

AUTHOR: CI Andy Kilmurray

SPONSOR: DCC Stratford

DECISION NUMBER: 08/2020

(to be completed on approval)

SUBMITTED TO: Martin Surl, Police & Crime Commissioner for Gloucestershire

SUBJECT: Custody Detention Officers (CDO`s) – contract – insourcing vs outsourcing

EXECUTIVE SUMMARY:

Recently, both CGB and PCC Governance Board were presented with a paper which set out options for the future of the CDO contract – either to retender the contract or insource with staff directly employed by the Constabulary.

Both meetings asked for more work to be carried out to determine the amount of work that it would take to insource as concerns were raised that this was an unknown detail.

At the same time, work was to be undertaken with SWPPD on timescales for tendering and enquires carried out with Noonan (the current provider) to determine whether they would retender if the contract was reissued. This work has now been completed.

Options for consideration:-

1. Direct employment of CDOs - the amount of work involved with insourcing the contract and directly employing staff has been assessed by CI Kilmurray and he confirms that this could be completed as `business as usual` for CJD. In addition assistance would be required from HR and Legal professionals – the cost of providing these resources would be:-

- £5560 using existing internal Constabulary capacity
- £12600 if external resources were used.

CI Kilmurray believes that the process to bring staff back in-house is straightforward and achievable in the timescales required. There is sufficient capacity to manage this change within CJD and to support ongoing management of staff.

2. Retender the contract through SWPPD - The current outsourced contract costs £994,000 per year with Noonan. The cost of a new contract is unknown and costs could increase significantly as the market is now limited as more forces are directly employing CDO's. Noonan have indicated that if the contract is put out to tender, they would submit a bid – although, there is no indication on what their costs will be.

3. Retender the contract with a cost threshold – commence the process to retender, but do so with a cost threshold, where we know that if it exceeds that cost, we will move to bring the provision back in house, without the need to go back through other governance processes.

PCC Governance Board is now asked to confirm which option should be progressed as all are time critical – (2 and 3) being more so, as timescales would be quite tight to go through the process with SWPPD to retender.

RECOMMENDATION:

PCC Governance Board is asked to support the following recommendation:-

1. Insourcing – commence the process of directly employing CDO staff by the Constabulary, taking into account associated costs for HR and Legal professionals (internal staff - £5560; external staff - £12600).

The cost of this option was assessed to be approximately £122k more than the cost of the current contract (£994k).

Specific business benefits:-

- The Constabulary regains direct control of the service provision and standards of behaviour of CDO staff
- The opportunity to ensure consistent performance of CDO's.
- Better retention of staff due to better pay and conditions for staff.
- The opportunity to enhance the training of CDO's.
- Alignment of CDO's to Sergeants creating a better overall team approach to safety in custody

Person responsible for implementation:-

ACC Craig Holden and Chief Inspector Kilmurray.

OUTCOME/APPROVAL BY:

Signature:

A handwritten signature in black ink, appearing to read 'Masi', with a horizontal line underneath.

Date: 28 July 2020

Police and Crime Commissioner for Gloucestershire

**THIS SECTION IS REQUIRED FOR ALL PAPERS WHICH WILL BE
REMITTED TO THE PCC GOVERNANCE BOARD**

Public Access to Information

Information continued within Constabulary papers is subject to the Freedom of Information Act 2000. Reports which are submitted for consideration at PCC Governance Board are likely to be made public. If the paper contains sensitive information then please detail below.

<p>Is this a decision of significant public interest?</p> <p><i>This includes a decision with any impact on the community, expenditure in excess of £50,000, or any decision that would be of obvious interest to the media or the general public</i></p>	<p>Yes – If it is decided to bring CDO's in-house the cost may be in excess of a £50,000 increase to staff costs.</p>
<p>Does this report contain sensitive information?</p> <p><i>Does this report contain any information which falls into these categories?</i></p> <p>a) <i>would, in the view of the chief officer of the police, be against the interests of national security;</i> b) <i>might, in the view of the chief officer of police, jeopardise the safety of any person;</i> c) <i>might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or</i> d) <i>is prohibited by any enactment.</i> e) <i>breaches commercial sensitivity</i></p>	<p>Record which section(s) applies and explain why.</p> <p>This will be commercially sensitive as the CDO role is currently supplied by Noonan</p>

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	Comments These sections must not be left blank
Has legal advice been sought on this submission if required?	No. Required if CDO's brought in-house due to TUPE
Has the Chief Finance Officer been consulted, if required?	Yes – Broadly supportive of bringing in-house
Have equality, diversity and human rights implications been considered, as appropriate?	Yes
How is the recommendation consistent with the objectives of the Police and Crime Plan (PCP)?	Yes – Accessibility and Accountability
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	No – CDO's have not been consulted with as they are Noonan employees

Has communications advice been sought on areas of likely media, community, staff or partner interest and how they might be managed?	No
Have all relevant implications and risks been considered?	Yes
Has this paper / proposal been submitted through any other Constabulary boards? If so, please detail along with the result.	Yes – Presented at OPIP in March 2020; presented to Operational Policing Board 4/6/20

PART ONE – For publication

1. Purpose of the report

The purpose of this report is to fully consider the options around the employment of Custody Detention Officers (CDO's). It has been commissioned as a result of June's PCCG board meeting where a number of details were unknown, hence, making an informed decision was not possible.

CDO's are currently employed by Noonan and are not part of our workforce. If staff are directly employed it is expected that the vast majority will be TUPE's over due to the vastly improved terms and conditions.

This report should be considered in line with the original paper sent to CGB on 18 June 2020.

2. Background

CI Kilmurray has assessed the amount of work involved in directly employing CDO's and the conclusion is that CJD has enough capacity to provide management support for all HR and Legal issues relating to the insourcing of the CDO's. If this option is taken, clear oversight will be provided by the Chief Inspector CJD to facilitate this and it will incur no additional costs as it will be delivered as part of their normal duties. There will be additional costs for HR and Legal Professions to assist with the TUPE process (see below for cost details).

DPU have been spoken to and believe any ongoing support for duty planning will be able to be provided within existing capacity and do not anticipate any additional costs.

Ongoing line management of staff can be provided using the sergeants in CJD who currently have no line management responsibilities.

3. Options

PCCG board is asked to take note of the additional work that has been completed as a result of the June CGB and PCCG board meetings.

As a result, we now have a much clearer assessment of the work involved in directly employing staff by the Constabulary the process to get to that position. CI CJD`s assessment that this work can be done as business as usual with additional support from HR and Legal professionals.

The following options are presented to PCCG for consideration:-

1. Insourcing – commence the process of directly employing CDO staff by the Constabulary, taking into account associated costs for HR and Legal professionals (internal staff - £5560; external staff - £12600).

The cost of this option was assessed to be approximately £122k more than the cost of the current contract (£994k).

2. Retender - commence the process to retender the contract through SWPPD. The costs of tenders is unknown but we do know that Noonan has indicated that they would re-tender.

3. Retender with cost threshold – commence the process to retender, but do so with a cost threshold, where we know that if it exceeds that cost, we will move to bring the provision back in house, without the need to go back through other governance processes.

Recommendation

Work has been carried out to determine the amount of work required to directly employ CDO`s by the Constabulary. When the CGB paper was discussed last month this detail was unknown and there was concern that this might be another large project.

However, this has now been assessed as work that can be done as part of business as usual (with some specific assistance from HR and Legal).

As a result, the recommended option is 1 – insourcing.

Work should commence immediately if this recommendation is accepted to ensure that there is no break in service as a result of the external contract concluding with Noonan.

4. Financial and resource implications

There are 2 main areas that will have additional costs which are Legal and HR.

To ensure a smooth transfer there will need to be initial group consultations with each shift followed by one to one consultations. Unison will be fully consulted with as the staff will be required to work 12hr shifts.

Having discussed the plans with HR it is assessed that the following engagement will be required:-

- Preparation and initial consultations would require approximately 37 hrs work
- One to one consultations would require an additional 74 hrs work.
- Finalisation of contracts would need a further 37 hrs of work.

This is equivalent to 4 weeks of work.

The legal costs are expected to be about £200 per contract if sourced externally.

If there is capacity within our own Legal department at the time when the process takes place, then there would be no additional costs to the organisation.

Costs of employing staff by the Constabulary

Human Resources Consultant (Scale PO1)

Basic Salary	£35,481
Total Cost (Inc. NI, Pension)	£44,706
4 Week Cost	£3440

External HR Provision

Costs have been assessed for HR resource via our Temporary (agency) Staff contract with Adecco and an assumption has been made that rates would be approximately £350 per day.

4 weeks work would cost (20x£350) = £7000.

Legal Adviser (Scale PO1)

Using internal staff:-

Basic Salary	£35,481
Total Cost (Inc. NI, Pension)	£44,706
Weekly Cost	£860

External Legal Provision

Expected costs for legal services are £200 per contract
28 staff x 200 = £5,600

Total Costs for both internal and external provision

The total cost in staff time for this would be £4,300 if internally provided and would be approximately £12,600 if both the legal and HR costs were externally sourced.

5. Risk assessment

There are few risks associated with this paper other than the costs of employing staff. Existing staff would be subject to TUPE regulations but due to the increased rights, benefits and salary it would be extremely unlikely that staff would not sign up to the Police Staff regulations.

CDO's are already trained so there would be no requirement to recruit and whilst these costs have been added to year 2 they may not be required. The staff are vetted to NPPV 2 (full) and so it is unlikely that RV vetting would be an issue.

Training in Data Protection and Information Security are already part of the role.

To manage the staff the custody sergeants would also be required to work the same pattern and this may have an impact on which staff could perform the role as well as needing full consultation with the Police Federation and Custody Sergeants.

The future costs of a contracted out service are unknown and have been assumed to be 3% but could be higher.

6. Equality & Diversity impact assessment

Section 149 of the Equality Act 2010 states that a public authority should carry out an assessment prior to implementing a policy or initiative, with a view to ascertaining its potential impact on equality. Whilst assessments are not required by law, they are a way of facilitating and evidencing compliance with the Public Sector Equality Duty.

7. Environmental impact assessment

There is no environmental impact to this paper.

8. Consultation

Consultation took place with key stakeholders as part of the original CGB paper.

9. Discussed with Communications & Engagement

Consultation took place with key stakeholders as part of the original CGB paper.

10. Conclusion

When the options paper was presented to both CGB and PCCG board in June 2020, the amount of work required to bring the employment of CDO's in-house was unknown.

This work has now assessed and the conclusion is that it can be carried out by existing CJD staff as part of their normal workload. Some additional specialist assistance is required from HR and Legal.

As a result, the Constabulary is now in a position to recommend that work commences to bring the employment of CDO's back in-house (option 1).

SPONSORING BOARD MEMBER APPROVAL

Name: Jon Stratford

Job title: Deputy Chief Constable

Signature: signed by CoS in DCC`s absence 

Date: 22 July 2020

CHIEF EXECUTIVE APPROVAL

I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.

Signature:



Date: 23 July 2020