

## REQUEST FOR DMPC DECISION – PCD 112

**Title:** GPS Tagging Pilot – North and East London

### Executive Summary:

DMPC Decision 2015-57 approved the use of GPS Tagging as part of the wider Gripping the Offender Pilot to test the impact on sentencing outcomes and offender behaviour as part of an enhanced whole system response to those offenders causing the most harm to communities and the greatest demand on the broader criminal justice system.

An open and competitive process was undertaken to select a provider to support the delivery of a GPS pilot to run for one year and to tag between 75 and 100 prolific offenders.

This DMPC Decision requests approval to award this contract for the provision of GPS tags, (and any hardware and software needed to run them), a fitting service (resource to put on and remove the tags along with brief guidance that needs to be given to the offender) and a monitoring service.

### Recommendation:

That the DMPC:

- (a) Approve the award of a conditional contract up to the value of £150,000 to Buddi Ltd to deliver the GPS tagging service to be funded in 2016/17 financial year; and
- (b) Delegate responsibility for the finalisation of the contractual arrangements described below, including relevant terms and the signing of the contract, to the Chief Executive.

### 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**

*Sybil Underwood*

**Date**

21/12/16

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

### **Decision required – supporting report**

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

- 1.1 In January 2016, the Ministry of Justice (MoJ) announced their intention to run a small number of pilots with Police and Crime Commissioners and police forces to test the impact of GPS tagging on offender behaviour and decision making.
- 1.2 The Mayor's Office for Policing and Crime (MOPAC) put forward a proposal to test use of mandatory tagging as part of the Gripping the Offender (GTO) pilot – see DMPC Decision 2015-57. This was accepted by the MoJ and it was announced in March 2016 that North and East London Local Justice Areas (covering the eight pilot boroughs for GTO<sup>1</sup>) will be one of the first pilots in the country to test use of mandatory GPS tagging).
- 1.3 On 12 March 2016, the then Parliamentary Under Secretary of State for Justice wrote to the then Deputy Mayor for Policing and Crime (annex 2) to confirm that the necessary commencement orders will be made to enable MOPAC to pilot GPS tags as part of a community order, a suspended sentence order or a court imposed bail condition.
- 1.4 Part 4 of Schedule 16 of the Crime and Courts Act 2013 broadened the provisions of the Criminal Justice Act 2003 to add "electronic monitoring requirement" to the list of primary requirements that may be imposed as part of a community order or a suspended sentence order. For the purposes of this pilot, the MoJ has agreed to make the commencement orders to bring the provisions into force. The Ministry of Justice is working with MOPAC to issue a Code of Practice concerning the processing of data gathered in the course of electronic monitoring of offenders. Once enacted, Courts will be notified by the Ministry of Justice of the availability of Electronic Monitoring requirements.
- 1.5 The GPS tagging pilot will commence on 31 January 2017. Therefore, the commencement of the provisions needs to be no later than 9 January. If a delay occurs, the scheduled contract start date of 31 January 2017 is liable to change, as 21 calendar days are required for the laying of the Statutory Instruments in Parliament.

#### **Mandatory GPS Tagging Pilot**

- 1.6 The GPS tagging service will form a key part of the GTO pilot (please refer to DMPCD 2015 – 57), which is testing a whole system approach to address prolific offending by all partners working together to target services at those offenders causing the most harm to communities through repeat offending.
- 1.7 The GPS tagging service will be integrated and aligned with the other commissioned services being delivered through GTO including two dedicated pre-sentence report writers at court, a heightened policing response through the provision of additional analytical capacity and an enhanced offender management service providing bespoke interventions targeted at the needs of the prolific offender cohort.
- 1.8 The GPS tagging pilot will build on the infrastructure already in place as part of the GTO programme, including a dedicated implementation team with responsibility for overseeing delivery of the commissioned services.

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<sup>1</sup> The eight GTO boroughs are: North – Camden, Enfield, Haringey and Islington and East – Hackney, Newham, Tower Hamlets and Waltham Forest. The GTO pilot is focused on prolific offenders who cause the most harm to communities and aims to reduce their reoffending.

- 1.9 MOPAC's Evidence and Insight team will evaluate the impact of mandatory GPS tagging as part of the wider pilot evaluation. The evaluation of this pilot will be aligned with the MoJ's evaluation of the other GPS tagging pilots.
- 1.10 MOPAC has allocated up to £150,000 to GPS tagging for all three elements of the GPS tagging service being commissioned:
- 1) The provision of GPS tags – Buddi Ltd will supply GPS tags and associated equipment;
  - 2) Fitting of tags – Buddi Ltd will be required to provide a service to fit, install and remove the GPS tag and associated equipment;
  - 3) Monitoring of the Electronic Monitoring Requirements – Buddi Ltd will provide a monitoring service that operates 24 hours a day for 7 days a week.
- 1.11 The GPS tagging service is scheduled to launch on 31 January 2017, with mobilisation of the service taking place from December 2016, including training to the Judiciary, finalisation of contractual arrangements, processes and toolkit, and training and stakeholder engagement.

## 2. Issues for Consideration

- 2.1 DMPC 2015-57 approved GPS Tagging as part of the Gipping the Offender Pilot.
- 2.2 MOPAC undertook a competitive procurement process in line with the Contract Regulations to award the contract to provide and fit the tags, and monitor them. The process commenced on the 7<sup>th</sup> September 2016 and closed on the 5<sup>th</sup> October 2016.
- 2.3 MOPAC received two bids which were assessed by a multi-agency panel including MOPAC, CAST (Centre for Applied Science and Technology) and London Community Rehabilitation Company (CRC). The bids were assessed against the evaluation criteria set out in the procurement specification. Both bids met the essential criteria and were then scored against a set of quality criteria as outlined in the specification. The overall criteria and weightings are set out in the table below.

Ref.	Criteria	Weighting
1	Effective Implementation	10%
2	Delivery Model	35%
3	Data requirements	25%
4	Experience and Expertise	15%
5	Value for Money	15%
<b>Total</b>		<b>100%</b>

- 2.4 The recommendation of the panel was that MOPAC appoint Buddi Ltd to undertake the GPS tagging service as outlined in the specification.

## 3. Financial Comments

- 3.1. The maximum value of the conditional contract for the GPS tagging service will be £150,000. MOPAC has committed to funding the GPS tagging service through the Home Office Police Innovation Fund allocation (DMPCD 2015 – 57 refer). The deliverables and outcomes will be set out

in the contract and delivery against these will be monitored through the contract management process.

3.2. The Home Office Police Innovation Fund is provided through an annual grant to MOPAC. This decision complies with the general conditions and scope of the grant from the Home Office and in particular will:

- Provides a heightened policing response within the designated pilot area will ensure that GTO nominals are more consistently flagged and targeted throughout the Criminal Justice System.

#### **4. Legal Comments**

- 4.1. The Crime and Courts Act 2013 (Part 4 of Schedule 16 – Electronic Monitoring of Offenders) broadened the provisions in the Criminal Justice Act 2003 to add “electronic monitoring requirement” to the list of primary requirements that may be imposed as part of a community order or suspended sentence order. These provisions will shortly be brought into force.
- 4.2. 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.” This is a broad power and the commissioning of services which are part of a number of proposals aimed at reducing prolific offenders would enable the efficiency and effectiveness of the police service. In addition, 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.
- 4.3. Under MOPAC’s Scheme of Delegation, the award of individual contracts up to £499,999 has been delegated to the Chief Executive in line with Section 5 (section 5.12). This delegation includes the responsibility for signing the contractual agreement.
- 4.4. There are further relevant powers set out in the Crime and Disorder Act 1998 at sections 17(1) (a) to (c) which place MOPAC under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it can to prevent, crime and disorder (including anti-social and other behaviour adversely affecting the local environment) and reoffending in its area; and the misuse of drugs, alcohol and other substances in its area. The proposed arrangements are consistent with MOPAC’s duties in the Crime and Disorder Act 1998.
- 4.5. As the proposed pilot may raise issues under the Data Protection Act 1998 and/or the Human Rights Act 1998, a Privacy Impact Assessment has been carried out to assess and address any risks, and the Code of Practice (as outlined in paragraph 1.4) outlines how data can be used.
- 4.6. Officers must ensure it complies with its Financial Regulations and Contract Regulations and must ensure the right contractual documentation is put in place before the commencement of the services.

#### **5. Equality Comments**

- 5.1 Section 149(1) of the Equality Act 2010 provides that, in the exercise of their functions, public authorities must have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 5.2 The obligation in section 149(1) is placed upon the Mayor, as decision maker. Due regard must be had at the time a particular decision is being considered. The duty is non-delegable and must be exercised with an open mind.
- 5.3 There are some offenders that are over-represented within the GTO cohort. Young adult offenders (aged 18-25) will be a priority focus due to the significant volume of the GTO cohort that fall within this transitional age group, as well as their high reoffending rates and the opportunity the pilot present to test a new approach to address the additional needs this cohort of offenders often exhibit.
- 5.4 Female offenders will be a priority focus due to the cohort size being smaller, their bespoke needs and the positive impact that interventions can have on this target group. A female offender service has been launched for females in the south and west of London and GTO will allow for a further approach to reduce female offending to be tested in north and east London.
- 5.5 An Equality Impact Assessment has been conducted and any potential impact will be kept under review throughout the pilot.

## **6. Background/supporting papers**

Annex 1: Mandatory GPS tagging London Pilot – Request for Tender

Annex 2: Letter from Parliamentary Under Secretary of State for Justice

**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: Contract is yet to be awarded to successful provider and unsuccessful bidders need to be informed of the decision before publication of this decision.

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, as there is commercially sensitive information.

**ORIGINATING OFFICER DECLARATION:**

	<i>Tick to confirm statement (✓)</i>
<b>Head of Unit:</b> The Head of Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
<b>Legal Advice:</b> Legal considerations are covered in the body of the report.	✓
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team have been consulted on this proposal.	✓
<b>Equalities Advice:</b> The Workforce Development Officer has been consulted on the equalities and diversity issues within this report.	✓

**OFFICER APPROVAL****Chief Executive**

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

21/12/16

# **Mandatory GPS tagging London Pilot**

## **Request for Tender**

**August 2016**

*This specification describes the process and functions required to deliver a mandatory GPS tagging pilot in London. It details what is required from a GPS tag provider and is the specification that MOPAC will use to procure the electronic monitoring services and equipment required to deliver the pilot. It also sets out the information required for tender responses.*

# **Statement of Requirements**

## **Contents**

### **PART A: SPECIFICATION FOR THE SERVICE**

- 1. Overview**
- 2. Services to be delivered**
- 3. Offender risks**
- 4. Breaches and enforcement**
- 5. Alignment with other elements of Gripping the Offender**
- 6. Data Requirements**
- 7. Data Security**
- 8. Performance management data requirements**
- 9. Financial considerations**
- 10. Governance and reporting arrangements**
- 11. Additional papers**

### **PART B: BIDDING PROCESS AND REQUIREMENTS**



## PART A: SPECIFICATION FOR THE SERVICE

### 1. Overview

#### 1.1 Introduction and background

- 1.1.1 In January 2016, the Ministry of Justice (MoJ) announced their intention to run a small number of pilots with Police and Crime Commissioners and police forces to test the impact of GPS tagging on offender behaviour and decision making.
- 1.1.2 The Mayor's Office for Policing and Crime (MOPAC) put forward a proposal to test use of mandatory tagging as part of the Gripping the Offender (GTO) pilot. This was accepted by the MoJ and it was announced in March 2016 that North and East London Local Justice Areas (covering the eight pilot boroughs for GTO<sup>1</sup>) will be one of the first pilots in the country to test use of mandatory GPS tagging.
- 1.1.3 The Crime and Courts Act 2013 broadened the provisions in the Criminal Justice Act (2003) to add "electronic monitoring requirement" to the list of primary requirements that may be imposed as part of a community order or suspended sentence order. For the purposes of this pilot, the MoJ has agreed to enact the secondary legislation required to enable an electronic monitoring requirement to be imposed for the purposes of securing the electronic monitoring of an offender's whereabouts.
- 1.1.4 The GPS tagging service will form a key part of the GTO pilot, which is testing a whole system approach to address prolific offending by all partners working together to target services at those offenders causing the most harm to communities through repeat offending.
- 1.1.5 The GPS tagging service will be integrated and aligned with the other commissioned services being delivered through GTO including two dedicated pre-sentence report writers at court, a heightened policing response through the provision of additional analytical capacity and an enhanced offender management service providing bespoke interventions targeted at the needs of the prolific offender cohort.
- 1.1.6 The GPS tagging pilot will build on the infrastructure already in place as part of the GTO programme, including a dedicated implementation team with responsibility for overseeing delivery of the commissioned services.
- 1.1.7 MOPAC's Evidence and Insight team will evaluate the impact of mandatory GPS tagging as part of the wider pilot evaluation. The evaluation of this pilot will be aligned with the MoJ's evaluation of the other GPS tagging pilots.

#### 1.2 Aims of the GPS tagging pilot

- 1.2.1 The GPS tagging pilot will test the impact of mandatory GPS tagging on offender behaviour with the purpose of informing the effectiveness of GPS tagging as an offender management tool.

<sup>1</sup> The eight GTO boroughs are: North – Camden, Enfield, Haringey and Islington and East – Hackney, Newham, Tower Hamlets and Waltham Forest.

### 1.2.2 GPS tagging pilot aims to test:

- how the Judiciary uses the electronic monitoring requirement to use GPS tagging as a disposal for prolific offenders, and the technical processes for using GPS tags.
- the effectiveness of GPS tags in managing prolific offenders
- compliance rates

1.2.3 This is a small proof of concept pilot not intended to test longer term impact on reoffending, however it is intended that it will inform future policy and delivery of GPS tagging in London.

1.2.4 This GPS tagging pilot will be one element of the whole system approach being tested in the Gipping the Offender pilot. Further information on GTO can be found in Appendix A.

### 1.3 GPS tagging – summary

1.3.1 An electronic monitoring requirement will be made available as a primary requirement that certain courts can impose as part of a community order or suspended sentence order. GPS tags will be fitted to offenders to deliver this requirement.

1.3.2 There are three broad requirements being put out to tender as part of this pilot and the Contractor will be required to deliver all three elements, although this may include sub contracting arrangements. The three elements are (1) provision of GPS tags (and any hardware and software needed to run them) (2) a fitting service (resource to put on and remove the tags along with brief guidance that needs to be given to the offender) and (3) a monitoring service.

1.3.3 The electronic monitoring requirement can be imposed as a standalone requirement on a community order/suspended sentence order or combined with other requirements.

1.3.4 The following conditions must be met for an electronic monitoring requirement to be imposed during the pilot:

- Offenders must be aged 18 or over, resident in one of the eight pilot boroughs (Camden, Enfield, Hackney, Haringey, Islington, Newham, Tower Hamlets, Waltham Forest) and with an Offender Group Reconviction Scale<sup>2</sup> score of 75%+ or 50-74% with a robbery or burglary offence in the preceding 12 months.
- The requirement will only be available for the purposes of the pilot in the following courts: Thames Magistrates Court and Highbury Corner Magistrates Court (potentially the pilot may include Stratford Magistrates Court too, however current arrangements by HMCTS require the majority of sentencing decisions for the East London LJA to take place in Thames Magistrates Court). Crown courts will also potentially be able to use the disposal (details to be confirmed by MOPAC).
- A pre-sentence report must be completed by the National Probation Service recommending the electronic monitoring requirement, to ensure the criteria are met.

<sup>2</sup> The Offender Group Reconviction Scale (OGRS) is a tool used by probation services to calculate an offender's likelihood of reoffending.

## 1.4 Intended use of GPS tagging

1.4.1 The tags will be used primarily to monitor an offender's compliance with the requirements of a community order or suspended sentence order. In addition, the secondary legislation will enable an electronic monitoring requirement to be imposed for electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with other requirements included in the order), so the tags will also be used for this purpose, where this is required as part of the order.

1.4.2 Specifically the tags will be used to:

- Monitor compliance with a community order or suspended sentence order, including other requirements of these orders.
- Provide information on an offender's location at a specific date and time to support crime detection, where other intelligence justifies this use.
- Offer sentencers an alternative to custody, when combined with other enhanced services available through Gripping the Offender

1.4.3 Legislation also enables use of GPS tags to monitor compliance with bail conditions. Although this is not the primary intended use of GPS tagging for this pilot, if anticipated numbers of Electronic Monitoring Requirements are not met then MOPAC will work with the Contractor to put in place a process for use of the tags for monitoring compliance with bail, in addition to use with community orders and suspended sentence orders.

### 1.4.4 Monitoring compliance with a community order or suspended sentence order

1.4.4.1 The types of requirement that the tags would be used to monitor could include an exclusion zone, attendance at community payback, attendance at mandatory appointments for delivery of a Rehabilitation Activity Requirement/Drug Rehabilitation Requirement/Alcohol Treatment Requirement.

1.4.4.2 The judiciary can also impose an electronic monitoring requirement for the purposes of monitoring an offender's whereabouts. For these orders, data will be shared with the Responsible Officer for that order for the purposes of monitoring compliance. This data will not routinely be available to other agencies such as the police apart from when the electronic monitoring requirement is attached to a suspended sentence order (SSO).

1.4.4.3 In the case of an SSO, it is intended that GPS tagging data about the offender's whereabouts will be made available to the police to routinely match this against reported crime. This will be done to ensure the offender is complying with the requirement of the SSO to not commit further offences. This is different to community orders as with an SSO an offender is deemed to have breached the order if he/she commits a further offence during the operational period of the new order. A threshold of seriousness will be agreed between MOPAC, the Contractor and the Metropolitan Police Service to set out what crime types the GPS tagging data can be mapped against to ensure sufficient justification for use of the data in this way. This intended use of tags is still under discussion and may be subject to change in the final operating model.

1.4.4.4 For community orders, it is not considered an automatic breach of the order if a further offence is committed so therefore an offender can comply with the community order even if they continue to offend. Therefore location data that is not used for the purposes of monitoring compliance with other requirements of the community order (such as compliance with an exclusion zone), or data about an offender's whereabouts in the case of a standalone electronic monitoring requirement (which will be shared with the Responsible Officer only), will not be routinely available to agencies. This is considered extraneous location data and the Contractor will need to put measures in place to protect this data with it only being released if there is justification for an exemption under the Data Protection Act (1998) for the purposes of prevention or detection of crime. Detailed information about this can be found in section 6 of this specification (Data Requirements).

## 1.5 Size and location of pilot

1.5.1 The GPS tagging pilot will run for approximately 12 months starting in December 2016.

1.5.2 Between 75 and 100 offenders will be tagged during this timeframe.

1.5.3 The pilot will be delivered in the North London and East London Local Justice Areas (LJA). North London LJA is formed of the London Boroughs of Camden, Enfield, Haringey and Islington. East London LJA is formed of the London Boroughs of Hackney, Newham, Tower Hamlets and Waltham Forest.

1.5.4 For the purposes of the pilot, the electronic monitoring requirement will not be suitable for offenders who reside outside of these boroughs.

## 1.6 Equipment

1.6.1 GPS tags will be used to monitor the whereabouts of the offender so the tags are required to provide GPS tracking data at all times once fitted (within technical limitations).

1.6.2 The Contractor shall provide GPS tags that meet the minimum standards set out in the technical specification contained within Appendix B.

1.6.3 GPS tagging equipment may need to be tested by the Centre for Applied Science and Technology (CAST) before the contract is awarded.

## 1.7 Evaluation

1.7.1 The Contractor will be expected to comply in full with the requirements of MOPAC's Evidence and Insight team who will be undertaking the evaluation of this pilot.

## 2. Services to be delivered

### 2.1 Provision of GPS tags

- 2.1.1 The Contractor will supply GPS tags and associated equipment that meet the requirements set out in the technical specification in Appendix B.
- 2.1.2 The Contractor shall ensure they have a sufficient number of tags and associated equipment to deliver the service to up to 100 offenders in the pilot area for the anticipated duration of the pilot. When determining how many tags are sufficient, the Contractor shall take into account any potential damage to, and/or loss of, equipment and the need to retain equipment in evidence if required.
- 2.1.3 The Contractor shall maintain a log of all equipment received by offenders, which equipment is in use and equipment that has been returned to them. Equipment means the tags alongside any additional equipment required.
- 2.1.4 The Contractor shall ensure all equipment used is functioning properly. The Contractor will provide technical support for any problems or issues with the equipment.
- 2.1.5 The Contractor must have a means of determining whether an offender has tampered in any way with a piece of equipment.
- 2.1.6 The Contractor shall ensure the continuous operation and/or availability of all elements of equipment for the duration of the pilot and the removal of any equipment both when an electronic monitoring requirement on a specific offender comes to an end and when the pilot ends.

### 2.2 Fitting of tags

- 2.2.1 The Contractor shall provide a service to fit and install the GPS tags alongside any other equipment required for monitoring the Electronic Monitoring Requirement.
- 2.2.2 The Contractor shall attempt to fit the tags to the offender at court on the day of sentencing or at the nearest probation office, but should have arrangements in place to tag at the offender's home if this is not achievable.
- 2.2.3 The Contractor shall, where possible, provide equipment to enable the fitting and removal of tags and associated equipment to be done by staff from other agencies such as the National Probation Service, the Community Rehabilitation Company and the Metropolitan Police Service (if agreed post contract award). The Contractor shall also provide training to designated staff about how to safely fit and remove tags. Processes would need to be agreed between MOPAC, relevant agencies and the Contractor. The fitting of tags will ultimately remain the responsibility of the Contractor.
- 2.2.4 The Contractor shall not, where they need to attend an offender's home or place of accommodation to fit or install equipment, visit between midnight and 07:00 hours.

- 2.2.5 The Contractor shall make attempts daily to install the equipment until directed otherwise by the Responsible Officer. There should be a minimum of three initial attempts, unless there is an acceptable reason not to attend (e.g. an offender has absconded).
- 2.2.6 If the Contractor has reason to believe that the offender will not be present until the following day, they will not make a further attempt until the next day.
- 2.2.7 Where installations have not been successfully completed on the first visit, the Contractor shall take all reasonable steps to make the following visit successful, using alternative methods to engage the offender.
- 2.2.8 Where installation is not possible after three attempts, the Contractor should notify the Responsible Officer who will instigate breach proceedings on the basis of inability to monitor.
- 2.2.9 If during any visit to the offender the Contractor becomes aware of any illegal activity or other behaviour or circumstances that cause concern or risk to individuals or the public, it shall report these to the Responsible Officer.
- 2.2.10 If requested by the court or Responsible Officer at any point, the Contractor shall undertake checks to ensure that the address given by the offender is suitable for electronic monitoring. This may include a visit to the address to establish suitability. The Contractor shall report back the assessment of suitability to the requestor.
- 2.2.11 The Contractor shall confirm the identity of an offender before installing any equipment on the offender and take a copy of photographic identification, securely saving this in line with section 7 of this specification: Data Security.
- 2.2.12 At the time of fitting the tag, before putting the tag onto the offender, the Contractor shall provide the offender with verbal and written guidance to ensure that the offender has been fully informed about the electronic monitoring requirement. The Contractor shall put in place processes to ensure that guidance is made available for any offenders who are unable to speak or understand English.
- 2.2.13 MOPAC will produce a guidance document for the Contractor to provide written guidance to the offender. In addition, the verbal guidance must include information about:
- Any functional requirements such as the offender being required to keep the tag charged throughout the duration of the order
  - Steps the offender must take to maintain the equipment and ensure it is functioning correctly
  - What would constitute a breach of the order, including tampering with the equipment
  - How the data will be used
- 2.2.14 The offender will be required to sign a copy of the written guidance to confirm they have been made aware of and understand its contents and implications. The Contractor shall securely save a copy of the signed guidance document and make it available in the case of it being required for legal proceedings.

2.2.15 The Contractor shall also issue the offender with a Fair Processing Notice, at the point of fitting the tag which will explain how the data collected against them will be used. The wording of this notice is to be agreed with MOPAC and will include a statement to the effect that the data collected will be processed for the purposes of 'monitoring compliance with the Order of the Court and, if required, for crime prevention, detection and investigation purposes'. It must also explain that data about the offender's whereabouts will be captured 24 hours a day.

### 2.3 Monitoring of the Electronic Monitoring Requirements

2.3.1 The Contractor shall provide a monitoring service that operates 24 hours a day for 7 days a week.

2.3.2 The Contractor shall receive a notification from court of the requirement to be monitored (although the data contained within the notification will be virtually identical to the community order itself it is not the actual order).

2.3.3 Monitoring of the electronic monitoring requirement should commence immediately following installation of the GPS tagging equipment.

2.3.4 Monitoring for the purposes of this pilot will be primarily retrospectively, with a daily download of data to be provided at the end of each day. However the service shall include provision for live tracking to enable agencies to access information on an offender's location in real time, where it is deemed necessary.

2.3.5 The monitoring service shall provide the data required as set out in section 6: Data Requirements.

2.3.6 The Contractor shall provide software to deliver the monitoring service that meets the requirements set out in the technical specification in Appendix B.

## 3. Offender risks

3.1 It is the responsibility of the National Probation Service (NPS) to ensure suitable offenders are recommended for the pilot. Where offenders pose a high risk of harm to themselves or others, careful consideration should be given as to whether the fitting of a GPS tag or monitoring in anyway increases the risk posed.

3.2 The courts and probation services shall try wherever possible to inform the Contractor of any relevant risks posed by offenders e.g. a history of violence.

3.3 The Contractor shall consider any particular risks associated with an offender and take appropriate action to mitigate these risks through any interactions with the offender.

3.4 Where the Contractor identifies that monitoring a particular offender may present implementation or operational difficulties they shall raise this with the Responsible Officer. If no alternative can be agreed, and monitoring is not possible, the Responsible Officer should refer the matter to the NPS to consider whether to instigate legal proceedings on the basis of inability to monitor.

- 3.5 The Contractor shall ensure that should any concerns or risk information become evident during any visits or communication with the offenders; this shall be recorded and shared with the NPS, Community Rehabilitation Company, Metropolitan Police Service and courts (where appropriate).

#### **4. Breaches and Enforcement**

- 4.1 Enforcement of the Electronic Monitoring Requirement will take place in accordance with standard practice and current legislation, as conducted for breach proceedings of community orders and suspended sentence orders.
- 4.2 Consequently, the Responsible Officer is required to consider whether the offender has failed without reasonable excuse to comply with the requirements of his or her community order or suspended sentence order. They may then either issue a warning or refer the matter to an enforcement officer who may take action and initiate formal breach proceedings.
- 4.3 The Responsible Officer will usually be from either the National Probation Service or the Community Rehabilitation Company. However, for orders where the electronic monitoring requirement is the only requirement, the Contractor will act as the Responsible Officer.
- 4.4 A community order is breached if an offender has already been issued with a warning by the Responsible Officer for failing to comply with a requirement, and the Responsible Officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order. Enforcement activity must be in accordance with Schedule 8 of the Criminal Justice Act 2003.
- 4.5 Where a breach is admitted or proved in court, the court is required to either revoke the order and resentence the offender as if he or she had just been convicted of the original offence, or to amend the terms of the order so as to impose more onerous requirements.
- 4.6 A suspended sentence order is breached if an offender has already been issued with a warning by the Responsible Officer for failing to comply with a requirement, and the Responsible Officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order; or, if the offender is convicted of an offence during the operational period of the suspended sentence. For a suspended sentence order, there is a presumption that the court will activate the custodial part of the sentence on breach. However, the court may make the order more onerous if it feels it would be unjust in view of all the circumstances to activate the custodial element of the sentence.
- 4.7 The Contractor shall notify the Responsible Officer if there is a breach registered. Any breach or potential breach should be notified to the Responsible Officer via secure email as soon as it is identified and certainly within 24 hours.
- 4.8 Breaches (unreasonable failures to comply) may include:
- Loss of or damage to equipment necessitating repair or replacement where evidence shows this to be either intentional or reckless
  - Minor damage to the equipment where this appears not to be intentional or reckless but does require replacement



- Tampering with equipment or interfering with the ability of equipment to monitor whereabouts
- Failure to maintain the equipment, including keeping the tag charged
- Physical assault on, or threat of violence to, any of the Contractor's officers whilst undertaking the service
- Failure to allow the Contractor access to equipment during a visit, whether scheduled or unscheduled
- Failure to be present for an agreed scheduled visit from the Contractor, including installing equipment
- Failure to adhere to the requirements of the community order or suspended sentence order, such as entering an exclusion zone.

#### 4.9 Action in the case of breach

4.9.1 Regardless of what time it occurs, the Contractor shall attempt to contact the offender within 30 minutes if they have reason to believe that the offender has tampered with the monitoring equipment or any part of the equipment has failed. Where necessary, the Contractor shall visit the offender to check the equipment. The Contractor shall, when visiting to check equipment:

- Do so within 24 hours of the Contractor having reason to believe that the equipment has been tampered with
- Not do so within the hours of midnight and 07:00
- Wherever possible, contact the offender in advance to inform them of the proposed visit
- Identify and replace any equipment that is unable to continue to be used for the purposes of the Electronic Monitoring Requirement
- Make sure Contractor staff do not wear any uniform, clothing, badges or other insignia which identifies them as connected to the Electronic Monitoring Requirement or the Contractor. The Contractor shall ensure that all vehicles are unmarked and likewise shall not be identifiable as connected to the Electronic Monitoring Requirement or the Contractor. When conducting visits, Contractor staff shall be discrete and considerate towards the offender, any other person living at that address and the neighbours
- Ensure when arranging visits that the most efficient schedules and routes are used, taking into account the relative priority of offenders and the nature of the visits
- Provide any breach information relating to an offender, or the monitoring of an offender, that is requested by the court or probation services.

4.9.2 Immediately after the detection of a potential breach, the Contractor will make attempts to contact the offender via a telephone call in order to discuss the offender's behaviour and circumstances. The potential breach and any discussions with the offender will be conveyed to the Responsible Officer, if applicable. The Contractor will confirm as to whether the event is a confirmed tamper or other confirmed breach.

4.9.3 It will be the Responsible Officer who will then contact the offender to find out the reasons why a breach has taken place and assess any reasons provided, with a view to determining whether the offender is deemed to have failed to comply with the Electronic Monitoring Requirement.

#### 4.10 Enforcement

- 4.10.1 The NPS shall be responsible for the enforcement in court of any Electronic Monitoring Requirement as part of a community order or suspended sentence order, whether a single 'stand alone' Electronic Monitoring Requirement or orders with multiple requirements.
- 4.10.2 The Metropolitan Police Service (MPS) will be responsible for the initial arrest of an offender. The MPS and Court Enforcement Officers will be responsible for the execution of any warrants.

## **5. Alignment with other elements of Gripping the Offender**

- 5.1 The Contractor shall work with MOPAC to ensure that the GPS tagging pilot is aligned to, and integrated with, the other commissioned services that form the Gripping the Offender pilot. This includes, but is not limited to, the enhanced pre-sentence report service delivered by the National Probation Service, the enhanced offender management service delivered by the Community Rehabilitation Company and the heightened policing response from the Metropolitan Police Service.
- 5.2 The Contractor shall send a representative to all necessary governance meetings for the broader Gripping the Offender pilot, as directed by MOPAC.
- 5.3 The Contractor will work with MOPAC throughout the duration of the GPS tagging pilot to provide relevant material that promotes the use of the Electronic Monitoring Requirement and will attend stakeholder engagement events and meeting with partners when required.
- 5.4 The Contractor will be responsible for delivering regular update reports to MOPAC's Gripping the Offender Implementation Team.

## **6. Data Requirements**

- 6.1 The Contractor shall ensure they understand and comply with the Ministry of Justice's Code of Practice (developed for the purposes of the GPS tagging pilot) in its entirety. This is currently still in development but sets out high level principles about expectations, safeguards and broad responsibilities for the collection, retention and sharing of data for the purposes of the pilot. More detailed requirements are contained within this specification.
- 6.2 The Contractor shall allocate each offender a unique reference number. Each offender should only be allocated one unique reference number through the life of the pilot.
- 6.3 The Contractor shall ensure that the data available is capable of being manipulated and configured by probation services, the police and courts to meet their particular reporting needs. The Contractor shall ensure that the data made available is as up-to-date as is practicable.
- 6.4 A daily record of the number of offenders subject to the Electronic Monitoring Requirement in the pilot area shall be provided by the Contractor. This must be made available to MOPAC, local courts and the CRC/NPS. This is required so that sentencers do not exceed the total available equipment for a particular area.

## 6.5 Data to monitor compliance with other requirements of the community order or suspended sentence order

### 6.5.1 Data to be provided by the Contractor includes:

- Offender personal details including name, address, age and other protected characteristics
- Name of Responsible Officer
- A log of any communication with the offender, the Responsible Officer or other parties discussing a specific case. This log shall be specific to each Electronic Monitoring Requirement.
- Automatic alerts about potential breaches and violations including any suspected tamper with the equipment, breach of exclusion zone etc.
- A daily tag trail for all those offenders on suspended sentence orders so that this can be mapped with crimes to ensure compliance (by not committing any further offences).

### 6.5.2 It is desirable for there to be a web-based portal with a simple interface that shows data related to compliance (e.g. battery power left, tamper alerts, compliance with other requirements such as exclusion zones etc.) and data about an offender's whereabouts (for relevant orders).

### 6.5.3 The users of this portal would primarily be Responsible Officers (from the CRC and NPS) who would require access to data on the offenders that they manage. For those offenders on suspended sentence orders, the police would also require access to the portal.

### 6.5.4 Any web based portal should be accompanied by a system of alerting Responsible Officers to a notification e.g. by sending an email alert to notify of any suspected tamper with the GPS tagging equipment.

## 6.6 Data requirements to monitor an offender's whereabouts (for orders with this requirement)

### 6.6.1 Data to be monitored includes:

- Offender personal details including name, address, age and other protected characteristics
- Name of Responsible Officer
- A log of any communication with the offender, the Responsible Officer or other parties discussing a specific case. This log shall be specific to each Electronic Monitoring Requirement.
- A daily tag trail for each offender monitored showing:
  - A map detailing their whereabouts
  - Their most visited locations and the date and time they were there
  - Speed of movement
  - The height above ground where possible
- The offender's current location in real-time (where a specific request has allowed access to this data e.g. for the purposes of arrest)

### 6.6.2 This data must be collected and stored by the Contractor, and made available to the Responsible Officer for the order. For offenders subject to community orders, the data should only be released to stakeholders other than the Responsible Officer where there is sufficient justification and an External Agency Request has been submitted and approved (as outlined in section 7.7: Data

Sharing). For offenders subject to suspended sentence orders, this data should be routinely accessible to the police for the purposes of monitoring compliance with the SSO.

- 6.6.3 It is desirable for the Contractor to provide an automated analytical tool to support the use of tagging data to monitor whereabouts. The data should be in a format with the ability to undertake the following analysis:
- Identify patterns over several days
  - Identify individual week day patterns
  - Multiple date and time parameters i.e. every Monday between 12 noon and 4pm
  - Input any address into the system to see if a tagged offender has been near it
  - Compare specific crime types to tag data
- 6.6.4 The Contractor shall provide weekly updates to the Responsible Officers of offenders currently subject to an Electronic Monitoring Requirement. The format of the updates will be designed to meet the needs of the Responsible Officers and adhere to the Privacy Impact Assessment (to be provided to the Contractor).
- 6.6.5 The Contractor shall, if required, produce a report on a requested individual for use in court, as and when required. This report shall be produced in a format that is acceptable to the enforcement department initiating legal proceedings and the court. The Contractor may also be required to attend court as a witness to substantiate the report, provide evidence and/or defend the GPS tagging equipment.
- 6.6.6 There is a cap of 100 offenders able to be included in the pilot. MOPAC will monitor the monthly reports provided by the Contractor to allow for an early indication as to whether the cap is likely to be exceeded.
- 6.6.7 The Contractor shall (alongside probation and courts) provide information/data to MOPAC, or any third party specified by MOPAC, as is required to continuously monitor and evaluate the pilot and in order to produce an end of pilot report. The Contractor shall also work with probation (NPS and CRC) and the courts (HMCTS) to prepare a standard monthly statistical report for MOPAC.
- 6.6.8 The Contractor shall ensure that this report is made available by 17:00 hours on the same day every month in a format that MOPAC is able to use.
- 7. Data security**
- 7.1 The Contractor shall ensure that only personal and sensitive data which is necessary for the intended use of the tags shall be collected and, where required and as permitted by legislation, shared with agencies.
- 7.2 The Contractor shall ensure that data is only processed for the purposes for which it was obtained unless exemptions apply or legislation permits.

- 7.3 The Data Controllers (a person who [either alone or jointly or in common with other persons] determines the purposes for which, and the manner in which, any personal data are, or are to be processed) for the project will be:
- MOPAC, as it will be leading the implementation and evaluation of the pilot scheme
  - The Ministry of Justice, as it will be involved in the evaluation of the pilot scheme and determines the purposes for which data are processed for electronic monitoring of subjects on community orders and suspended sentence orders.
- 7.4 In addition, the following agencies will be considered Data Controllers of the information in their possession:
- the London Community Rehabilitation Company who is primarily responsible for supervising low and medium risk of harm offenders who have an electronic monitoring requirement
  - the National Probation Service who is primarily responsible for supervising high risk of harm offenders who have an electronic monitoring requirement
  - the Metropolitan Police Service who is responsible for the apprehension of offenders who have breached electronic monitoring orders and may, subject to justification, process the data for the purposes of prevention and detection of crime
  - The Crown Prosecution Service, who may require data to be shared for the purposes of legal proceedings or prospective legal proceedings
  - Government Legal Services, who may require data to be shared for the purposes of legal proceedings or prospective legal proceedings.
- 7.5 Each Data Controller has full data protection responsibility to safeguard any personal information or data to which they have access and to ensure confidentiality.
- 7.6 The Contractor shall act as a Data Processor (any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller) for the pilot.
- 7.7 Data Sharing
- 7.7.1 The Contractor acknowledges that the sharing of personal data is subject to the “need to know” principle and it is the responsibility of Data Controllers to ensure that this is enforced in respect of personal data for which they are accountable.
- 7.7.2 The Contractor shall put in place systems to ensure that agencies only have access to the data for those offenders they have responsibility for, and for the purposes for which it was collected. The Contractor shall work with MOPAC to ensure that Information Sharing Agreements are in place with all the relevant agencies to set out the parameters of data sharing and ensure that personal data is protected. Personal data shall not be shared with anyone other than those agencies mentioned in section 7.4 of this specification.
- 7.7.3 The type of data that can be shared with agencies is as follows:
- The NPS will be given access to electronic monitoring data that has been gathered on Orders where they act as the Responsible Officer for that particular offender, or if they are required to take enforcement action against that person. The data shared with the NPS shall only be for the

purpose of monitoring compliance with, and the enforcement of, relevant Orders, obtaining management reports in connection with these Orders or to evaluate the pilot project.

- The London CRC will only have access to data gathered on Orders where they act as the Responsible Officer for that offender on that particular Order. The data shared with the CRC shall only be for the purpose of monitoring compliance with, and the enforcement of, relevant Orders, obtaining management reports in connection with these Orders or to evaluate the pilot project.
- The Metropolitan Police Service will be given access to data to assist in the apprehension or offenders who have breached their Order and are required to be returned to Court, and to assist with the detection of crime where the offender is subject to a suspended sentence order or there is sufficient intelligence to justify sharing this data as proportionate for the purposes of detecting crime. Appendix C provides an example of how this process could work.

7.7.4 Any web based portal shall include provision to ensure that rights of access are restricted in accordance with this specification.

7.7.5 If stakeholders require access to data for other reasons than those set out above, including access to extraneous location data, they will need to submit an External Agency request to the Contractor. The request must explain why access to the information is required and failure to provide sufficient and appropriate justification will lead to it being rejected. By way of example, should access to such data for the purposes of detection or prevention of crime, they will need to set out the reasons why they believe that the specific offender are likely to be, or were likely to have been, involved in the criminal behaviour that is under investigation. An approval process will be agreed with the Contractor before the pilot starts. The Contractor shall be required to maintain a spreadsheet of all requests and the outcomes of these. An example process is contained in Appendix C.

7.7.6 Data shall only be transmitted by secure means when communicating personal and sensitive information. All information shared with partners must be through secure email such as the CJSM portal. The Contractor will need to set up and have access to the Criminal Justice Secure eMail (CJSM) exchange so they can receive electronic notification of the orders. Details available from <https://www.cjsm.net/>

## 7.8 Data security

7.8.1 The Contractor is responsible for retaining all required information and data for a minimum of six months following the end of the pilot and processing it in accordance with applicable government standards, policies and legislation. Thereafter the data will be securely transferred to the MoJ to retain for six years.

7.8.2 The Contractor shall ensure that all information relating to the pilot is held securely as a minimum in accordance with ISO27001 and processed in accordance with the Data Protection Act 1998. The Contractor shall be ISO27001 certified ([www.iso.org/iso/home/standards/management-standards/iso27001.htm](http://www.iso.org/iso/home/standards/management-standards/iso27001.htm))

7.8.3 The Contractor is responsible for ensuring that the system that stores the data complies with BS10008 which is the British Standard that outlines best practice for the implementation and

operation of electronic information management systems, including the storage and transfer of information.

- 7.8.4 The Contractor shall provide evidence that information will be held and processed compliant to HM Government IA Standard at Business Impact Level 3 for Confidentiality is also acceptable. **Other industry standards are not acceptable.**  
([www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255910/HMG\\_Security\\_Policy\\_Framework\\_V11.0.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255910/HMG_Security_Policy_Framework_V11.0.pdf))
- 7.8.5 The Contractor shall ensure that data in transit between the tag/field based equipment and the monitoring centre will be encrypted. Data at rest stored on tablets and laptops will also be encrypted.
- 7.8.6 The Contractor shall retain all official documents (and any other notification document) securely in electronic form and provide them to courts, the NPS and the CRC as required in electronic form or in any other format that may be reasonably requested.
- 7.8.7 All of the Contractor's staff who have access to information relating to the pilot must be suitably trained, be security cleared at the appropriate level for the information they handle and comply with the Official Secrets Act 1989.

## **8. Performance management data requirements from Contractor**

- 8.1 The Contractor is not expected to carry out the evaluation of the pilot. MOPAC's Evidence and Insight team will carry out the evaluation of the pilot as part of the broader Gripping the Offender pilot evaluation. The evaluation will be aligned to the evaluation of the other Ministry of Justice GPS tagging pilots.
- 8.2 Information and data as set out in the requirements below will directly support the evaluation. This information will need to be provided in an anonymised form to MOPAC.
- 8.3 The Contractor shall provide data on both a monthly basis and a running total. MOPAC will provide a template for this data return.
- 8.4 The information to be provided includes, but is not limited to, the following:

### **Offender information**

- Number of offenders on a tag
- Age
- Gender
- Ethnicity/background/other protected characteristics
- Borough of residence
- Monitoring of repeat offenders (Each offender should be allocated a unique reference number to ensure accurate counting of offenders on an Electronic Monitoring Requirement). An offender who

has breached, and the order is allowed to continue but may receive additional days will still count as one offender

- Compliance and breach rates
- Reasons for any violation or breach
- The time taken to notify the Responsible Officer of a potential breach
- The outcome of breach hearings including any revocation of the Electronic Monitoring Requirement
- Completion data

### Electronic Monitoring information

- The Order details (community order or suspended sentence order)
- The period of time the Electronic Monitoring Requirement is imposed for, for each offender, and the actual period of time monitoring was undertaken
- The original offence for which the Electronic Monitoring Requirement was imposed
- The sentencing court
- Time taken to receive notifications of Orders from court
- Number of External Agency Requests to access extraneous location data and the outcome of these

### GPS equipment information

- The efficacy of the GPS tagging equipment and the surrounding monitoring process. For example, a) distribution of x minute intervals in which offender's position was known by (i) presence near home unit, (ii) GNSS, (iii) mobile network, (iv) any other location technologies e.g. wifi, (v) any combination of the above
- b) battery performance (i) distribution of run times from last battery charge to monitoring ceasing due to low battery condition in cases where the battery ran low
- c) data outlining offender's compliance with charging requirements
- The number of GPS tags and equipment (including chargers and home units) which needed to be repaired or replaced during the pilot (including reasons why).

## **9. Financial Considerations**

- 9.1 MOPAC will accept bids up to the value of £150,000.
- 9.2 The total budget should include all three services required (provision of tags, fitting of tags and monitoring of the Electronic Monitoring Requirement).
- 9.3 The Contractor shall set out in the tender what the daily unit cost is for each tag alongside any upfront costs.

## **10. Governance and reporting arrangements**

- 10.1 As commissioner of the service, MOPAC is responsible for contract management to ensure effective delivery and value for money.



- 10.2. The Contractor shall produce a monthly performance report providing the data specified in section 8 of this specification and any other data requested by MOPAC. The reports shall also outline mitigating action in the case of underperformance. A template for this return shall be agreed between MOPAC and the Contractor.
- 10.3. Monthly contract monitoring meetings will take place between MOPAC and the Contractor.
- 10.4. The Gipping the Offender Programme Board, and the London Reducing Reoffending Board, will provide overall oversight and strategic direction with regard to the service.<sup>3</sup>
- 10.5. The Contractor will be required to attend and provide updates to the Gipping the Offender Programme Board where performance will be reported and discussed.
- 11. Additional papers**  
 Appendix A: Gipping the Offender Enhanced Services  
 Appendix B: Technical specification  
 Appendix C: Example process for accessing extraneous location data

## **PART B: BIDDING PROCESS AND REQUIREMENTS**

### **12. Tender response**

- 12.1 Tenders submitted should be on the assumption that Electronic Monitoring Requirements are expected to be imposed for up to 6 months (however the exact length will be determined by the judiciary) and an estimated 75-100 offenders will be made subject to the requirements between December 2016 and December 2017.
- 12.2 The Contractor will also assume that they are responsible for delivering the Electronic Monitoring Requirement for the duration of the requirement, as specified by the court. This will apply in accordance with this contract and will continue for any Order imposed up until the end of the pilot.
- 12.3 The format and layout of the bid must:
- be written in size 12 Arial font
  - include page numbers on all pages of the bid and any appendices
  - be strictly limited to the page count under each criteria, with the bid being a maximum of 50 pages in length excluding copies of requested policies and documents.

### **13. Evaluation and scoring**

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<sup>3</sup> The Gipping the Offender Programme Board will oversee delivery of the Service alongside the other enhanced services delivered as part of the GTO pilot. The Adult Reducing Reoffending Board, which reports into the London Crime Reduction Board, provides governance and strategic direction for adult reoffending work in London.

- 13.1 Award of the contract will be subject to a competitive process and evaluated by a panel against the requirements outlined in this document. Bidders need to complete in full the tender template.
- 13.2 Tenders will be evaluated against the criteria outlined below. If the bid fails to meet any of the criteria, due to missing evidence or evidence that does not meet the criteria, the bid will not be considered further.
- 13.3 Scoring standards

Scoring standards	Criteria	Score
Outstanding	Fully meets the requirement and offers added value - the evidence demonstrates that the requirement is fully met and provides demonstrable added value.	5
Good	Fully meets the requirement - the evidence demonstrates that the requirement is fully met.	4
Satisfactory	Almost meets the requirement - evidence provided shows that the requirement is met but MINOR reservations exist about the quality or extent of the evidence provided.	3
Poor	Partially meets the requirements - evidence provided shows that the requirement is partially met but SIGNIFICANT reservations exist about the quality or extent of the evidence provided.	2
Unacceptable	Fails to meet the requirements - failed to demonstrate or provide evidence of an ability to meet the requirement	1
Non-compliant	Fails to provide the required information.	0

- 13.4 For those tenders which score 3 or above for all responses to the award criteria, the evaluation of the bid will proceed. **For those tenders in which one of more criteria scores 2 or less, the evaluation will not proceed and the bid will fail.**
- 13.5 Each requirement will be scored and multiplied by the relevant sub-weighting to arrive at a weighted score. Weighted scores will be added together, providing an overall score for the bid. The decision of the panel will be final and no negotiation will be entered into with unsuccessful provider(s).
- 13.6 Criteria weighting defines the weighting that each criteria has been assigned. The table below contains a list of all criteria and the relevant weighting for each. All the criteria are mandatory; if you do not respond to all criteria and fail to provide a satisfactory reason as to why you cannot respond to a particular question, **this will result in a zero mark.**

Ref.	Criteria	Weighting
1	Effective Implementation	10%
2	Delivery Model	35%
3	Data requirements	25%
4	Experience and Expertise	15%
5	Value for Money	15%
<b>Total</b>		<b>100%</b>

13.7 The evaluation quality criteria for the service are shown in section 14.

#### 14. Criteria and Tender template

##### 14.1. Essential Criteria

Ref	Essential Criteria	Confirm you meet the criteria	Response - no more than 300 words for each point – where relevant
		Yes / No	
1	<b>Reference:</b> Provide a minimum of two references for each of the providers within the bid. These should be <i>completed references</i> with contact details should there be further questions.		
2	<b>Accounts:</b> Provide two years of audited accounts for each of the providers in the bid.		
3	<b>Information Sharing and Confidentiality:</b> All providers should ensure that effective information sharing is in place and that data protection, risk management, and confidentiality duties are met. To meet these essential requirements, Providers must indicate in their bid that they are willing to sign information security agreements with MOPAC and the other relevant agencies. All providers should provide a copy of their Data Protection Policy.		
4	<b>Safeguarding:</b> Provide assurance that front line staff have been DBS checked or provision of appropriate policy and processes to ensure oversight and safeguarding are taken into account when working with offenders, some of whom may be vulnerable. All bidders should provide copies of their safeguarding policies and risk management processes. Bidders should also show evidence of safeguarding training.		
5	<b>Equal Opportunities:</b> All providers		

Ref	Essential Criteria	Confirm you meet the criteria Yes / No	Response - no more than 300 words for each point – where relevant
	must demonstrate commitment to equal opportunities and understanding of equality issues. All providers and services must be compliant with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC (and its providers and services) 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. Equal opportunities policies must be provided.		
6	<b>Complaints:</b> All providers must supply a copy of Complaints Policy for service users who are not satisfied, including the complaints process and how the response is managed		
7	<b>Budget:</b> Provide a breakdown of how funding will be allocated and used to deliver the three components of service (provision of tags, fitting and monitoring services). MOPAC expects proposals to stay within the overall funding, with any on-costs and overheads to be built within this amount. This can be a high level breakdown as more detailed information is required in the next section.		
8	<b>Sub-contracting:</b> Providers must provide details of any services that may be sub-contracted to a third party during the contract period and must give details of those sub-contractors.		
9	<b>Insurance:</b> The Provider shall have adequate insurance cover (including but not limited to public liability insurance)		

Ref	Essential Criteria	Confirm you meet the criteria	Response - no more than 300 words for each point – where relevant
		Yes / No	
	with regard to liabilities and losses that may arise in connection with the Funded Activities and shall provide evidence of such insurance. Professional Indemnity - £1M Employers Liability - £10M Public/Products Liability - £10M		
10	<b>Health and Safety:</b> Health and Safety (H&S) regulations stipulate if a company has 5 or more employees it is obliged to have a H&S policy. Please confirm that your organisation: <ul style="list-style-type: none"> <li>• has a written Health and Safety at Work Policy</li> <li>• complies with the Health and Safety at Work Act 1974?</li> <li>• trains its staff in Health and Safety?</li> </ul> Please also provide a copy of your H&S policy.		
11	<b>Health and Safety continued:</b> Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (1995) (RIDDOR), how many reportable incidents and dangerous occurrences (near misses) has your company had? For each occurrence please define: <ol style="list-style-type: none"> <li>1. the date(s) when the incident occurred;</li> <li>2. what the incident involved;</li> <li>3. how the incident was recorded and</li> <li>4. what actions have been taken since the occurrence to mitigate future risk.</li> </ol>		



## 14.2. Key Criteria

Ref	Criteria	Requirement Weighting 1-3	Maximum score
1	<b>10% Effective Implementation: (maximum 8 pages in total)</b> Effective and timely implementation of the GPS tagging service		
1.1	Provide a detailed project plan for the first two months of delivery (December 2016-January 2017) and an engagement plan for the first month. This should include identification of key activities, milestones, risk and contingency arrangements, as well as work with MOPAC and other partners during this period to enable fast mobilisation of the service.  The project plan should cover all three elements of service provision (tags, fitting and monitoring) and will outline the duration of the tasks and the resources required to ensure success. Providers can submit a project plan using excel, MSPProject, word or similar programme.	2	10
	<b>Enter response here:</b>		
1.2	Provide a high level plan for delivery of all elements of the service for the duration of the programme (December 2016 – December 2017), including early identified potential risks and mitigation.	2	10
	<b>Enter response here:</b>		
	Outline how you will engage with the relevant agencies mentioned in the specification to put processes in place to ensure quick and effective notification processes.	1	5
	<b>Enter response here:</b>		
2	<b>35% Delivery Model: (Maximum 18 pages in total)</b>  Delivery model for the three elements of service: GPS tagging equipment, fitting of tags and a monitoring service.		

Ref	Criteria	Requirement Weighting 1-3	Maximum score
2.1	Explain how the GPS tags and associated equipment that you will be providing meet the requirements set out in the technical specification in Appendix B.	3	15
	<b>Enter response here:</b>		
2.2	Specify how many tags will be provided and how this will meet demand to ensure 75-100 offenders are tagged over the duration of the pilot.	2	10
	<b>Enter response here:</b>		
2.3	Explain your delivery model for fitting the GPS tags and associated equipment, including a process map that shows where and when attempts will be made to fit tags. You should refer back to the requirements detailed in section 2.2 of Part A: Specification for the service.	3	15
	<b>Enter response here:</b>		
2.4	Outline whether you will provide equipment to enable the fitting and removal of tags by other relevant agencies, including the training package that would accompany this.	1	5
	<b>Enter response here:</b>		
2.5	Provide a detailed explanation of the monitoring service that will be provided, referring back to section 2.3 of Part A: Specification for the service.  Your response should provide as much detail as possible.	3	15
	<b>Enter response here:</b>		
2.6	Outline how your service will align with other elements of the Gripping the Offender pilot described in Appendix A.	1	5
	<b>Enter response here:</b>		
2.7	Explain how you will work with partners to ensure timely enforcement action is taken when there has been any potential breach of the Electronic Monitoring Requirement. You should	3	15

Ref	Criteria	Requirement Weighting 1-3	Maximum score
	refer back to Section 4 of Part A (Specification for the service): Breaches and Enforcement.		
	<b>Enter response here:</b>		
<b>3</b>	<b>25% Data Requirements (maximum 12 pages in total)</b> Data reporting and data security		
3.1	Provide details of the data system and mechanisms that you will use to meet the data requirements set out in section 6 of Part A (Specification for the service): Data Requirements.  Provide a comprehensive list of the data that will be collected as well as the frequency of recording this data.	3	15
	<b>Enter response here:</b>		
3.2	Outline whether you will provide a web-based portal and the details of this including how you will ensure compatibility with the IT systems of relevant agencies that would require access to the portal. Please include details of this portal including screenshots where possible.	2	10
	<b>Enter response here:</b>		
3.3	Provide details of any automated analytical tool that will be provided to support the analysis of tagging data.	1	5
	<b>Enter response here:</b>		
3.4	Fully outline how you will meet the data security requirements set out in section 7 of Part A (Specification for the service): Data Security.  Your response should include as much information as possible about processes for storing and sharing data as well as how you will ensure data is restricted to protect personal data.  Please provide evidence that your system for storing data complies with BS10008 and that you are ISO27001 certified.	3	15
	<b>Enter response here:</b>		
<b>4</b>	<b>15% Experience and Expertise: (8 pages in total)</b> Experience and expertise in delivering a high quality GPS tagging and monitoring service.		
4.1	Demonstrate your experience and expertise in:	3	15



Ref	Criteria	Requirement Weighting 1-3	Maximum score
	<ul style="list-style-type: none"> <li>Providing a GPS tagging and monitoring service (including whether this has been on a voluntary or mandatory basis)</li> <li>Providing other mandatory tagging services</li> </ul>		
	<b>Enter response here:</b>		
4.2	<p>Provide evidence of your experience of working with partners in the Criminal Justice System including experience of establishing and developing sustainable partnerships with statutory partners.</p> <p>Also outline your understanding of relevant legislation, the current judicial system and offender management landscape.</p>	2	10
	<b>Enter response here:</b>		
5	<p><b>15% Value for Money: (4 pages in total)</b></p> <p>Budget breakdown and value for money of the service</p>		
5.1	We want to ensure that the delivery model offered provides value for money. Outline how your service will do this.	3	15
	<b>Enter response here:</b>		
5.2	<p>Provide a detailed budget breakdown, identifying:</p> <ul style="list-style-type: none"> <li>the daily unit cost for each tag alongside any upfront costs.</li> <li>a breakdown of the rate for each offender</li> <li>a total price for the estimated 75-100 offenders broken down clearly by the three primary Contractor functions:               <ol style="list-style-type: none"> <li>Provision of GPS tags</li> <li>Fitting of tags</li> <li>Monitoring Service (including collation of individual monitoring results and performance management requirements as set out, to support the evaluation).</li> </ol> </li> </ul>	2	10
	<b>Enter response here:</b>		
5.3	Outline your capability to provide additional tags and monitoring, for an increase in numbers above the 75-100 offenders, if additional funding was to become available during the pilot. This should include evidence of the largest number of tags you have previously monitored at any one time.	1	5
	<b>Enter response here:</b>		

## 15. Clarification and support

- 15.1. There is a period of 2 weeks from the date the specification goes live to allow potential bidders to submit clarification questions. The deadline for such questions is 21<sup>st</sup> September 2016 and should be emailed to [lee.gale@insight.com](mailto:lee.gale@insight.com) & [faith.whitby@insight.com](mailto:faith.whitby@insight.com). All questions submitted will be responded to and made publicly available on 30<sup>th</sup> September 2016.
- 15.2. No direct contact should be made with MOPAC regarding the tender. Any attempt to communicate may result in your tender being disqualified.

## 16. Submission and notification process

- 16.1. Completed tenders should be submitted to the following email addresses by no later than 23:59 on 5<sup>th</sup> October 2016: [lee.gale@insight.com](mailto:lee.gale@insight.com) & [faith.whitby@insight.com](mailto:faith.whitby@insight.com)
- 16.2. All bidders will be emailed directly to inform them of the outcome of their bid.

## 17. Timescales

- 17.1. The key milestones for the tendering process are:

Deliverable	By Date
Supplier briefing day – City Hall, London. Agenda to follow	7 <sup>th</sup> September 2016
Clarification questions deadline	21 <sup>st</sup> September 2016
<b>Tender submission deadline</b>	<b>5<sup>th</sup> October 2016</b>
Assessment of bids completed	28 <sup>th</sup> October 2016
Testing of equipment for CAST approval (if necessary)	November
Contract awarded and notice to unsuccessful providers	November/December
Service launched	December 2016



**Ministry  
of Justice**

Stephen Greenhalgh  
Greater London Authority  
City Hall  
The Queen's Walk  
London  
SE1 2AA

**Dominic Raab MP**  
Parliamentary Under-Secretary  
of State for Justice



MP ref: [MOPAC11032016-  
23013]

17 March 2016

Dear Steve,

**MOPAC 'GRIPPING THE OFFENDER' GPS PILOT**

The Secretary of State has asked me to reply to your letter of 15<sup>th</sup> March. I am grateful for the information that your team provided to MoJ officials on the 'Gripping the Offender' Pilot. I understand that, as part of this pilot, you are keen to include GPS tagging as a court imposed bail condition, and where offenders are given an electronic monitoring requirement as part of a community order or suspended sentence order.

I can confirm that MoJ Ministers are happy to support this and I have instructed officials to make the necessary commencement order when the tags become available.

I would be interested to hear more about the pilot as it progresses and would appreciate early sight of the evaluation to feed any learning into our broader Electronic Monitoring strategy. I have asked MoJ Press Office to get in touch with your team on the announcement.

Yours sincerely, *Dominic Raab*

**DOMINIC RAAB**

