

**DMPC Decision – PCD 550**

**Title:** Request for financial assistance made by the Applicant for separate representation in Inquest proceedings

**Executive Summary:**

The Deputy Mayor for Policing and Crime (DMPC) is asked to consider an application for funding in the sum of £28,000.00 (excl VAT) for a serving officer in respect of separate representation at a concluded 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

**Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to approve the application for financial assistance made by the Applicant for the sum of £28,000.00 (excl VAT) for the reasons set out in part two.

**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**

*Spivey Under*

**Date**

*25/3/19*

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

### **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. These proceedings concern the representation of an MPS officer at inquest proceedings. This is the 1st application.
- 1.3. The Applicant 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 there was no neglect or wilful default on their part; and that they exercised reasonable judgement. The facts provided by the Applicant in support of their representation for financial assistance are set out in the exempt report.
- 1.4. The Commissioner's position in relation to the Applicant's representations for financial assistance are set out in the exempt report.
- 1.5. There is a conflict of interest between the position of the Commissioner and the Applicant and accordingly the DMPC will need to consider whether the Applicant requires separate legal representation and financial assistance.

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

- 2.1. For the DMPC to consider whether to grant funding for separate representation for the applicant and whether financial assistance will secure an efficient and effective Police Service.

### **3. Issues for consideration**

- 3.1. 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

### **4. Financial Comments**

- 4.1. The solicitors acting for the Applicants have submitted an estimate of the costs of the separate representation in support of the application for financial assistance, in the sum of £28,000.00 (excl VAT)
- 4.2. 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.

## **5. Legal Comments**

- 5.1. MOPAC has the power to act under paragraph 14 of Schedule 1 to the PRSRA 2011 to meet the costs of legal representation of police officers involved in proceedings
- 5.2. The DMPC has delegated authority under section 4.9 of the Scheme of Consent and Delegation 2016, to consider the current application
- 5.3. Home Office Circular 010/2017 provides guidance which applies to MOPAC. In conclusion it states "...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".

## **6. GDPR and Data Privacy**

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

## **7. Equality Comments**

- 7.1. To continue policing with the consent of the population it serves, the police will always seek to treat everyone fairly and openly. Race or equality issues do not appear to have an impact in this matter.

## **8. Background/supporting papers**

- 8.1. None.

**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 (✓) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| <b>Financial Advice:</b><br>The Strategic Finance and Resource Management Team has been consulted on this proposal.                                                                                                  | ✓                             |
| <b>Legal Advice:</b><br>The MPS legal team has been consulted on the proposal required.                                                                                                                              | ✓                             |
| <b>Equalities Advice:</b><br>Equality and diversity issues are covered in the body of the report and the Workforce Development Officer has been consulted on the equalities and diversity issues within this report. | ✓                             |
| <b>Commercial Issues</b><br>Commercial issues are not applicable                                                                                                                                                     | ✓                             |
| <b>GDPR/Data Privacy</b> <ul style="list-style-type: none"><li>GDPR compliance issues are covered in the body of the report and</li><li>A DPIA is not required.</li></ul>                                            | ✓                             |
| <b>Director/Head of Service:</b><br>Judith Mullett has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.                                                     | ✓                             |

**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



Date

22/3/19