


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

REF: 015/2019

DATE: 8 July 2019

SUBJECT	Extension Of Strategic Partnership to Leicestershire and Northamptonshire PCC's for the Provision of Custody Detention Officers
REPORT BY	Clive McCormack – Operational Contract Manager
CONTACT OFFICER	Clive McCormack – Operational Contract Manager Tel 01522 947368
EXECUTIVE SUMMARY AND PURPOSE OF REPORT	
<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.</p> <p>On 1 October 2015, Leicestershire and Northamptonshire Police outsourced the delivery of their Custody Detention Officer (CDO) functions, doing this by accessing the services from G4S, via the Lincolnshire SDA. 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 and an Amending Agreement to the original Service Delivery Agreement between Lincolnshire Police & Crime Commissioner and G4S Care & Justice Services (UK) Ltd, were signed by the relevant Chief Constables and the Police & Crime Commissioners.</p> <p>The original agreement was signed on 18 September 2015 to run for three years until 2018, with an option to extend for 12 months. On 29 June 2018, Mark Harrison, Head of the East Midlands Criminal Justice Service, notified Lincolnshire Police that the Chief Officer Teams and the Police and Crime Commissioners in Leicestershire and Northamptonshire wished to extend the CDO provision for an additional 12 months, until 17 September 2019, with an option for a further 12-month extension.</p> <p>On 8 March 2019, Mark Harrison then confirmed that the Police and Crime Commissioners in Leicestershire and Northamptonshire wished to take-up the option, as outlined in the S22, of the further 12-month extension until 17 September 2020. This further extension was confirmed by G4S in a letter dated 11 June 2019.</p> <p>A new Collaboration Agreement between the three Forces pursuant to Section 22a of the Police Act 1996, (as amended), a new S39 (1) Agreement under the Police Reform Act 2002, and a new Amending Agreement to the original Service Delivery Agreement between Lincolnshire Police & Crime Commissioner and G4S Care & Justice Services (UK) Ltd have been produced to agree and confirm the extension of the CDO service.</p> <p>The purpose of this report is to seek the approval and signature for the S22 and Amending Agreement, to enable the extension of this service provision until 17 September 2020.</p>	

RECOMMENDATION	<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 (Appendix A)</i> • <i>The Police & Crime Commissioner signs the S22 Collaboration Agreement (Appendix B)</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: 8 7 19

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 June 2018 that they wished to progress with the extension of the delivery of the Custody Detention Officer role by G4S via the Lincolnshire SDA, the draft new Section 22 Collaboration Agreement, new S39 (1) Agreement, and a new SDA Amending Agreement have been developed. These have been developed collectively by the Head of EMCJS, the Commercial Partnership Manager, Commercial Partnership Operational Contracts Manager, 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. In addition to the above, on 8 March 2019 Mark Harrison, Head of the East Midlands Criminal Justice Service, notified Lincolnshire Police that the Chief Officer Teams and the Police and Crime Commissioners in Leicestershire and Northamptonshire wished to take-up the option, as detailed in the S22 and Amending Agreement, to further extend the CDO provision for an additional 12 months until 17 September 2020.
3. Enclosed with this Decision Paper are the final versions of the new S22 Collaboration Agreement signed by the relevant Chief Constables and PCCs (**Appendix A**), and the SDA Amending Agreement signed by G4S (**Appendix B**). Also enclosed are the confirmation letters detailing the further 12-month extension. (**Appendix C**)
4. The CDO provision has been in operation since 1 October 2015, and the extensions of the services will run until 17 September 2020.
5. It has been confirmed that the payment of the Pensions Bond, and completion of the Admission Agreement to enable G4S to continue to be an admitted body with the Local Government Pension Schemes for Leicestershire and Northamptonshire, has been completed.

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

The Police and Crime Plan 2017–2021 outlines how the PCC and Lincolnshire Police will work together to prevent crime and improve levels of safety. The Criminal Justice Services are a key element of this aim and it is made up of many partners working towards the same aim. The Plan both builds on the work they have already completed, and seeks to continue to align the work across Lincolnshire and with our Strategic Partner and Regional Forces.

The delivery of consistent and high quality custodial services supporting operational officers is key to achieve the overall aims of the Plan. Whilst the extension of the current process 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:

- Continued enhancement of our collaborative working with regional forces
- Potential future financial benefits to Lincolnshire through the growth of the Strategic Partnership
- Continue to enable more streamlined and consistent practices across three of the regional custody services
- Continue to enable more flexibility of the workforce delivering these services and build on the current “one model” approach

B. FINANCIAL CONSIDERATIONS

There are no financial costs to Lincolnshire Police. 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.

Legal advice received from Eversheds regarding the original S22 and SDA Amending Agreement confirmed that the process, including the option for an extension, was compliant with public procurement rules and regulations.

D. PERSONNEL AND EQUALITIES ISSUES

There are no personnel and equality issues directly for Lincolnshire. This proposal does include the continued management of staff from Leicestershire and Northamptonshire who were the subject of TUPE transfer in the original 2015 agreement. Both the new SDA Amending Agreement and the new S22 Collaboration Agreement include relevant clauses detailing the continued 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 original SDA Amending Agreement and the S22 Collaboration Agreement. The extension has been agreed following the principles outlined in the original documents.

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 risks identified in 2015 have been incorporated into the new S22 Collaboration Agreement extension, thereby passing on the risks and liabilities to the other two Forces.

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 new S22 Collaboration Agreement and the new SDA Amending Agreement include information which is considered commercially sensitive.

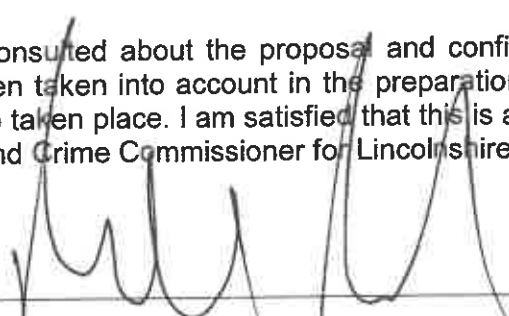
ORIGINATING OFFICER DECLARATION

	Initial to confirm
Originating Officer: Clive McCormack, Operational Contract Manager recommends this proposal for the reasons outlined above.	CM
Financial advice: The PCC's Chief Finance Officer has been consulted on this proposal.	BF
The CC's Chief Finance Officer has been consulted on this proposal.	SC
Monitoring Officer: The PCC's Monitoring Officer has been consulted on this proposal	MO
Chief Constable: The Chief Constable has been consulted on this proposal	CC

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: 8/7/19

