

REQUEST FOR DMPC DECISION – PCD 516

Title: Integrated Victims and Witnesses Service – contract award

Executive Summary:

PCD 174 and PCD 377 set out the DMPC decision to recommission core victims' services in London – the provision of support for adult victims of crime; for victims and survivors of domestic abuse; for those wishing to access restorative justice, and support for victims of major crime incidents.

Furthermore, the Memorandum of Understanding (MoU) 'Towards Criminal Justice Devolution', signed in March 2018 by the Mayor of London, Ministry of Justice and London Councils, includes a commitment to devolving pre-trial support for witnesses in London to MOPAC, to support the improved integration of services. This commissioning exercise includes the devolved element of provision of pre-trial support for witnesses.

MOPAC undertook a procurement exercise to identify a provider(s) able to deliver all these elements within an integrated service for victims and witnesses. Following completion of the evaluation process, including the assessment of bidders' tenders by a multi-agency evaluation panel, a preferred bidder has been identified that is appointable.

This decision details the procurement process and requests formal approval for the award of the contract to the value of £15,353,600 over two years (2019 – 2020 to 2020 – 2021).

This decision also includes an update on the preparation activity being undertaken to ensure an effective transition to the Integrated Victims and Witnesses Service (IVWS) on 1st April 2019.

Recommendation:

The Deputy Mayor for Policing and Crime is asked to approve the award of the contract for the delivery of the Integrated Victims and Witnesses Service (IVWS) in London to the value of £15,353,600 over two years (2019 – 2020 to 2020 – 2021) to Victim Support, the preferred bidder identified through the procurement process.

The DMPC is also asked to approve the proposed approach to transition, which will be managed in accordance with MOPAC's governance arrangements.

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 Under

Date

22/1/19

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

Decision required – supporting report

1. Introduction and background

- 1.1. MOPAC assumed devolved responsibility from the Ministry of Justice (MoJ) for commissioning the majority of victims' services in London from 1st October 2014 and annual funding is granted to MOPAC by the MoJ for this purpose. MOPAC supplements this grant from its own budget, through successful applications to other Government funding streams and by partnering with other commissioning bodies.
- 1.2. [The Mayor's Police and Crime Plan](#), puts victims at the heart of everything MOPAC does, making significant commitments regarding the provision of better services and improving the experience of the criminal justice service for victims of crime. Additionally, MOPAC is working to increase support for victims experiencing significant harm, including serious violence, and for vulnerable and intimidated witnesses across London.
- 1.3. In March 2018, a Memorandum of Understanding (MoU) was signed between MOPAC, the MoJ and London Councils to work towards justice devolution. This will facilitate a more integrated approach to delivering justice services in London. In relation to victims and witnesses, the MoU sets out ways to substantially improve their experience within the criminal justice system, and includes a specific commitment for the MoJ to devolve the pre-trial and outreach support for witnesses in London by April 2019.
- 1.4. MOPAC's intention is to commission the provision of seamless, end-to-end support for victims and witnesses of crime resident in London, for a two-year period from 1st April 2019 to 31st March 2021, with an option to extend for an additional one or two years (1st April 2021 to 31st March 2023).
- 1.5. The objectives for the re-commissioning of victim support services in London are to:
 - deliver Mayoral commitments relating to victims in the Police and Crime Plan 2017 – 2020 and other strategies, including the Violence Against Women and Girls (VAWG) Strategy;
 - deliver improved compliance with the Code of Practice for Victims of Crime (VCoP) and the Witness Charter (WC);
 - increase value for money from MOPAC's victims' services, and existing national witnesses' services;
 - increase the accessibility of the services;
 - improve the quality of services delivered to victims and witnesses in London; and
 - ensure high-harm/high-risk victims receive the right support at the right time.
- 1.6. The specification for the service was developed through consultation with key audiences including service users, statutory criminal justice agencies and support service providers. It includes a focus on providing support to vulnerable and high-risk victims and on preventing re-victimisation, in line with the objectives set out above.
- 1.7. The range of support will include:
 - Support for adult victims of crime
 - Specialist support for victims and survivors of domestic violence

- Access to Restorative Justice
- Pre-trial support for witnesses
- Support for victims and witnesses of major crime incidents

1.8. During the consultation process, service users, providers and statutory partners provided valuable insight into the victim/witness experience and what could be improved through this commissioning exercise. This fed into the design of the service specification and the additionality which this will deliver is summarised in the table below:

Old Service	Reason for Change	New Service
Multiple commissions.	Victims are let down by having to deal with multiple agencies and people and having to complete multiple needs assessments.	A single commissioned service with specialist elements.
Multiple CJS agencies contact victim for information.	Victims have told us this is confusing and upsetting.	Every service user will be allocated a named caseworker (or IDVA) who will build a trusting relationship throughout their cope and recover and, or criminal justice journeys. The Caseworker will be the principle point of contact for victims.
Caseworkers contact criminal justice agencies on behalf of victim.	This is overly time-consuming. Caseworkers should be focused on victim care.	The Service Model will take the time-consuming task of contacting criminal justice or other statutory agencies on behalf of the victim/survivor away from the caseworker.
Each agency in contact with the victim conducts a needs assessment.	Victims have told us that they do not want to repeatedly give the same information, some of which may be upsetting.	A needs assessment 'passport' will put individuals in control of their information. It is a document that 'travels' with them through their criminal justice and/or cope and recovery 'journey'. The passport is the victim's, rather than needs assessments belonging to each agency.

1.9. The service will operate across all 32 London Boroughs and the City of London and will work in conjunction with the newly formed MPS BCU areas and the City of London Police.

Procurement Process

1.10. Transport for London's (TfL) Collaborative Procurement Team were engaged to provide specialist procurement support, and a compliant route to market using their e-tendering system, Pro-Contract. It was determined that the process should follow the Open procedure under the 'Light Touch Regime', in line with the Public Contract Regulations (PCR) 2015.

1.11. The Procurement and Evaluation Strategies for the Integrated Victims and Witnesses Service (IVWS) were reviewed and approved by TfL's Strategy, Evaluation, Award Recommendation (SEAR) panel, in line with their procurement oversight and governance

processes, to provide assurance that the process being followed was fully compliant with UK and EU procurement regulations.

- 1.12. A Prior Information Notice (PIN), announcing our intentions to commission the service, was published on 20th July 2018 in the Office of the Journal of the EU and on Contracts Finder. The information was also published on MOPAC's website and sent out, along with information regarding market-warming activity to our database of victim support and VAWG service providers.
- 1.13. Market-warming events were held on 7th August, 14th August and 20th August 2018. These were well-attended by support service providers, demonstrating a healthy level of interest in the opportunity to bid.
- 1.14. These events were followed by a bidders' networking event on 13th September and, on the same date, a workshop for Local Authority VAWG Co-ordinators to discuss how the domestic abuse elements within the new Service should dovetail with locally-commissioned provision.
- 1.15. Each of these events helped to refine the specification, which was published on Pro-Contract on 22nd October 2019. The full timeline for the procurement process is detailed in the table below:

Procurement activity	Timeline
ITT Issued	22 nd October 2018
ITT clarification deadline	Midday, 23 rd November 2018
Tenders due	Midday, 3 rd December 2018
Evaluation of tenders	4 th – 10 th December 2018
Presentations / Clarifications	11 th December 2018
Notify bidders	10 th January 2019
Standstill Period	10 th January 2019 – 21 st January 2019
Preferred bidder contract signing	21 st January 2019

- 1.16. Three bids were submitted by the deadline. These were judged according to predetermined criteria, founded on 80% for the technical submission (quality) and 20% on the price.
- 1.17. The technical submissions relating to each bid were assessed and scored by an expert panel assembled by MOPAC, covering key specialisms and criminal justice considerations:
 - Samantha Cunningham, Director of Criminal Justice & Commissioning, MOPAC
 - Jain Lemom, Senior Policy & Commissioning Manager (VAWG), MOPAC
 - Marai Larasi, Executive Director, Imkaan
 - Sara Lewis, Head of Prosecutions, Metropolitan Police Service
 - Michelle Filby, Head of Crime, Her Majesty's Courts & Tribunals Service
 - Claire Waxman, Victims' Commissioner for London (for the user voice elements only)

- 1.18. The technical (quality) submission included two 'showstopper' questions, relating to the service delivery model and service user involvement, for which all bidders had to achieve a minimum threshold score in order for their bid to be considered further.
- 1.19. The financial elements of each bid were assessed by MOPAC finance and contracts officers.
- 1.20. The clarification, evaluation and moderation process was overseen by a procurement professional working with TfL's Collaborative Procurement Team. The moderation meeting and clarification interviews were also attended by an officer from MOPAC's Directorate of Audit, Risk and Assurance (DARA), to provide additional assurance that this stage of the process was fully compliant with procurement regulations.
- 1.21. The results of the technical submission were combined with the results of the financial assessment by the procurement professional to identify the highest scoring bidder.
- 1.22. The results of the technical evaluation confirmed that the preferred bid scored at least a '2' (demonstration by the bidder of the relevant ability, understanding, experience, skills and resources required to provide the requirements, with evidence to support the response) for each of the requirements in the tender specification.
- 1.23. It is, therefore, the view of the selection panel that the provider is appointable to deliver the Integrated Victims and Witnesses Service in London, and the recommendation is that the DMPC approve award of the contract to the preferred bidder, Victim Support.
- 1.24. The results of the process have also been written up and included in a formal contract award report which has been reviewed and approved by TfL's SEAR panel on 14th January 2019, in line with their governance processes and to provide assurance that the process has been conducted in line with the previously agreed procurement and evaluation strategies, and in compliance with procurement regulations.

2. Issues for consideration

Key areas for consideration within the tender submissions

- 2.1. A key consideration for the selection panel was the inclusion of specialisms within the proposed service delivery models, particularly for the element supporting survivors of domestic abuse.
- 2.2. These elements were scrutinised during the evaluation and clarification process and subject experts were involved in the panel to bring their insight.
- 2.3. Assurance was also provided, through the evaluation process, that the preferred bidder was able to deliver the minimum service requirements within the specification relating to the provision of pre-trial support for witnesses.
- 2.4. The mobilisation of the new Service, and particularly the transition phase from the current service, carries high levels of risk. It is imperative that the quality of support to victims and witnesses does not drop during this period, and that no victims or witnesses are missed as a result of the transition. This element of the bids was scrutinised in detail so that the selection panel were confident that the preferred bidder had a sufficiently robust mobilisation and transition plan.

Transition Arrangements

- 2.5. The transition to the new service is complex, with risks involved, in particular in relation to service user transition and data transfer, and comprehensive planning has been undertaken to ensure we fully understand what activities need to be completed and the potential risks involved.
- 2.6. There are some additional costs which need to be met to ensure the effective transition to the new service, to support activities relating to:
 - the secure transfer of service user data from the current service providers to the new service provider, including ensuring that specialist support is available to support this process and ensure full compliance with GDPR;
 - TUPE and the transfer of staff to the future service provider;
 - communicating the changes in service arrangements to stakeholders and their staff across the criminal justice system in London, including for example staff in the MPS and HMCTS; and
 - other costs directly related to ensuring the effective transfer of services, and mitigating the risks associated with it.
- 2.7. In order to mitigate the risks involved, the contract for the future service includes a set-up fee, which will be paid out following contract signature. This is to ensure the new provider is able to invest appropriately in the mobilisation of the new service and support the transition, including the transfer of staff, service users and data.
- 2.8. Any additional costs which MOPAC needs to incur, in order to ensure the effective and safe transition of the service, will be reviewed and agreed in line with MOPAC's Scheme of Delegation.

3. Financial Comments

- 3.1. This report seeks approval for the award of the contract for the Integrated Victims and Witnesses Service, worth a total of £15,353,600 over two years (2019-2020 and 2020-2021), under MOPAC's Scheme of Delegation.
- 3.2. The funding for the IVWS contract comes from the grant MOPAC receives from the Ministry of Justice (MoJ) for the provision of support services to victims. It also includes £480,000 from the Ministry of Justice, which is the budget agreed for the devolution of pre-trial witness support in 2019 – 2020.
- 3.3. It should be noted that while we have received an indicative value for victims' grant from the MoJ for 2019 – 2020, the amount for 2020 – 2021 is not yet known. However, it is expected that the grant will continue, in line with current funding levels, which are higher than the annual value of the IVWS contract. MOPAC will also be in discussions with the MoJ in 2019 – 2020 regarding the ongoing funding for devolved pre-trial support for witnesses.
- 3.4. Any additional costs associated with the transition of the service will be discussed and agreed in line with MOPAC's Scheme of Delegation.

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. Under MOPAC's Scheme of Consent and Delegation, the DMPC has delegated authority for the award of contracts with a total value of £500,000 or above.
- 4.4. The TfL legal team have been consulted on the contract for the IVWS, and the terms are based on the standard contract for services template used by TfL and the GLA. Where appropriate this template has been amended and updated to ensure it reflects MOPAC's requirements, and this has been done in consultation with MOPAC's Chief Financial Office and the TfL legal team.
- 4.5. Legal advice has been sought in relation to the application of the Transfer of Undertakings (Protection of Employment) (TUPE) legislation to the transfer of victim support services in London. This advice is being followed in our planning for transition and in our discussions with existing providers, to ensure that mechanisms are in place to engage and consult with staff appropriately throughout this period and that any transfer will be completed within the required timescales.

5. Commercial Issues

- 5.1. Professional, technical advice has been sought from TfL procurement colleagues in relation to the commissioning approach which has been followed for the IVWS, in order to ensure that the process followed was fully compliant with the Public Contract Regulations 2015.
- 5.2. As set out in section 4 above, legal advice has been sought in relation to the IVWS contract terms and the application of TUPE legislation.

6. GDPR/Data Privacy

- 6.1. A full Data Protection Impact Assessment will be completed by the successful provider as part of the transition and mobilisation activity for the new Integrated Victims and Witnesses Service, to ensure that all delivery is fully compliant with the requirements of the GDPR.
- 6.2. All bidders were required to supply copies of their data protection policy to evidence their compliance with data protection legislation as part of the tender process.
- 6.3. The contract for the IVWS includes clear provisions relating to compliance in this area, and in relation to the processing of personal data. These provisions have been drafted following consultation with MOPAC's GDPR Project Manager.
- 6.4. Technical advice has been sought from the Information Commissioner's Office in relation to GDPR and the approach which should be followed during the transition and mobilisation period to ensure a safe and fully compliant transfer of data between any outgoing and incoming providers.

7. Equality Comments

- 7.1. 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.
- 7.2. The specification for the service included a section on equalities, which made particular reference to the requirement for the service provider to take into account the specific needs of under-served groups and those with protected characteristics, and to remove or minimise the disadvantage suffered by them.
- 7.3. The contract for the Integrated Victims and Witnesses Service includes clear provisions relating to compliance in this area, and to supporting MOPAC in the discharge of its duties in relation to promoting equality of opportunity and eliminating discrimination. The performance indicators within the contract include measures to enable MOPAC to monitor the accessibility of the service and to agree actions with the provider if necessary to address the under-representation of specific groups.

8. Background/supporting papers

- 8.1. n/a

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: Until the standstill period has elapsed, and the contract has been formally awarded to the preferred bidder, at which point the decision can be made public

Until what date: 31st January 2019, or contract award.

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: The TfL legal team has been consulted on the proposal, where required.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Commercial Issues Commercial issues are covered within this report, and the procurement process has been conducted in line 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 and the GDPR Project Manager has been consulted on the GDPR issues within this report. • A DPIA will be completed by the new provider as part of their mobilisation activity. 	✓
Director/Head of Service: The Director of Criminal Justice and Commissioning 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

R. Lawrence

Date

16/01/2019

