

**POLICE AND CRIME COMMISSIONER (PCC) FOR LINCOLNSHIRE
REQUEST FOR DECISION**

REF: 28/2015

DATE: 14 September 2015

SUBJECT	Extension Of Strategic Partnership to Leicestershire and Northamptonshire PCC's for the Provision of Custody Detention Officers
REPORT BY	CHIEF CONSTABLE
CONTACT OFFICER	Gail Bradshaw, Commercial Partnership Manager Tel 01522 558185
<p>EXECUTIVE SUMMARY AND PURPOSE OF REPORT</p> <p>Since April 2014 the Forces of Lincolnshire, Leicestershire, Northamptonshire and Nottinghamshire have been operating a shared Criminal Justice service across the East Midlands Region, which includes Custody services, under the operational command of C/Supt Julia Debenham of Leicestershire Police, with Lincolnshire Chief Constable being the chief officer lead.</p> <p>In December 2014, G4S submitted a formal written proposal to the Chief Constables of the aforementioned Forces in relation to the provision of Custody services in accordance with the services G4S already provided to Lincolnshire as part of the wider SDA with G4S. Following much internal discussion, in February 2014, it was recommended by the EMCJS SRO (ACC Bannister of Leicestershire Police) that Leicestershire and Northamptonshire outsource the delivery of the Custody Detention Officer functions and do this by accessing these services from G4S, via the Lincolnshire SDA.</p> <p>The Chief Constable and Police & Crime Commissioner of both Leicestershire and Northamptonshire wrote to the Chief Constable and Police & Crime Commissioner of Lincolnshire on 27th and 22nd May 2015 (respectively) confirming their intention to enter into a collaboration agreement with Lincolnshire for the delivery of those services.</p> <p>Significant work has subsequently been progressed resulting in the establishment of:-</p> <ul style="list-style-type: none"> • a Collaboration Agreement between the three forces pursuant to section 22a of the Police Act 1996, as amended by the Police Reform and Social Responsibility Act 2011 • an Amending Agreement to the original Service Delivery Agreement between Lincolnshire Police & Crime Commissioner and G4S Care & Justice Services (UK) Ltd <p>The purpose of this report is to seek approval and signature of these two documents to enable the extension of this service provision to commence on 1st October 2015.</p>	

RECOMMENDATIONS	<p><i>It is recommended that:-</i></p> <ul style="list-style-type: none"> <i>• The Police & Crime Commissioner for Lincolnshire approves and signs the extension of the current Service Delivery Agreement with G4S</i> <i>• The Police & Crime Commissioner signs the S22 Collaboration Agreement</i> <i>• The Police & Crime Commissioner signs the SDA Amending Agreement</i>
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POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

I hereby approve the recommendation above, having considered the content of this report.

Signature:  **Date:** 14/09/15

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

1. Since receipt of the confirmation from Leicestershire and Northamptonshire Chief Constables and Police & Crime Commissioners in May 2015 that they wished to progress with the delivery of the Custody Detention Officer role by G4S via the Lincolnshire SDA, the draft section 22 Collaboration agreement and the SDA Amending Agreement has been developed. This has been developed collectively by the Head of EMCJS, the Commercial Partnership Manager and Operational Contracts Manager from Lincolnshire's Commercial Partnership Team, East Midlands Regional Legal and Eversheds LLP (the independent lawyers used by Lincolnshire for the initial Strategic Partnership procurement). This included ongoing dialogue and engagement with G4S's Managing Director and their legal representatives.
2. Enclosed with this Decision paper are the final versions of the S22 Collaboration Agreement and the SDA Amending Agreement. Also attached is a summary provided by Eversheds LLP which has been produced to provide a summary of how each of these documents complement each other, that there is minimal increased risk to Lincolnshire by extending the SDA agreement and that this extension is compliant with all relevant procurement legislation.
3. It is planned for the transfer of services to commence on 1st October 2015.
4. There are a number of activities which cannot commence prior to the signing of the SDA Amending Agreement and S22 Collaboration Agreement such as the payment of the Pensions Bond and completion of the admission agreement to enable G4S to become an admitted body with the Local Government Pension Schemes for Leicestershire and Northamptonshire. It is confirmed that any outstanding activity which is reliant upon the signing of these two documents is included within the project plan with responsible owners. The SRO of the Project is responsible for ensuring such activities are completed prior to the go live / staff transfer date.

A2. LINKS TO POLICE AND CRIME PLAN AND PCC'S STRATEGIES/PRIORITIES

The Police and Crime Plan outlines how the PCC and Lincolnshire Police will work with partners to reduce crime and improve levels of safety. The criminal justice services are a key element of this aim and is made up of many organisations working towards the same aim. It details how we all need to work together to focus on the opportunities which will enable us to work together to deliver positive change that will benefit many.

The delivery of consistent and high quality custodial services supporting operational officers is key to achieve the overall aims of the Plan. Whilst this proposal appears to be only in relation to the provision of custody services to two of the East Midlands regional forces, there are a number of benefits which can be attributable to Lincolnshire Police, these include:-

- Enhancement of our collaborative working with regional forces
- Potential future financial benefits to Lincolnshire through the growth of the Strategic Partnership
- It will enable more streamlined and consistent practices across 3 of the regional custody services
- It will enable more flexibility of the workforce delivering these services and a "one model" approach to be achieved
- There is potential for future savings through a rationalised custody estate across three forces

B. FINANCIAL CONSIDERATIONS

There are no financial costs to Lincolnshire. Both the Amending SDA Agreement and the Section 22 Collaboration agreement include clauses and provisions for the liabilities of all parties.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

[This should include the legal powers the PCC has for making the decision]

The Police Act 1996, as amended by the Police Reform and Social Responsibility Act 2011, provides the provision for the PCC to make this decision.

The proposals are compliant with public procurement rules and regulations. Annex 1 of the summary provided by Eversheds includes details of the procurement requirements and how this extension of the SDA is compliant with all such procurement legalities.

D. PERSONNEL AND EQUALITIES ISSUES

There are no personnel and equality issues directly for Lincolnshire. This proposal does include the Tupe transfer of approximately 80 members of police staff from Leicestershire and Northamptonshire. Both the SDA Amending Agreement and the S22 Collaboration Agreement includes relevant clauses detailing the responsibility on

each party in accordance with Tupe regulations and other HR policies and procedures.

E. REVIEW ARRANGEMENTS

The delivery of the services to Leicestershire and Northamptonshire will be subject to a governance structure which is included within the SDA Amending Agreement and the S22 Collaboration Agreement. This is in accordance with the current procedures and practices in place in Lincolnshire for the management of the whole G4S Strategic Partnership.

F. RISK MANAGEMENT

The management of risk has been considered throughout the development of the SDA Amending Agreement and the S22 Collaboration Agreement.

Whilst there may be minimal increased risk to Lincolnshire due to the fact it is Lincolnshire who have the direct legal obligations under the SDA Amending Agreement with G4S, all such risks have been flowed through into the S22 Collaboration Agreement which passes on any risks and liabilities to the two receiving forces. Eversheds LLP have been the legal advisors to Lincolnshire, whilst Regional Legal has advised Leicestershire and Northamptonshire. The summary provided from Eversheds LLP identifies such risks but also confirms how these have been incorporated into the S22 Collaboration Agreement thereby passing on the risks and liabilities to the other two forces.

It is therefore considered, and confirmed by Eversheds, that Lincolnshire are protected from increased risk by the existence of the S22 Collaboration Agreement.

G. PUBLIC ACCESS TO INFORMATION

Information in this form along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation. Part 1 of this form will be made available on the PCC's website within one working day of approval. However, if release by that date would compromise the implementation of the decision being approved, publication may be deferred. An explanation for any deferment must be provided below, together with a date for publication.

Is the publication of this form to be deferred? No

If Yes, for what reason:

Until what date:






Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate part 2 form.

Is there a part 2 form? Yes

If Yes, for what reason:

The S22 Collaboration Agreement, the SDA Amending Agreement and the summary from Eversheds all include information which is considered commercially sensitive.

ORIGINATING OFFICER DECLARATION

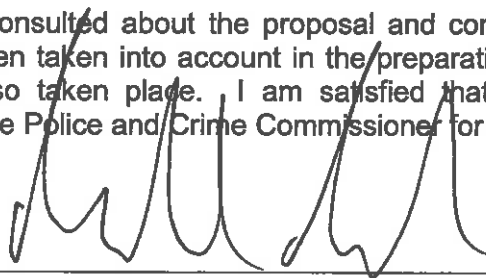
	Initial to confirm
Originating Officer: Gail Bradshaw, Commercial Partnership Manager recommends this proposal for the reasons outlined above.	
Financial advice: The PCC's Chief Finance Officer has been consulted on this proposal.	
The CC's Chief Finance Officer has been consulted on this proposal.	
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	
Chief Constable: The Chief Constable has been consulted on this proposal	

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. Consultation outlined above has also taken place. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner for Lincolnshire.

Signature:



Date:

14/9/15