

ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER

Subject	Provision of a pilot project to voluntarily tag offenders using ICYou Ankle Tag devices, charging units, software and technical support by CareWhere Ltd
Officer taking decision	Pam Wharfe, Strategic Director Growth and Environment
Date of decision	24 th February 2014
Summary	Authorisation to procure and Acceptance of an offer from CareWhere Ltd as a single source supplier for the provision of a two year pilot project providing reward ankle tagging, charging devices, software, and technical support products.
Officer Contributors	Pam Wharfe, Strategic Director for Growth and Environment Kiran Vagarwal, Head of Community Safety
Status (public or exempt)	Public
Wards affected	All
Function of (Council/Executive)	Council
Enclosures	None
Contact for further information:	Kiran Vagarwal, Head of Community Safety 0208 359 2953

1. RELEVANT PREVIOUS DECISIONS

1.1 N/A

2. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

2.1 Improving integrated offender management and reducing re-offending is a key priority in the:

- 2011-2014 Barnet Safer Communities Strategy
- The Police and Crime Plan for London published by the Mayor's Office for Policing and Crime (MOPAC)

2.2 Reducing re-offending achieves a reduction in crime, fewer victims, and a reduction in the costs related to bringing offenders to justice. The top 200 repeat offenders in Barnet account for 2.9% of the total individuals arrested (1196 arrests in the last two years).

2.3 Costs incurred include costs related to the anticipation of crime (such as security expenditure), as a consequence of crime (such as property stolen and emotional or physical impacts), and in response to crime (costs to the criminal justice system).

2.4 Wave Two of the One Barnet Programme considered projects that would improve the work of the council and reduce costs. Five areas were considered including community safety to achieve a safer and more cohesive community in Barnet with a specific focus on the management of offenders.

2.5 Crime and community safety remains a top concern for residents. Concern about crime was the most common issue identified by residents in the Residents' Perception Survey in 2013 (<http://engage.barnet.gov.uk/consultation-team/residents-perception-survey-2013>).

3. RISK MANAGEMENT ISSUES

3.1 I do not consider the issues involved are likely to raise significant levels of public concern or give rise to policy considerations as this report raises a number of risks and concerns for the council for this project. However, it has been engaged with at the instigation stage and with the full support of Barnet Police who have assured the council that issues such as human rights, data protection and the workings of the tags themselves are their responsibility and, as they will be managing the project they will manage the risks.

3.2 Human Rights implications – The individuals wearing a tag will be tracked through the software supporting the tags. This could be seen to amount to a significant intrusion into the private lives of those wearing a tag. While it is proportionate to check whether those with a propensity to offend were at the scene of a crime and then to locate them if they were it probably is not proportionate routinely to investigate everywhere they have been. Measures will be put in place and set out in an agreement between the Council and the Metropolitan Police to ensure that:

- The offenders' movement would not be tracked as a matter of course but would

only be compared in instances of crime.

- The offenders' would only be tracked live time if it was necessary to capture them following the commission of an offence.
- The Data Protection Act and Section 115 of the Crime and Disorder Act are complied with.
- The tags will be offered to those individuals identified by the Barnet Integrated Offender Management Programme and local professionals as active criminals who have expressed or, who are believed to be willing to try new means of exchanging their criminal life for a more law abiding one. In that respect the tags will only be used on a voluntary basis.

4. EQUALITIES AND DIVERSITY ISSUES

- 4.1 The use of the Metropolitan Police and Probation Services diversity and equalities policies and procedures when using the tags and delivering the interventions to support and divert the offender from re-offending will reduce the Council's vulnerability to any potential equalities and diversity issues.

5. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 5.1 The provision of tags from CareWhere Ltd is supported by the technical advice of the Metropolitan Police, Barnet and the funder (The Hadley Trust). The Hadley Trust has stipulated the tags they will fund. This is a single tender action. In accordance with contract procedure Rules 9.1 approval is required in advance from the Commercial and Customer Services Director, for approval of a single tender action. This has been confirmed.
- 5.2 The purchase of the tags will be at zero cost to the Council. Funding to purchase the tags has been secured through the Hadley Trust a philanthropic charitable organisation established by Philip Hulme in 1997. It is a grant giving charity which funds projects and research into issues concerned with poverty, disadvantage, and criminal justice. The tags will be owned by CareWhere as they will be continuing to develop their prototypes throughout the project, effectively the Hadley Trust and therefore is purchasing the pilot project which includes use of the tags.
- 5.3 Philip Hulme is an IT entrepreneur who is interested in the part technology can play in improving criminal justice procedures. Over the next three years he would like to fund in different locations, three pilots where tags are offered to a cohort of 50 offenders in each location to test the theory that they help with rehabilitation and desistance. The tags will be offered on a voluntary basis and not part of a court order. The Hadley Trust and Metropolitan Police Barnet have recommended CareWhere Ltd as the market provider of tags they wish to be used for the Barnet pilot. It therefore makes sense to procure a device from a company the funder and the user are recommending. The Hadley Trust's offer of funding is dependent on us using their recommended provider – CareWhere Ltd as it is a specific tag they would like to pilot. The costs of the tags suggested are within market trends if not cheaper. The average cost of a tag is around £13.14 per monitored day in England

and Wales, compared to £1.22 in the United States. The tags supplied by CareWhere Ltd will cost an average of £1.37 per monitored day.

- 5.4 Finance and Value for Money: The anticipated expenditure on the purchase of the tags is £50,000 over two years (2014/15, 2015/16) with the option to extend for a further three years subject to funding from the Hadley Trust to ensure the cost to the council remains at zero and satisfactory performance. This amount will be used to purchase the Tags from CareWhere Ltd.
- 5.5 CareWhere Ltd will supply ICYOU ankle tags, charging units, access to the CareWhere management mapping panel and Data Log. Technical support and training will be made available by the provider as and when required throughout the course of the contract within the costs.
- 5.6 The use of the Care Where Ltd Data Log with technical support and training provided as and when required by CareWhere Ltd throughout the course of the contract until 31st March 2016 is within the costs stated
- 5.7 Staffing and IT: There are no staffing and IT issues.
- 5.8 Property and Sustainability: There are no property and sustainability issues.

6. LEGAL ISSUES

- 6.1 These security services are Part B Services under Public Contract Regulations 2006 (as amended) and below threshold so the council does not need to undertake a competitive procurement exercise under the Public Contracts Regulations 2006.
- 6.2 The Council's Commercial and Customer Services Director has approved the contract awards as a Single Tender Action as required by Contract Procedure Rule 9.1 of the Council's Constitution.
- 6.3 The proposed contracts will be in a standard form approved by the Council's Legal Services.
- 6.4 The data protection and privacy implications are addressed under the Risk Management section at paragraph 3 of this Report. The fact that the participants will be volunteering to wear the tags, and the monitoring and recording will be proportionate and in accordance with Section 115 of The Crime and Disorder Act 1998 (as amended) means that the Council will be complying with its legal obligations under The Human Rights Act 1998 and The Data Protection Act 1998.

7. CONSTITUTIONAL POWERS

- 7.1 Constitution, Responsibility for Functions, paragraph 7.1 states that Chief Officers as listed in Article 11 can take decisions, in consultation with the Cabinet Member concerned (or without consultation where it is a decision authorised to be taken by the Chief Officer under the Contract Procedure Rules or it involves the implementation of policy or earlier decision of the Council or Cabinet or Committee or it is in respect of operational matters within the Chief Officer's sphere of managerial or professional responsibility and is not significant in terms of budget or policy).

- 7.2 Constitution, Contract Procedure Rules, Section 5 – authorise a Director to authorise and accept contracts for works, supplies or services up to the value of £173,933 where the tender/quotation represents value for money and is the best available option for the Council. CareWhere Ltd is the supplier the Hadley Trust would like to fund and Metropolitan Police Barnet have provided the technical advice recommending this provider. It is upon this advice the tags are being purchased from CareWhere Ltd.
- 7.3 Constitution, Contract Procedure Rules paragraph 9.1, Single source suppliers states that the competitive tendering provisions will not apply where the Director/Head of Service and the Commercial and Customer Service Director is satisfied.

8. BACKGROUND INFORMATION

- 8.1 The Council have been approached by the Hadley Trust to be one of the three pilot areas for this scheme. They will provide funding for the purchase of the tags. The Council will purchase the tags; an agreement will be developed in conjunction with the police, setting out the compliance required by the police when using the tags to ensure there is not a breach of human rights, data protection, and the respective organisational equality and diversity policies are adhered to.
- 8.2 In terms of costs, the agreement will clearly set out that the Council will not provide funding for maintenance and any on-going costs, and the Hadley Trust and the Metropolitan Police will be required to meet any on-going costs over and above the funding set out within this report.
- 8.3 The Council is relying on the technical advice of the funder and Metropolitan Police Barnet in the purchase of these particular tags.

9. LIST OF BACKGROUND PAPERS

- 9.1 None

10. DECISION TAKER'S STATEMENT

- 10.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations.*

11. OFFICER'S DECISION

I authorise the following action

I Authorise and Accept the Council awarding the contract to CareWhere Ltd for the purchase of ICYOU ankle tags, charging units, access to the CareWhere management mapping panel and Data Log with technical support and training will

be made available as and when required by CareWhere Ltd throughout the course of the contract within the costs stated until 31st March 2016.

Authorisation for a single source tender has been granted by the Commercial Customer Services Director.

Signed



Pam Wharfe
Strategic Director, Growth and Environment
Barnet Council

Date

24th February 2014
