

REQUEST FOR DMPC DECISION – PCD 524

Title: Request for authorisation to settle linked employment tribunal claims from a serving and a former officer.

Executive Summary:

The Directorate of Legal Services (DLS) is requesting MOPAC agrees settlement of two claims against the MPS.

The Deputy Mayor for Policing and Crime has the discretion to authorise the settlement of legal proceedings where it would be conducive to the maintenance of an efficient and effective police force.

Recommendation:

The MPS be authorised to settle claims for the two individuals identified in the exempt part of this report.

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

Joanne Under

Date 25/01/2019

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

Decision required – supporting report

1. Introduction and background

- 1.1. 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.
- 1.2. There is a claim for suffering a detriment on the grounds of making protected disclosure and sex discrimination from one officer and a claim of sex and race discrimination from the second officer.

2. Issues for consideration

- 2.1. N/A

3. Financial Comments

- 3.1. Pursuant to the MOPAC Scheme of Consent and Delegation 2016, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.
- 3.2. The proposed cost of the settlement can be met from within the DLS third party claims provision budget.

4. Legal Comments

- 4.1. MOPAC the power to pay any sum required in connection with the settlement for any claim made against the Commissioner under Section 88 of the Police Act 1996.
- 4.2. Pursuant to the MOPAC Scheme of Consent and Delegation 2016, MOPAC must authorise the settlement because it fulfils the criteria set out in section 4.10 of the Scheme including the financial level.

5. GDPR and Privacy Issues

- 5.1 MOPAC has a legal basis under the Police Reform and Social Responsibility Act 2011 to hold the Commissioner to account for value for money. 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. Equality issues did have relevance to this matter which are explored fully within the Part 2 of the report.

7. Background/supporting papers

- Exempt 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? YES

If yes, for what reason: Settlement still being negotiated.

Until what date: TBC

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:

	<i>Tick to confirm statement (✓)</i>
Head of Unit: Judith Mullett has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The MPS legal team has been consulted on the proposal.	✓
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**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

P. Lawrence

Date 25/01/2019

