

OBTAINING BETTER VALUE FOR MONEY FROM POLICE PROCUREMENT (2)

THE POLICE ACT 1996
(EQUIPMENT) (AMENDMENT)
REGULATIONS 2012 AND THE
POLICE ACT 1996 (SERVICES)
REGULATIONS 2012



Home Office



Contents

- 1. Consultation summary 3
- 2. Overview 5
- 3. Background and policy context 6
- 4. Content of Regulations 9
- 5. Impact of Regulations 11
- 6. Next steps: Responding to the consultation questions 13

- Appendix A 14
- Appendix B 15
- Appendix C 18
- Appendix D 22
- Appendix E 23
- Appendix F 24
- Appendix G 25

1. Consultation summary

SCOPE OF THE CONSULTATION

Topic of this consultation:	The Government's proposals to further 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 and in the Strategy on Police Value for Money. In particular by amending or introducing Regulations under s53, subject to Parliament, and s57 of the Police Act 1996 to specify equipment and services to be provided through specified contractual arrangements.
Scope of this consultation:	To seek views from those affected (the police service, staff associations and trades unions representing officers and staff and businesses supplying goods and services to the police) on the impact of the approach and detail of the Regulations.
Geographical scope:	England and Wales
Impact assessment (IA):	Consultation Stage IA prepared and available at http://www.homeoffice.gov.uk/publications/about-us/consultations/police-procurement-2/impact-assessment?view=Binary

BASIC INFORMATION

To:	Police forces and authorities, the Mayor's Office for Policing and Crime, police staff associations and trade unions and businesses supplying goods and services to the police.
Duration:	12 weeks
Enquiries/how to respond:	<p>Mail: Fiona Wilson, Police Productivity Unit, Home Office, 6th Floor Fry Building NW, 2 Marsham Street, London SW1P 4DF.</p> <p>Telephone: 020 7035 8675</p> <p>E-mail: Fiona.Wilson@homeoffice.gsi.gov.uk (responses by e-mail will be welcome as e-mails or as attachments in Word or pdf format).</p> <p>Web: http://www.homeofficesurveys.homeoffice.gov.uk/v.asp?i=46198frdfo</p> <p>Consultation opened 3 February 2012 Consultation closes 27 April 2012</p>

Additional ways to become involved:	The consultation will be of interest to particular groups only – in this case, police forces and authorities, the Mayor’s Office for Policing and Crime staff associations and unions representing police officers and staff and businesses who contract with the police – rather than to the wider 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

Getting to this stage:	<p>The Government announced in its July 2010 consultation document <u>Policing in the 21st Century</u>, that it would specify the contractual arrangements to be used by the police service to procure equipment and services. A separate, simultaneous, consultation <u>Obtaining Better Value from Police Procurement</u> sought views on proposed Regulations to accomplish this for certain categories of equipment and services. Many respondents were supportive of the approach and concerns mainly focused on how the regulations would work. A response document, and an impact assessment were published in February 2011 and, at the same time the Police Act 1996 (Equipment) Regulations were made. They came in to force on 4 March 2011. On 10 March 2011 the High Level Working Group on police value for money (HLWG) agreed a National Strategy on Police Value for Money and a Policing Value for Money Unit (PVfMU) has been established to drive the strategy. A key objective of this strategy is to move towards nationally led police procurement. On 4 July the Home Secretary announced that a new police led ICT company would be set up. The new company will ensure a more commercial and efficient approach to police ICT provision, using economies of scale and market forces. The service it provides will cover the procurement, implementation and management of complex contracts for information technology, related business change and outsourcing services.</p> <p>Substantial savings opportunities have been identified in relation to procurement outside the scope of the new ICT company. The Government therefore intends to extend the scope of Regulations that require specified framework agreements to be used when specified equipment and services are provided for the police. This consultation is about the approach and detail of these extended regulations.</p>
Previous engagement:	Obtaining Better Value From Police Procurement 26 July 2010

2. Overview

- 2.1 In ‘Obtaining Better Value from Police Procurement’ (July 2010), the Government set out its commitment to reducing time-wasting police bureaucracy and the budget deficit. The Government explained that it was important to move swiftly to exploit opportunities to reduce the cost of police procurement. Since then, broader value for money strategy for the police service has been substantially developed.
- 2.2 Maximising the leverage of the police service’s economies of scale in procurement is one of the four objectives of the Strategy on Police Value for Money and further Regulations are an important tool for achieving this.
- 2.3 Regulations are not the only tool and in particular, the Government encourages the police to adopt an approach to procurement aligned to the package of reforms to Central Government Procurement announced by the Minister for the Cabinet Office and Paymaster General in November 2011.
- 2.4 This consultation paper sets out the format and content of the Home Secretary’s proposed amendments to Regulations under Sections 53 and Regulations under Section 57 of the Police Act 1996 that would require specified equipment and services to be provided for police purposes through the use of specified framework agreements.
- 2.5 For newly specified equipment and services, these Regulations will replace the current arrangements through which the specified equipment and services are provided for forces.
- 2.6 For equipment covered by The Police Act 1996 (Equipment) Regulations 2011, the amended Regulations maintain the provisions and effect of those earlier Regulations. Additionally, the amended Regulations extend the schedule to further categories of equipment and provide for circumstances in which the specified frameworks expire or are terminated.
- 2.7 Draft Regulations are set out at Appendices B and C. The proposed structure of the Regulations is:-
- Section 53 – specified equipment shall comply with the design and performance standards set out in specified framework agreements, and such equipment must be provided through those frameworks; and
 - Section 57 – specified services shall be provided through specified framework agreements.
 - In the case of the Police Procurement Hub framework; police authorities must contract for the police procurement hub service and use that service when obtaining equipment and services that are available through the Hub.
- 2.8 The specified contractual arrangements, apart from the Police Procurement Hub, will be listed in a Schedule to each set of Regulations rather than in the body of the Regulations. When 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 or replacement Regulations are made.
- 2.9 This consultation seeks views on the content and impact of the proposed Regulations. The impact is considered in more detail in the accompanying consultation stage Impact Assessment. The approach to assessing impact follows that taken for The Police Act 1996 (Equipment) Regulations 2011.
- 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-coordinator, Fiona Wilson, (Fiona.Wilson@homeoffice.gsi.gov.uk) in the first instance.

3. Background and policy context

- 3.1 Based on 2009/10 figures, 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. The taxpayer expects improvements in value for money, it is therefore indefensible to continue a system where goods and services for policing are bought in up to 43 different ways across the country. 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 suppliers who must pass the costs back to the police and ultimately the taxpayer.
- 3.2 For categories of equipment and services outside the scope of the new ICT company, the Government therefore intends to require the police service to use a series of national frameworks for the provision of specified equipment and services.
- 3.3 Progress has already been made in this area. **Policing in the 21st Century: Re-connecting the police and the people**, published on 26 July 2010 set out the Government's plan of police reform over the next five years, including elements on which the Government intended to legislate at an early opportunity. Chapter 4 explained that the Government intended to legislate at an early opportunity to ensure a coherent basis for the Home Secretary to specify procurement arrangements to be used by the service. That has been taken forward through provisions in the Police Reform and Social Responsibility Act amending Section 53 of the Police Act 1996. Policing in the 21st Century further explained that in the meantime, in order to ensure that savings were made as soon as possible to support deficit reduction, the Government would consult on proposals for regulations under existing legislation to specify certain contractual arrangements to be used by the police service.
- 3.4 That consultation was carried out through **Obtaining Better Value for Money for Police Procurement**, also published on 26 July 2010, which sought the views of police forces, authorities, staff associations, trade unions and business suppliers on draft Equipment and Services Regulations to be made under the Police Act 1996. Police bodies were generally supportive of the Regulations but were concerned about how the Regulations would work. Suppliers and Police bodies both expressed concerns that economies of scale did not always offer the best value for money and would result in dominance of the market by a few suppliers. Small and Medium Enterprises were concerned the Regulations would make it harder for them to access the police market. On the other hand for all firms the process will be more straightforward when engaging with a much less fragmented police market. Some of the frameworks to be specified already have SMEs as suppliers. Small and medium suppliers might find it more straightforward to engage with prime contractors to the service than with up to 43 individual forces directly. Additionally there is scope for SMEs to increase their capacity by creating consortia, either with other SMEs or larger mainstream companies. The **Response document** to Obtaining Better Value from Police Procurement was published in February 2011 and at the same time an **impact assessment** was published and the Police Act 1996 (Equipment) Regulations were made and laid before Parliament. Services Regulations that would have specified contractual arrangements to be used for the provision of forensic services were not made because of uncertainties about the future of the forensic market.

PLANS FOR FURTHER REGULATIONS

- 3.5 Since Regulations were made in March 2011, work has continued across the national organisations to identify or develop further frameworks that could be used to bring together yet more police procurement. The key driver for this is the Collaborative Police Procurement

Programme (CPPP). The CPPP is managed through a Programme Board, which is chaired by the Association of Chief Police Officers' procurement lead and on which police forces, authorities, the Home Office and the Office for Government Commerce are represented. The CPPP was supported by the National Policing Improvement Agency's (NPIA) commercial team. In October 2011 the NPIA's responsibilities in relation to non IT procurement transferred to the Home Office as part of the phasing out of the NPIA.

3.6 To support achievement of the savings from CPPP, the Government has already put in place Regulations under Section 53 of the Police Act 1996 to require police forces in England and Wales to procure certain categories of equipment through specified national framework agreements. The Government proposes now, in addition, to specify the framework agreements to be used when vehicle light bars and digital interviewing equipment, as well as the previously specified categories of equipment, are provided for the police in England and Wales. This will be accomplished by amended Regulations to be made, subject to Parliament, under Section 53 of the Police Act 1996. The draft (Equipment) (Amendment) Regulations are at Appendix B to this document.

3.7 In addition, the Government proposes to specify the framework agreements to be used when certain services are provided for the police in England and Wales. This will be accomplished through Regulations to be made under Section 57 of the Police Act 1996 (Appendix C). The services concerned are mobile telephony, translation and interpreters, some utilities, customer surveys, certain training services and certain consultancy services. Further, the Government proposes to require the police in England and Wales to contract for the Police Procurement Hub service which provides a procurement portal and access to a range of catalogues and frameworks

available to public sector organisations. The proposed regulations would also require the police to use the Police Procurement Hub to obtain the equipment and services that are available through it.

3.8 In some cases the contractual arrangements specified in Regulations are ones that the police service has taken the lead in negotiating. This was the case with the body armour and vehicles contractual arrangements included in the Regulations that came into force in March 2011. In other cases the contractual arrangements are wider public sector arrangements, as is the case with the translator and interpreter, utilities and consultancy frameworks specified in the draft Services Regulations.

BENEFITS

3.9 The aggregated approach to police procurement will help to deliver savings of at least £200 million a year by 2014/15 on non IT procurement. These savings will come from reductions in the price of goods and services, and from reducing the amount of duplication of procurement activity.

3.10 Full use by all police authorities and forces of the non IT frameworks specified in the Regulations made in March 2011 is expected to deliver savings worth £15m per year by 2014/15. Full use by all authorities and forces of the non IT frameworks specified in the proposed Regulations to which this consultation relates is expected to deliver savings worth £27m per year by 2014/15. That £27m includes savings from authorities and forces that would voluntarily use the specified frameworks. The particular contribution to the savings to be made by the Regulations is estimated to be £10m. The potential savings are considered in detail in the consultation stage Impact Assessment published alongside this consultation document. This estimates that the net present value over 10 years of the savings delivered by all the frameworks covered in the proposed Regulations, non IT and IT, is £107m

and that by 2014/15 the savings due to the Regulations will be running at a rate of £14m per year.

- 3.11 A final 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. Views on the consultation stage Impact Assessment are sought as part of this consultation.

FUTURE REGULATIONS

- 3.12 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. Other categories within the CPPP at present are: credit checking, insurance, vehicle tyres, and glass, forensics, stationery, breath screening devices and their maintenance, uniforms, firearms and ammunition, specialist body armour, aviation, legal services, construction and facilities management. The CPPP itself is reviewed from time to time and the categories included are likely to change over time.

4. Content of regulations

THE POLICE ACT 1996 (EQUIPMENT) (AMENDMENT) REGULATIONS 2012

4.1 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 that when the police wish to obtain equipment in the categories covered by the Regulations, it must be provided using the framework agreements specified in the Regulations. The Regulations say that when the police wish to use equipment that falls within the scope of framework agreements listed in the Schedule, they must use equipment that complies with the design and performance standards set out in those framework agreements. In addition, the police may use such equipment only if it has been purchased through the specified framework agreements.

4.2 The draft amendment Regulations include the equipment covered by the initial Regulations made in March 2011. In addition they include vehicle light bars and digital interviewing equipment.

THE POLICE ACT 1996 (SERVICES) REGULATIONS 2011

4.3 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.

4.4 The effect of the proposed Regulations is to specify that when the police wish to obtain certain services, they must be provided through the specified framework agreements set out in a

schedule to the Regulations. The draft Regulations include contractual arrangements for mobile telephony, translators and interpreters, utilities, customer surveys, certain training services and certain consultancy services. In addition the Regulations require police authorities and forces to contract for the Police Procurement Hub service and to use that service when obtaining equipment and services available through it.

SCOPE OF THE CONTRACTUAL ARRANGEMENTS COVERED BY THE REGULATIONS

4.5 The scope of the contractual arrangements to which the proposed Regulations would apply can be summarised as follows:

- **Vehicle Light Bars:** this framework is for the supply and fit of Vehicle Light Bars and Associated Public Warning Equipment and offers four standardised categories of Light bar. The framework specified in the draft Regulations may be superseded by a new wider public sector framework currently in procurement. If Regulations are made following this consultation, they may specify the new framework.
- **Digital Interviewing equipment:** this framework is for the supply of equipment for the purpose of digitally recording police interviews and storing the interview records.
- **Mobile telephony:** this framework is for mobile telephone services.
- **Translators and Interpreters:** this framework led by Ministry of Justice provides the services of translators and interpreters. It covers the following services face to face (including provision for the deaf and blind), text translation, telephone translation. A single prime contractor co-ordinates provision of services from many individual translators/interpreters.
- **Utilities:** the frameworks specified in the draft Regulations are for electrical power consumption (the term utilities in this case is restricted to the consumption of power in

alignment with the Pan Government Strategy for Energy Procurement). Consideration will also be given to adding to the frameworks specified in the draft Regulations further frameworks used by the police service put in place through regional buying consortia.

- **Customer surveys:** this National User Satisfaction Survey Framework will deliver a wide scope to include all types of surveys conducted by police forces. The key output is to improve savings whilst ensuring the quality of the service provider, achieved through further competitions with a supplier panel of 6.
- **Training Services:** this framework is for a limited range of off-the-shelf e-Learning content covering a range of areas including Business Skills, Leadership Skills, IT Technical & IT Desktop.
- **Consultancy:** these frameworks are for provision of Organisational and Change Management consultancy and Business Change consultancy together with consultancy to support the application of process improvement work in the police service. Consideration will also be given to adding to the frameworks specified in the draft Regulations the framework, put in place by the Home Office, through which consultancy has been procured to support operation Quest.
- **Police procurement hub:** this framework provides a managed procurement service providing electronic access to catalogues, purchase to pay processing and other facilities, together with a means of aggregating data on police procurement to support more effective engagement with the market and with suppliers.

TRANSITIONAL PROVISION

- 4.6 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.

PROVISION IN RESPECT OF DETERMINATION OF SPECIFIED CONTRACTUAL ARRANGEMENTS

- 4.7 There is one further change in the content of the draft Regulations at Annexes B and C compared to the approach taken in the Regulations that were made in February 2011, after consultation in 2010. The draft Regulations make provision for circumstances in which the specified contractual arrangement has expired or has otherwise been determined. In these circumstances forces and authorities will be free to use other contractual arrangements of their choice to meet their needs for the specified equipment and services.

CONSULTATION QUESTIONS

For the police service and for suppliers

- What concerns, if any, do you have about the operation of the proposed Regulations?
- What particular concerns, if any, do you have based on your experience of the implementation of the Police Act 1996 (Equipment) Regulations 2011?

5. Impact of regulations

ON THE POLICE SERVICE

- 5.1 The impact of the proposed Regulations on the police service is expected to be a reduction in the cost of purchasing the specified equipment and services, through the aggregation of procurement through specified contractual arrangements; and a contribution to reducing duplication of effort in procurement activity.
- 5.2 Estimated costs and benefits of the Regulations are considered in the separate Impact Assessment: <http://www.homeoffice.gov.uk/publications/about-us/consultations/police-procurement-2/impact-assessment?view=Binary>. In summary the assessment of impact on the police is based on the assumption that, while many forces and authorities would voluntarily use the specified frameworks, others would not. The impact of the Regulations will lie in ensuring that these authorities and forces do use the specified frameworks; in the achievement by them of the savings on prices and procurement activity available from doing so; and in ensuring that all authorities and forces benefit from the maximum aggregation of police purchasing power in the specified categories.

ON THE SUPPLIER COMMUNITY

- 5.3 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. In addition the police procurement hub will make it more straightforward for suppliers, including SMEs, to engage with the police service for the supply of equipment and services outside the scope of the present and proposed Regulations.
- 5.4 There is a risk that it might be 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.

- 5.5 In the case of the Regulations that were made in February 2011, the body armour framework already includes SME suppliers. The specified framework for commoditised IT hardware and Commercial Off The Shelf software enables SMEs to supply the service as prime sub-contractors to the framework supplier. In the case of the proposed further equipment categories, the suppliers for light bars are predominately SMEs. The suppliers for digital interview equipment include SMEs. In the case of the proposed services Regulations, the framework for translators and interpreters is for a managed service but SMEs and individuals can continue to supply the police through that service, so long as they sign up to the terms of the service provision.

CONSULTATION QUESTIONS

For forces and authorities

- What are your views on the savings potential identified and the savings assumptions made in the Impact assessment? Do they seem too high, about right or too low?
- In your view what would be the extent of voluntary use of the specified frameworks if the Regulations were not made? Would they be widely used, used by some, or not used at all without Regulations?

For Suppliers

- How, if at all, do you think the proposed Regulations would affect your business as a supplier, or potential supplier to the police service?
- What, if any, do you think would be the particular implications of these proposed Regulations for small and medium enterprises?

- What effect, if any, do you think the proposed Regulations will have on the market for the categories of equipment and services concerned?

For all respondents

- What specific impacts, if any, do you think the proposed Regulations would have on any particular group to which a statutory equality duty applies?
The protected characteristics covered by the public sector Equality Duty are:
 - age
 - disability
 - gender reassignment
 - marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
 - pregnancy and maternity
 - race – this includes ethnic or national origins, colour or nationality
 - religion or belief – this includes lack of belief
 - sex
 - sexual orientation
- In your view what steps would mitigate any specific impacts that you have mentioned in response to the question above?

6. Next steps: responding to the consultation questions

- 6.1 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 (FOI A), the Data Protection Act 1998 (DPA) and the Environment Information Regulations 2004.

SUBMITTING YOUR RESPONSES

- 6.2 Please send your response to the Home Office by 27 April 2012.

E-mail: Fiona.Wilson@homeoffice.gsi.gov.uk

Web: <http://www.homeofficesurveys.homeoffice.gov.uk/v.asp?i=46198frdfo>

Mail: Fiona Wilson, Police Productivity Unit, Home Office, 6th Floor Fry Building NW, 2 Marsham Street, London SW1P 4DF.

Telephone: 020 7035 8675

NEXT STEPS

- 6.3 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 made and 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 [DN to be confirmed(<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 its Gold Group. The consultation aims to secure a more comprehensive view from delivery partners and is targeted at:

- **Police Service** through the Association of Chief Police Officers (ACPO), the Police Superintendents Association and the Police Federation)
- **Police Authorities** through the Association of Police Authorities (APA), Association of Police Authority Chief Executives (APACE) and the Police Authority Treasurers Society (PATs)
- **The Mayor’s Office for Policing and Crime**
- **Confederation of British Industry**
- **British Chambers of Commerce**
- **Federation of Small Businesses**
- **UNISON**
- **All other respondents to the 2010 consultation
Obtaining Better Value from Police Procurement**

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: Fiona.Wilson@homeoffice.gsi.gov.uk.

Appendix B

Draft Regulations (Equipment)

2012 No.

POLICE, ENGLAND AND WALES

**The Police Act 1996 (Equipment) (Amendment) Regulations
2012**

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - ***

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

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 and 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) (Amendment) Regulations 2012 and shall come into force on [insert date].

Amendments to the Police Act 1996 (Equipment) Regulations 2011

- 2.—(1) The Police Act 1996 (Equipment) Regulations 2011(b) are amended as follows.
- (2) In regulation 2(a) and 2(b) for “arrangement” substitute “agreement”.
 - (3) For the Schedule, Substitute the Schedule to these Regulations;
 - (4) After regulation 2 (transitional provision) insert—

“Inability to use the relevant framework agreement

2A. Regulation 2 shall not apply where the relevant framework agreement has expired or has otherwise been terminated in accordance with its terms.”

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 of the Police

(a) 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). Further amendments to section 53 were made by section 93 of the Police Reform and Social Responsibility Act 2011 (c.13).

(b) S.I. 2011/300.

Act 1996 (Equipment) Regulations 2011 shall not apply until the contractual arrangements in question expire or are otherwise terminated in accordance with their terms.

Home Office
Date

Name
Minister of State

SCHEDULE

Regulation 2

<i>Equipment</i>	<i>Framework Agreement</i>
Body armour	Supply and Delivery of Body Armour to protection level HG1A/KR1 and associated covers(a)
Police Vehicles	National Association of Police Fleet Managers Framework Arrangement for the provision of Vehicles and Spare Parts(b)
IT commoditised hardware	Sprint II Framework Agreement for the provision of IT Products and Services(c)
IT commercial off-the-shelf software	Sprint II Framework Agreement for the provision of IT Products and Services(d)
Lightbars	Framework Agreement for the Supply and Fit of Lightbars and Associated Public Warning Equipment(e)
Digital Interview Equipment	Digital Interviewing Framework Arrangement(f)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Act 1996 (Equipment) Regulations 2011 (“the 2011 Regulations”), which impose certain requirements when specified equipment is acquired for police use. Regulation 2A is inserted to provide that Regulation 2 shall not apply where the relevant framework agreement has expired or has otherwise been terminated in accordance with its terms. The Schedule to 2011 Regulations is substituted by a new Schedule. This amends the details of the framework agreements included in the Schedule to the 2011 Regulations and it also inserts new framework agreements in respect of Lightbars and Digital Interview Equipment.

- (a) Published by the Metropolitan Police Authority in 2010. HODSB standard HG1A (for ballistic protection) and HODSB standard KR1 (for knife resistance) are set out in the publication “Body Armour Standards for UK Police” published by the Home Office Scientific Development Branch in July 2007 (ISBN: 978-1-84726-424-4).
- (b) Published by the National Police Improvement Agency in 2010.
- (c) Published by Buying Solutions in 2010. The Framework terms and conditions are available at www.buyingsolutions.gov.uk.
- (d) Ibid.
- (e) Published by the National Police Improvement Agency in 2011.
- (f) Published by the National Police Improvement Agency in 2011.

Appendix C

Draft regulations (Services)

2012 No.

POLICE, ENGLAND AND WALES

The Police Act 1996 (Services) Regulations 2012

Made - - - - - ***

Coming into force - - -

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”)(a).

The Secretary of State has consulted in accordance with section 57(4) and (5) of the Act.

Citation and commencement

1. These Regulations may be cited as the Police Act 1996 (Services) Regulations 2012 and shall come into force on [insert date].

Requirement to use specified services

2. Subject to regulations 4 and 5, 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.

Requirement to use the police procurement hub

3. All police forces must use the service known as the police procurement hub, as specified in the Zanzibar Services Framework Agreement(b), to the exclusion of any other arrangement offering a procurement service.

Inability to use the relevant framework agreement

4. Regulation 2 shall not apply where the relevant framework agreement has expired or has otherwise been terminated in accordance with its terms.

(a) 1996 c.16. Section 57(3) was amended by section 13 of the Policing and Crime Act 2009 (c.26). Relevant amendments to section 57(4) were made by paragraph 7 of Schedule 4 to the Police and Justice Act 2006 (c.48); and paragraphs 1, 36(1) and (2) of Part 1 of Schedule 16 to the Police Reform and Social Responsibility Act 2011(c.13). Further amendments to section 57 were made by paragraphs 1, 36(1) and (3) of Part 1 of Schedule 16 to the Police and Social Responsibility Act 2011.

(b) The National Police Improvement Agency Service Provision Agreement published by the National Police Improvement Agency in 2011.

Transitional provision

5. 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

SCHEDULE

Regulation 2

<i>Services</i>	<i>National Framework</i>
Mobile telephony	Framework Agreement for the Provision of Mobile Telephony Services(a)
Translators and Interpreters	Language Services(b)
Utilities	RM 331 Supply of Electricity Goods, Works and Services(c) RM 550 Energy - Non-half Hourly Electricity(d)
Customer surveys	Public Opinion Polling Surveys(e)
Information Technology Training	Learning & Development and eLearning solutions – generic eLearning solutions(f)
Health and Safety Training	Learning & Development and eLearning Solutions - Health & Welfare (g)
Fire Safety Training	Learning and Development and eLearning Solutions – Generic eLearning solutions and Fire Extinguishers (and Fire Safety
Organisation and Change Management Consultancy	Management Consultancy and Accounting Services – Organisation and Change Management Consultancy – Local Government(i)
Business Strategy Consultancy	Management Consultancy and Accounting Services – Business Strategy Consultancy – Local Government(j)

(a) Published by the Metropolitan Police Authority on 7 January 2011.

(b) Published by the Ministry of Justice in 2011.

(c) To be published by the Government Procurement Service on 1 April 2012.

(d) Published by Buying Solutions on 1 October 2009.

(e) Published by Thames Valley Police Authority in 2011.

(f) Published by Buying Solutions on 23 November 2009.

(g) Further details of the Framework Agreement can be found at:
www.buyingsolutions.gov.uk/frameworks/contract_details.html?contract_id=737.

(h) Published by Buying Solutions on 25 May 2009.

(i) Published by Buying solutions in 2010.

(j) Published by Buying Solutions in 2010.

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. There is no requirement to use the specified services where the relevant framework agreement has expired or has otherwise been terminated in accordance with its terms.

Regulation 3 requires all police forces to use the police procurement hub to the exclusion of any other arrangement offering a procurement service.

Where binding contractual arrangements are already in existence for the supply of the relevant services 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 contract.

Appendix D

Responses: confidentiality and 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:

Fiona Wilson
Police Value for Money Team
Police Productivity Unit
Home Office
6th Floor Fry Building NW
2 Marsham Street
London SW1P 4DF

Tel: 020 7035 8675

E-mail: [**Fiona.Wilson@homeoffice.gsi.gov.uk**](mailto:Fiona.Wilson@homeoffice.gsi.gov.uk)

Appendix F

Consultation criteria

The 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 Coordinator, Adam McArdle. Please DO NOT send your response to this consultation to Adam McArdle. 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:

Adam.McArdle@homeoffice.gsi.gov.uk

or alternatively write to him at:

Adam McArdle, Consultation Co-ordinator
Home Office
Value for Money and Productivity Unit
3rd Floor Seacole
2 Marsham Street
London
SW1P 4DF



Home Office