



Home Office

OBTAINING BETTER VALUE FOR MONEY FROM POLICE PROCUREMENT

THE POLICE ACT 1996 (EQUIPMENT)
REGULATIONS 2010 AND THE
POLICE ACT 1996 (SERVICES)
REGULATIONS 2010

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1. CONSULTATION SUMMARY

SCOPE OF THE CONSULTATION

Topic of this consultation:	The Government's proposals to aggregate procurement by the police service, in line with the approach to police procurement set out in Policing in the 21st Century: Re-connecting the police and the people, published on 26 July 2010. In particular, by introducing Regulations under s53, subject to Parliament, and s57 of the Police Act 1996 to specify equipment and services to be bought through specified contractual arrangements.
Scope of this consultation:	To seek views from those affected (the police service, businesses supplying goods and services to the police, staff associations and trades unions representing officers and staff) on the impact of the approach and detail of the Regulations.
Geographical scope:	England and Wales
Impact assessment (IA):	A full impact assessment will be produced before regulations are made. In the meantime, this consultation seeks views to develop that assessment

BASIC INFORMATION

To:	Police forces and authorities, police staff associations and trade unions and businesses supplying goods and services to the police.
Duration:	8 weeks, in line with consultation on Policing in the 21st Century: Re-connecting the police and the people

Enquiries/how to respond:	Mail: Rob Murphy, Police Productivity Unit, Home Office, 6th Floor Fry Building NW, 2 Marsham Street, London SW1P 4DF. Telephone: 020 7035 1895 E-mail: RobD.Murphy@homeoffice.gsi.gov.uk
Additional ways to become involved:	The consultation will be of interest to particular interests only – in this case, police forces and authorities, staff associations and unions representing police officers and staff and businesses who contract with the police – rather than the public or to other specific groups. As all key stakeholders are being consulted, we do not feel we have to widen the channels for communication. Copies of the consultation in alternative formats will be issued only on demand.
After the consultation:	Responses to the consultation will be analysed and a response document published

BACKGROUND

<p>Getting to this stage:</p>	<p>Although there have been voluntary initiatives to aggregate police procurement, much of it remains fragmented. Substantial savings opportunities have been identified in relation both to general and IT procurement. The Government will legislate at an early opportunity to ensure a coherent basis for the Home Secretary to specify procurement arrangements to be used by the service, and to drive the convergence of IT systems. In the meantime, in order to ensure that savings are made as soon as possible to support deficit reduction, the Government is taking forward proposals for regulations under existing legislation to specify certain contractual arrangements to be used by the police service. This consultation is about those proposed regulations</p>
<p>Previous engagement:</p>	<p>There has been no previous consultation on the issue.</p>

2. OVERVIEW

2.01 The Government has established a new Efficiency and Reform Group at the heart of government that will support government departments to deliver savings in specific areas, including renegotiating contracts and maximising collective buying power.

2.02 On 26 July the Government published Policing in the 21st Century: Re-connecting the police and the people, which sets out its plans for police reform including elements on which the Government will legislate at an early opportunity.

2.03 The Chancellor announced in the Budget on 22 June, that 'Unprotected' Departments – which includes the Home Office – will face real cuts over the next four years. The police will have to bear their fair share of the burden. Actual departmental spending limits won't be known until 20 October, with proposals for the amount allocated to individual police forces following by the end of the year. Government and the police service need to work together even harder to ensure that value for money is at the heart of everything the police do and that the police deliver improved outcomes.

2.04 Chapter 4 of Policing in the 21st Century: Re-connecting the police and the people explains that the Government will legislate at an early opportunity to ensure a coherent basis for the Home Secretary to specify procurement arrangements to be used by the service, and to drive the convergence of IT systems. It explains that in the meantime, in order to ensure that savings are made as soon as possible, the Government will consult on proposals for regulations under existing legislation to specify certain contractual arrangements to be used by the police service.

2.05 This consultation paper sets out the format and content of the Home Secretary's proposed Regulations under Section 53, subject to Parliament, and Section 57 of the Police Act 1996 that would require police authorities to procure specified equipment and services through particular frameworks. For specified equipment and services, these Regulations would replace the current arrangements through which forces procure goods and services.

2.06 The Government is committed to reducing time-wasting police bureaucracy and the budget deficit. It is therefore important to move swiftly to exploit opportunities to reduce the cost of police procurement. Draft Regulations are set out at Appendices B and C.

2.07 The proposed structure of the Regulations is:-

- Section 53 – specified equipment shall comply with the design and performance standards set out in specified contractual arrangements, and authorities must purchase such equipment through these frameworks; and
- Section 57 – specified services shall be obtained through particular framework agreements.

2.08 The contractual arrangements are listed in a Schedule to the Regulations rather than in the body of the Regulations. Whenever it is proposed to specify further equipment or services to be brought within the scope of the Regulations, further consultation will be undertaken before amended Regulations are laid before Parliament or made.

2.09 This consultation seeks views on the impact of this approach to rationalising police procurement and on the detail of the proposed Regulations.

2.10 In producing this consultation document, we have, as far as practicable and where relevant, complied with the Code of Practice on Consultation. Respondents are asked to submit responses to the questions set out in this document. For further information on this development, please contact the consultation co-ordinator, Rob Murphy, (RobD.Murphy@homeoffice.gsi.gov.uk) in the first instance.

2.11 Taking into account the urgency of the need to introduce any measures which would reduce the budget deficit and the consultation period for Policing in the 21st Century: Reconnecting the police and the people, the consultation period will be eight weeks.

3. BACKGROUND AND POLICY CONTEXT

3.01 Policing in the 21st Century: Re-connecting the police and the people, published on 26 July sets out the Government's plan of police reform over the next five years, including elements on which the Government will legislate at an early opportunity. Chapter 4 of Policing in the 21st Century: Re-connecting the police and the people explains that the Government will legislate at an early opportunity to ensure a coherent basis for the Home Secretary to specify procurement arrangements to be used by the service, and to drive the convergence of IT systems. It explains that in the meantime, in order to ensure that savings are made as soon as possible to support deficit reduction, the Government will consult on proposals for regulations under existing legislation to specify certain contractual arrangements to be used by the police service.

3.02 The High Level Working Group Police Value for Money, which consists of senior representatives of chief constables and police authorities, published its report in February 2010. This set out the ambition for better value for money in policing, including £200m of savings by aggregating procurement through national arrangements and £200m through converging police information systems, including aggregating information technology procurement. The CBI Report on proposals for more effective policing, A Frontline Force, also states that the police service could achieve considerable savings by aggregating procurement of equipment and services. On 20 July 2010, the Audit Commission, HM Inspectorate of Constabulary and the Wales Audit Office published the report Sustaining value for money in the police service which suggests that better procurement could save £100m.

3.03 As the taxpayer expects improvements in value for money, it is no longer defensible to continue a system where goods and services for policing are bought in up to 43 different ways across the country. The police service in England and Wales spends about £3.3 billion each year on goods and services, of which £2.8 billion is spent by police authorities through contracts let nationally, regionally or locally. Such an approach is wastefully bureaucratic, both in terms of the time and effort (a) for police staff and officers tied up in deciding specifications and going through procurement processes and (b) for would-be suppliers.

3.04 The Government therefore intends to require the police service to use prescribed contractual arrangements for procurement of equipment and services.

3.05 The National Policing Improvement Agency has carried out work with the police service to analyse their procurement expenditure and is managing the Association of Chief Police Officers' (ACPO) Wave Plan programme to achieve savings in selected categories of goods and services. ACPO has sought to encourage collaborative procurement, the latest example being Wave Plan, but this has failed to deliver a truly joined up approach. Taking into account the potential gains and the financial imperative, it is no longer acceptable to rely on a voluntary approach.

3.06 To start to achieve the savings that the Wave Plan programme has the potential to deliver, the Government proposes to require police forces in England and Wales to procure certain information technology hardware and software and some categories of body armour through contractual arrangements specified in Regulations to be made, subject to Parliament, under Section 53 of the Police Act 1996. The draft Equipment Regulations are at Appendix B to this document. In addition, the Government proposes to require police forces in England and Wales to procure forensic services through contractual arrangements specified in Regulations to be made under Section 57 of the Police Act 1996 (Appendix C). The draft equipment regulations also contain provision to specify the contractual arrangements for vehicle purchase - this is subject to a procurement process that is presently underway. The Government proposes that the Regulations will be amended from time to time to bring further equipment and services within their scope, subject to consultation as required by the Police Act and, in the case of the draft Section 53 Regulations, subject to Parliament. The draft services regulations give indicative categories and some possible timings for further services that may be brought within the scope of the Regulations in future.

3.07 In some cases the contractual arrangements specified in Regulations will be ones that the police service has taken the lead in negotiating. This is the case with the body armour, vehicle and forensic services contractual arrangements included in the draft regulations. In other cases the contractual arrangements will be wider public sector arrangements, as is the case with the IT hardware and software arrangements specified in the draft Regulations.

3.08 The aggregated approach to police procurement will help to deliver savings of at least £200 million a year by 2014 on general procurement and contribute to the delivery of savings of at least £200m a year through converging police information technology. These savings will come from reductions in the price of goods and services, and from reducing the amount of duplication of procurement activity.

3.09 A full Impact Assessment will be completed before Regulations are laid before Parliament, in the case of the Section 53 Regulations, or made in the case of Section 57 Regulations.

4. CONTENT OF REGULATIONS

THE POLICE ACT 1996 (EQUIPMENT) REGULATIONS 2010

4.01. The Regulations would be made under Section 53 of the Police Act 1996. This section of the Act enables the Home Secretary to make regulations requiring equipment provided or used for police purposes to satisfy such requirements as to design and performance as may be prescribed in the regulations. The effect of the Regulations is to require the police to procure specified equipment by using particular contractual arrangements. The Regulations say that when the police wish to use equipment that falls within the scope of contractual arrangements listed in the Schedule, they must use equipment that complies with the design and performance standards set out in those contractual arrangements. In addition, they may use such equipment, only if it has been purchased through the specified contractual arrangements. The draft Regulations include certain IT hardware and software, body armour and vehicles. The Regulations and Schedule would be amended, subject to consultation and to Parliament, from time to time, to add additional contractual arrangements.

THE POLICE ACT 1996 (SERVICES) REGULATIONS 2010

4.02. The Regulations would be made under Section 57 of the Police Act 1996. This enables the Home Secretary to make Regulations requiring one or more police forces in England and Wales to use specified services or facilities, or services or facilities of a specified description, if she considers it would be in the interests of the efficiency or effectiveness of the police for them to do so.

4.03. The effect of the proposed Regulations is to specify that where arrangements are made to procure certain services, they should be obtained through the specified contractual arrangements, set out in a schedule to the Regulations. The draft Regulations include contractual arrangements for the provision of forensic services. The Regulations and Schedule would be amended, subject to consultation, from time to time, to add additional contractual arrangements.

TRANSITIONAL PROVISION

4.04. Both sets of Regulations will allow authorities to migrate from existing equipment and contractual arrangements to national specifications and frameworks without having to either dispose of serviceable equipment or break the terms of existing contracts which, in some cases, may result in financial penalties. Of course, it will be appropriate for authorities to consider the costs and benefits of early migration to the new frameworks in order to ensure best overall value for money.

CONSULTATION QUESTIONS

- In addition to the goods and services, described in paragraph 3.06, are there any further categories of goods and services which should be mandated for procurement under specified frameworks?
- If there are additional categories of goods and services for which procurement arrangements should be mandated, what should be the timescale for implementation?
- Do police forces or authorities have particular concerns about how the proposed Regulations will operate in practice?

5. IMPACT OF REGULATIONS

ON THE POLICE SERVICE

5.01. The impact of the proposed Regulations on the police service is expected to be to contribute to the reduction in the cost of purchasing specified equipment and services through the aggregation of procurement and to contribute to reducing duplication of effort in procurement activity.

ON THE SUPPLIER COMMUNITY

5.02. One impact on the supplier community is expected to be that it will become more straightforward for suppliers to engage with the police service as there will be fewer separate procurement exercises by individual forces or small groups of forces.

5.03. There is a risk that a further impact may make it more difficult for some small and medium enterprises to tender in future for larger volume police procurements. This risk should be mitigated by ensuring that appropriate notice is given of intended procurements, enabling smaller suppliers to work with each other or larger suppliers in responding to procurement exercises.

CONSULTATION QUESTIONS

- How do businesses expect the proposed Regulations will affect their ability to engage with the police service?
- Are there particular implications for small and medium enterprises? What would help such businesses to better engage with the police service if the proposed Regulations were in place?
- How do police forces and authorities see the proposed Regulations operating in practice?

6. NEXT STEPS: RESPONDING TO THE CONSULTATION QUESTIONS

6.01. This section sets out the timeline for the implementation of the Regulations for equipment and services and how we will act on the responses to this consultation. Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes – primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environment Information Regulations 2004.

SUBMITTING YOUR RESPONSES

6.02. Please send your response to the Home Office by 20 September 2010

E-mail: RobD.Murphy@homeoffice.gsi.gov.uk

Mail: Rob Murphy, Workforce Strategy & Value for Money Section, Police Productivity Unit, Home Office, 6th Floor Fry Building NW, 2 Marsham Street, London SW1P 4DF.

Telephone: 020 7035 1895

NEXT STEPS

6.03. The Home Office is committed to enacting Regulations that properly enable and empower the police service to achieve better value for money in the procurement of goods and services. This consultation exercise is a vital part of achieving those aims. We are committed to listening to, and acting upon, what you tell us. We will publish a summary of responses to the consultation. After taking account of the consultation responses Regulations will be laid before Parliament (section 53) or made (Section 57) as soon as practicable

APPENDIX A

CONSULTEES

We will take steps to draw the consultation to the attention of businesses which supply the police service.

This consultation document will be available publicly on the Home Office website: Consultations - have your say (<http://www.homeoffice.gov.uk/about-us/consultations/>)

The development of the draft Regulations to mandate police procurement from specified national frameworks has benefited greatly from discussion with, and input from, key stakeholders through the High Level Working Group on Police Value for Money and the Policing Value for Money Programme Board. The consultation aims to secure a more comprehensive view from delivery partners and is targeted at:

Police Service (via Association of Chief Police Officers (ACPO), Superintendents Association and Police Federation)

Police Authorities (via Association of Police Authorities (APA) and the Police Authority Treasurers Society)

Confederation of British Industry

British Chambers of Commerce

Federation of Small Businesses

UNISON

We do not think that a wider consultation is necessary because the impact, apart from on the police service and suppliers to the service, is limited. However, it is open to you to forward this to your colleagues or to other stakeholders you think might be interested in responding to the consultation. Should you do this, we would appreciate it if you let us know to whom you have sent it by e-mailing RobD.Murphy@homeoffice.gsi.gov.uk.

APPENDIX B

DRAFT

STATUTORY INSTRUMENTS

2010 NO.

POLICE, ENGLAND AND WALES

The Police Act 1996 (Equipment) Regulations 2010

Made - - - ***

Laid before Parliament ***

Coming into force - [1st October] 2010

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 53(1) and (1A) of the Police Act 1996 ⁽¹⁾.

The Secretary of State has consulted in accordance with section 53(2) of that Act and considers that these Regulations are necessary for the purpose of promoting the efficiency and effectiveness of one or more police forces in accordance with section 53(1B) of that Act.

CITATION AND COMMENCEMENT

1. These Regulations may be cited as the Police Act 1996 (Equipment) Regulations 2010 and shall come into force on [1st October 2010].

REQUIREMENTS AS TO DESIGN AND PERFORMANCE OF EQUIPMENT

2. Subject to regulation 3—

(a) the design and performance standards of equipment provided or used for police purposes which falls within the scope of the relevant national framework agreement set out in the Schedule to these Regulations shall comply with the specifications for that equipment contained in that agreement;

(b) a police force shall use equipment which falls within the scope of the relevant national framework agreement set out in the Schedule to the Regulations only if it has been acquired in accordance with the procedures set out in that agreement.

TRANSITIONAL PROVISION

3. Where on the date these Regulations come into force a contractual commitment has already been entered into to acquire the specified equipment for police purposes, regulation 2 shall not apply until the contractual arrangements in question expire or are otherwise terminated in accordance with their terms.

Home Office *Name*

Date Minister of State

¹ 1996 c.16. Subsection (1) was re-numbered as such, and subsection (2) inserted, by section 134(1) of and paragraph 75 of Schedule 9 to the Police Act 1997 (c.50). Subsections (1A) and (1B) were substituted by section 6 of the Police Reform Act 2002 (c. 30) and were amended by section 11 of the Policing and Crime Act 2009 (c.26).

SCHEDULE

REGULATION 2

Equipment	Framework Arrangement
Body armour	<p>(1) [The Framework Agreement] for general patrol regular body armour to comply with HOSDB standard HG1A (for ballistic protection)(2) and HODSB standard KR1 (for knife resistance)(3)</p> <p>(2) [The Framework Agreement] for specialist body armour to comply with HODSB standard (xx) for firearms officers and HODSB standard (xx) for concealable armour.</p>
Police vehicles	The NPJA/NAPFM Framework Arrangement for Provision of Vehicles and Spare Parts.
IT hardware	<p>(1) Commoditised IT Hardware and Software – Desktop Hardware. (Product Framework RM 721/L1).</p> <p>(2) Commoditised IT Hardware and Software – IT Infrastructure Hardware. (Product Framework RM 721/L2).</p>
IT software	<p>(1) Commoditised IT Hardware and Software – Specialist Channel Partners for Software. (Product Framework RM 721/L3).</p> <p>(2) Microsoft – Public Sector Agreement (PSA 09).</p>

2 HODSB Body Armour Standards for UK Police, Parts 1 and 2 (2007).

3 Ibid., Parts 1 and 3.

EXPLANATORY NOTE

(THIS NOTE IS NOT PART OF THE REGULATIONS)

These Regulations impose certain requirements when specified equipment (body armour, vehicles and computer hardware and software) is acquired for police use. Firstly, the equipment must satisfy requirements as to design and performance specified in the applicable national framework agreement set out in the Schedule to the Regulations, and secondly, police forces can only use such equipment where it is acquired in accordance with the procedures set out in the applicable framework agreement.

Where binding contractual arrangements are already in existence for the supply of the particular equipment when the Regulations come into force, the requirements set out in the Regulations will only apply once those arrangements have expired or are terminated in accordance with the terms of that contract.

APPENDIX C

DRAFT

STATUTORY INSTRUMENTS

2010 No.

POLICE, ENGLAND AND WALES

The Police Act 1996 (Services)
Regulations 2010

Made - - - ***

Coming into force - [1st October] 2010

The Secretary of State considers that it is in the interests of the efficiency and effectiveness of the police to make the following Regulations in exercise of the power conferred by section 57(3) of the Police Act 1996 (“the Act”)⁽⁴⁾.

The Secretary of State has consulted in accordance with section 57(4) of the Act.

CITATION AND COMMENCEMENT

1. These Regulations may be cited as the Police Act 1996 (Services) Regulations 2010 and shall come into force on [1st October 2010].

REQUIREMENT TO USE SPECIFIED SERVICES

2. Subject to regulation 3, where arrangements are made for the supply for police purposes of one or more of the services listed in the Schedule to these Regulations, the provider of the service shall be one specified under the relevant national framework agreement in that Schedule.

TRANSITIONAL PROVISION

3. Where on the date these Regulations come into force, a contractual commitment has already been entered into for the supply for police purposes of one or more of the services listed in the Schedule, regulation 2 shall not apply until the contractual arrangements in question expire or are otherwise terminated in accordance with their terms.

Home Office *Name*

Date Minister of State

⁴ 1996 c.16; section 57(3) was amended by section 13 of the Policing and Crime Act 2009 (c.26).

SCHEDULE

REGULATION 2

Services	National Framework
Consultancy	[April 2011]
[Fingerprint identification services	[April 2013]
Forensic services	The National Forensic Framework Agreement For Analysis Services
Insurance services	
Legal services	
Radio communication services	[April 2012]
Temporary staff	
Translation and interpreting services	[April 2011]

EXPLANATORY NOTE

(THIS NOTE IS NOT PART OF THE REGULATIONS)

These Regulations require specified services used for police purposes to be provided by suppliers included in the framework agreements set out in the Schedule to the Regulations.

Where forces have current contractual arrangements for the supply of the relevant services, the Regulations will only apply once those arrangements have expired or are terminated in accordance with the contract.

APPENDIX D

RESPONSES: CONFIDENTIALITY & DISCLAIMER

The information you send us may be passed to colleagues within the Home Office, the Government or related agencies.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 [FOIA], the Data Protection Act 1998 [DPA] and the Environmental Information Regulations 2004).

If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

APPENDIX E

ALTERNATIVE FORMATS

Should you require a copy of this consultation paper in any other format, e.g. braille, large font, or audio, please also contact:

Rob Murphy
Workforce Strategy & Value for
Money Section
Police Productivity Unit
Home Office
6th Floor Fry Building NW
2 Marsham Street
London SW1P 4DF

Tel: 020 7035 1895

E-mail: RobD.Murphy@homeoffice.gsi.gov.uk

APPENDIX F

CONSULTATION CRITERIA

Where possible, this Consultation follows the Code of Practice on Consultation – the criteria for which are set out below:

Criterion 1 – When to consult – Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2 – Duration of consultation exercises – Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3 – Clarity of scope and impact – Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4 – Accessibility of consultation exercises – Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5 – The burden of consultation – Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6 – Responsiveness of consultation exercises – Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7 – Capacity to consult – Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

The full Code of Practice on Consultation is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44420.html>

APPENDIX G

CONSULTATION CO-ORDINATOR

If you have a complaint or comment about the Home Office's approach to consultation, you should contact the Home Office Consultation Co-ordinator, Nigel Lawrence. Please DO NOT send your response to this consultation to Nigel Lawrence. The Co-ordinator works to promote best practice standards set by the Code of Practice, advises policy teams on how to conduct consultations and investigates complaints made against the Home Office. He does not process your response to this consultation.

The Co-ordinator can be emailed at: Nigel.Lawrence@homeoffice.gsi.gov.uk or alternatively write to him at:

Nigel Lawrence, Consultation Co-ordinator
Home Office
Performance and Delivery Unit
Better Regulation Team
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2 Marsham Street
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