract Agreement between MOPAC and MoJ into the agreement and variations with the recipients of funding to ensure money is spent in compliance with these terms.

6. Public Health Approach

- 6.1. Grant award and variation is informed by the Mayor's public health approach to violence reduction and therefore part of MOPAC's contribution to overall efforts led by the Violence Reduction Unit.

7. GDPR and Data Privacy

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.

8. Equality Comments

- 8.1. 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.

9. Background/supporting papers

PCD 772
PCD 742
PCD 780
PCD 884
PCD 943

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 –NO

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: Legal advice is not required.	✓
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 The proposal is in keeping with the GLA Group Responsible Procurement Policy.	
GDPR/Data Privacy <ul style="list-style-type: none"> GDPR compliance issues are covered in the body of the report A DPIA is not required. 	✓
Director/Head of Service: The Head of Service 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

Sanakucherd.

Date 20/7/2021