

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


REF: 030/2021

DATE: 25 November 2021

SUBJECT	
PROCUREMENT OF A CUSTODY SERVICE PROVISION	
REPORT BY	OPTIONS EXPLORATION PROJECT MANAGER
CONTACT OFFICER	Mark Kirwan (Project Lead) Tel: 07552 114006
EXECUTIVE SUMMARY AND PURPOSE OF REPORT The current Custody Service outsourcing agreement comes to an end on the 31 st March 2022 therefore the provision of this service needs to be replaced. The purpose of this report is to obtain approval to award a contract to Mitie Care & Custody Ltd for the provision of Custody Services including a Detainee Transport Solution for Lincolnshire Police. The contract is for an initial term of five years with an option to extend for two further years.	
RECOMMENDATION	<i>Approval to award a contract for Custody Services including a Detainee Transport Solution to Mitie Care & Custody Ltd.</i>

POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

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

Signature:  **Date:** 25 November 2021

A. NON-CONFIDENTIAL FACTS AND ADVICE TO THE PCC

A1. INTRODUCTION AND BACKGROUND

1. The Future Services Programme (FSP) was initiated following the decision taken by the Police and Crime Commissioner (PCC) for Lincolnshire in November 2020 not to extend the Strategic Partnership with the incumbent provider beyond the 31st March 2022.
2. Within the FSP, the Options Exploration Project (OEP) explored delivery options for the provision of Custody Services. Three options were identified for

consideration. Option 1 – Insourcing, Option 2 – Outsourcing, Option 3 – Teckal Company.

3. Evaluation of both financial and operational data suggested that Option 2 - Outsourcing may represent better value for money (VFM) and therefore should be explored.
4. An open procurement process was undertaken in September 2021. Suppliers in the market were invited to bid for a standalone contract for the provision of Custody Services for an initial five-year term commencing at 00:01 on the 1st April 2022.

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

5. The recommended solution for the provision of an efficient and effective Custody Service assists the Force with achieving the following objectives:
 - ***Policing that works***
 - ***Making Lincolnshire Safe - Working together to make Lincolnshire the safest place to live, work and visit***
6. A Custody provision allows for prompt and effective investigations which is key to ruling in or out criminal behaviour.
7. Feeding into the broader Criminal Justice System, contributes to Making Lincolnshire Safe. This in turn Stops Crime and Anti-Social Behaviour and in addition Protects from Harm the victims and the vulnerable.

B. FINANCIAL CONSIDERATIONS

Section FR14.1 of the PCC and Chief Constable's Financial, Contract and Procurement Regulations states "a business case must be prepared by the Chief Constable for all capital and revenue schemes with a financial implication, in accordance with FR44 (Delegated limits and authorities)".

A detailed business case, supported by the Chief Constable, has been submitted in compliance with the above. A copy of this is included in Part 1 of this Decision Paper excluding any Official Sensitive information which is included in Part 2.

The total estimated full cost of the combined Detention Service and Detainee Transport Solution over the five-year period and optional two-year extension is £12,461k.

The various components of the contract have their own charging mechanism. The core Custody element is a fixed charge per year, payable in 12 monthly instalments.

The Detainee Transport Solution is based on a usage charge.

The preferred option is affordable and is less expensive than the alternative insourced solution.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

The Chief Constable has a specific statutory duty under section 35 of the Police Reform and Social Responsibility Act 2011 to secure that they, and the persons under their direction and control, obtain good value for money in exercising their functions. The PCC is required by section 1(8) of the 2011 Act to hold the Chief Constable to account, in particular, for their compliance with this duty.

As there are no existing Public Sector Frameworks that could be utilised, a full procurement process in line with the Public Procurement Regulations 2015 has been completed.

East Midlands Police Legal Services (EMPLS) have been consulted throughout the Procurement Process.

D. PERSONNEL AND EQUALITIES ISSUES

The PCC requires all providers / contractors to have policies in place to demonstrate their commitment to meet all applicable legislative requirements in relation to personnel and equality issues.

Personnel currently assigned to the Custody Service by the incumbent provider would transfer to Mitie Care & Custody Ltd under the TUPE regulations.

There is a requirement for Mitie Care & Custody Ltd to become an LGPS Admission Body.

E. REVIEW ARRANGEMENTS

A dedicated Contract Manager will manage the relationship with Mitie Care & Custody Ltd throughout the life of the contract. Management arrangements will be split into three areas: Contract and Performance Review, Monitoring Performance, Management Information and Reporting Requirements.

F. RISK MANAGEMENT

Risk will be allocated between Lincolnshire Police and Mitie Care & Custody Ltd.

Risk will be managed in accordance with the Force Risk Management Policy and processes.

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? Yes

If Yes, for what reason:

Mandatory Alcatel Period

Until what date: 14.12.21

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:

There are six Official Sensitive Appendix items within the Custody Business Case that contain Commercially Sensitive information and are exempt from publication.

DECLARATIONS

	Initial to confirm
Originating Officer: The Assistant Chief Constable recommends this proposal for the reasons outlined above	KW
The Deputy Chief Finance Officer has been consulted on this proposal	GH
The Chief Constable has been consulted on this proposal	CH
The PCC's Chief Finance Officer has been consulted on this proposal	JF
The PCC's Monitoring Officer has been consulted on this proposal	MB

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: 25 November 2021