

PFCC Decision Report

Report reference number: PFCC/052/24

Classification: OFFICIAL

Title of report: Brentwood Sexual Assault Referral Centre (SARC) Extension

Area of county / stakeholders affected: Force wide

Report by: Chief Inspector Mark Barber

Chief Officer: ACC Baldwin

Date of report: 10/06/2024

Enquiries to: Patrick.Duffy@essex.police.uk

1. Executive Summary

The Forensic Science Regulator (FSR) Act 2021 received Royal Assent on 29th April 2021. The Act placed the FSR on a statutory basis as a new legal entity with legal powers. Following high profile cases, the FSR has set a requirement for all forensic medical examination services to be accredited to the international standard ISO 15189 by October 2025. This requirement applies to all facilities conducting evidence recovery from complainants of sexual assaults. These facilities will include Sexual Assault Referral Centres (SARCs).

The operational benefit to introducing accreditation within the SARC environment is it will set clear and consistent standards and will encompass the premises (facilities), equipment, environment, people (practitioners), competency, training and all other aspects concerned with the end-to-end process in taking and processing forensic samples. This will embed confidence in the integrity of the evidential process in the administration of justice.

Any SARC unable to reach accreditation by October 2025 will still be able to put evidence forward at court but the Crown Prosecution Service (CPS) will have to disclose the fact the SARC is not accredited which may undermine the strength of forensic evidence submitted.

The Forensic Capability Network (FCN) visited the Essex SARC on 3rd April 2023 to conduct a gap analysis of the site. A report was subsequently compiled on changes required to achieve accreditation. Through Estates Services, our Professional Services design partner was commissioned to provide costings and timescales to deliver the changes and improvements identified within the FCN gap analysis. A budget estimate has been produced, incorporating any mechanical and electrical changes to the building, as follows:

- Single storey extension to the existing SARC building at Oakwood Place, Brentwood.
- Designated PPE changing room.
- Consumables storeroom.
- Forensic cleaning cupboard.
- Additional evidence storage room.

2. Recommendations

The first recommendation to the PFCC is to:

- Approve the budget of £840,000 of capital funding for capital expenditure once the formal lease has been approved .
- Grant authority to spend enabling costs of up to £75,000 capital ahead of the formal lease being approved.
- Commit £68,400 of one-off revenue and £18,000 per annum revenue recurring funding to undertake the SARC improvements to ensure ISO accreditation can be achieved by the service provider.

The second recommendation to the PFCC is to approve a 50/50 contribution with Essex Police toward the SARC property running costs which total £124,610 per annum incorporating rent, utilities, and service charge. Therefore, the PFCC “Victims Commissioning Fund” and Essex Police will each contribute £62,305 per annum.

The third recommendation is for the PFCC to agree the Heads of Terms attached at Appendix 2 for the proposed Head Lease. The term is proposed at 25 years at £49,200 per annum, with an upwards only rent review due on the fifth anniversary. The lease has a mutual break clause with six months’ notice upon the service contract being terminated.

Note: The property running costs were funded on a 50 / 25 / 25 basis between the NHS / PFCC / Essex Police until the NHS devolved their overall SARC contribution to the PFCC. The property costs were not factored into the 2024/25 budget setting but are required from 1st April 2024. This was due to partner funding and administrative changes. The budget is required for the property running costs whether the proposed project proceeds or not. There is sufficient budget available within the PFCC’s Victims Commissioning Fund to meet the PFCC’s 50% contribution, however the Essex Police 50% contribution will be a revenue cost pressure in the current 2024/25 financial year.

The PFCC is asked to note that the proposal is to enter into a lease agreement with NHS Property Services to become the registered occupiers of the SARC, in addition to providing a sub lease to the service provider to run concurrently with their contract to provide the service provision. A separate decision report will be submitted once the

leases are complete. Draft Heads of Terms are attached within Section 16 (Background Papers and Appendices).

3. Background to the Proposal

Essex Police would like to allocate £840,000 capital funding to the upgrade project specifically for ISO accreditation. The funding is currently earmarked in the 'subject to approval' category of the capital programme.

The facility requires an extension to meet the gap analysis and provide additional frozen storage of samples that will fall under the service provider's control and ISO accreditation prior to the victim reporting the incident as a crime and EP taking the evidence.

The Forensic Science Regulator (FSR) Act 2021 received Royal Assent on 29 April 2021. The Act placed the FSR on a statutory basis as a new legal entity with legal powers. The Act requires the FSR to prepare and publish a code of practice on delivery of forensic science activities in England and Wales. Following high profile cases, the FSR has set a requirement for all forensic medical examination services to be accredited to the international standard ISO 15189 by **October 2025**. This requirement applies to all facilities conducting evidence recovery from complainants of sexual assaults. These facilities will include Sexual Assault Referral Centres (SARCs).

The international standard has been applied to all forensic laboratories since 2012. The operational benefit to introducing accreditation within the SARC environment is it will set clear and consistent standards to form and maintain a holistic Quality Management System (QMS). This QMS will encompass the premises (facilities), equipment, environment, people (practitioners), competency, training and all other aspects concerned with the end-to-end process in taking and processing forensic samples. This will embed confidence in the integrity of the evidential process in the administration of justice.

NB:

- *It should be noted that this capital project is subject to the NHS obtaining planning permission for the proposed extension to the property. The planning application is expected to be submitted to the planning authority in June / July 2024.*
- *Once drafted, the lease will be presented at the September 2024 Strategic Board.*
- *The contract award for works will be presented at the December 2024 Strategic Board.*

4. Proposal and Associated Benefits

The proposal is to make necessary changes to the existing SARC in Essex to achieve accreditation status by October 2025. There are significant initial cost implications with ongoing costs to maintain accredited status. However, this option will ensure Essex meets the FSR requirement, is aligned to the position being taken by all other forces

and has an international standard forensic quality management system that can withstand external scrutiny.

The main benefits associated with the proposal are:

- Meets strategic aims within the Force Plan, Police and Crime Plan and RASSO National Action Plan to respond and investigate and protect vulnerable people.
- Meets FSR ISO accreditation requirements.
- Future proofs the existing SARC within Essex with no reliance on other forces or a reduction in service.

5. Options Analysis

The options set out below are in relation to the first recommendation around capital investment at the SARC premises. The second recommendation relates to identifying sufficient funding to cover the existing operating costs of the premises.

Business as Usual – Do Nothing Option – This is the most financially viable option with no additional identified costs to maintaining the current SARC system for the taking and processing of evidential samples. However, without these works, the police and CPS will have to disclose that any evidence captured at the SARC is not within accreditation. This may place a question mark over and compromise evidence at court. Essex Police must become accredited to deliver the best possible service to victims and the public and prosecute offenders.

Alternate Location – Existing properties within the estate were reviewed but none were identified as being suitable to create a new SARC. Any viable alternative option would require significantly more investment than the preferred option.

Recommended Option - Make necessary changes to the existing SARC in Essex to achieve accreditation status by October 2025. There are significant initial cost implications with ongoing costs to maintain accredited status. However, this option will ensure Essex meets the FSR requirement, is aligned to the position being taken by all other forces and has an international standard forensic quality management system that can withstand external scrutiny.

6. Consultation and Engagement

Consultation has taken place with NHS Property Services and the service provider, which is the legal entity required to achieve accreditation, and continues with the 7 force Heads of Estate in relation to the required work across the region and planned closure dates including contingency for when the SARC is closed.

7. Strategic Links

The accreditation of the SARC is a national requirement set by the Forensic Science Regulator (FSR) as already outlined. It meets with the key elements of the Force Plan to ensure we are collaborative with consistent, efficient, and effective systems in place to deliver the best possible service and outcomes to vulnerable victims.

Accreditation to international standards will ensure the integrity of evidential forensic samples is not compromised and best evidence is captured to enable dangerous offenders to be brought justice.

The Rape and Serious Sexual Offences (RASSO) National Operating Model (NOM) was launched in July 2023 by the Home Secretary. The College of Policing has set a directive that all forces are to implement the NOM by June 2024. This is a whole system transformational change programme based around six key pillars. Victim Engagement is a specific pillar within the NOM and SARC accreditation will be a key element within this.

Victim satisfaction and public confidence are strongly influenced by the ability of the police to investigate serious crime effectively and bring offenders to justice. Confidence in the integrity of the evidential process, particularly the taking and processing of forensic samples from highly traumatised and vulnerable victims, is paramount. Accreditation will not only meet the requirement set by the FSR but also the expectations of the public.

8. Police operational implications

The planned works at the SARC will ensure compliance with the ISO accreditation requirements and therefore place credibility over forensic evidence captured. Without these works the police and CPS will have to disclose that any evidence captured at the SARC is not within accreditation. This may place a question mark over and compromise evidence at court. Essex Police must become accredited to deliver the best possible service to victims and the public and prosecute offenders.

Discussions are taking place with the 7 force Heads of Estate in relation to the required work across the region and planned closure dates of each SARC including contingency for when the SARC is closed.

9. Financial implications

The recommended decision is to make available £840,000 of capital funding to build an extension at the Essex SARC, for capital expenditure once the formal lease has been approved to ensure ISO accreditation can be achieved by the service provider. .

It is also recommended that authority is given to spend enabling costs of up to £75,000 capital, from the £840,000 capital funding, ahead of the formal lease being approved.

There are other costs associated with achieving the ISO accreditation for the SARC. Following construction work, the accreditation process will commence in 2025. These are £18,000 recurring revenue and £68,400 one-off revenue costs.

In addition, the property running costs are £124,610 per annum and were required from April 2024/25. It is proposed that these will be funded on a 50/50 basis between the PFCC Victims Commissioning Fund and Essex Police. The Essex Police contribution will be managed within the existing Essex Police budget.

The table below sets out the overall difference between the Stage B presented at budget setting and the Stage C capital bid for Essex Police.

(ESSEX ONLY)						
Stage B - budget setting	0.00	0.00	0.00	0.00	0.00	0.00
Stage C	0.00	34.20	0.00	0.00	34.20	68.40
Variance: Stage C compared to budget setting provision (if applicable)	0.00	34.20	0.00	0.00	34.20	68.40
REVENUE RECURRING COST SUMMARY						
(ESSEX ONLY)						
Stage B - budget setting	52.20	18.00	18.00	52.20	18.00	158.40
Stage C	62.30	80.30	80.30	80.30	80.30	383.50
Variance: Stage C compared to budget setting provision (if applicable)	10.10	62.30	62.30	28.10	62.30	225.10
TOTAL PROJECT COSTS						
STAGE B - BUDGET SETTING	892.20	18.00	18.00	52.20	18.00	998.40
Stage C	62.30	954.50	80.30	80.30	114.50	1,291.90
NET IMPACT ON CAPITAL PROGRAMME-(SURPLUS)/DEFICIT *	(829.90)	936.50	62.30	28.10	96.50	293.50

The following table highlights the recurring revenue budget contribution from the PFCC's Victim's Commissioning Fund to the property running costs of the SARC, i.e., the annual PFCC contribution will be met from existing budgets and therefore it will not create a cost pressure for the PFCC.

	Year 1 2024/25	Year 2 2025/26	Year 3 2026/27	Year 4 2027/28	Year 5 2028/29	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Revenue recurring costs						
PFCC contribution to SARC running costs	62.30	62.30	62.30	62.30	62.30	311.50
Victim's Commissioning Fund budget	(62.30)	(62.30)	(62.30)	(62.30)	(62.30)	(311.50)
Net cost pressure to PFCC	0.00	0.00	0.00	0.00	0.00	0.00

Finally, the following table provides an overall summary of total project costs, incorporating revenue and capital, Essex Police and PFCC costs:

	Year 1 2024/25	Year 2 2025/26	Year 3 2026/27	Year 4 2027/28	Year 5 2028/29	Total
	£'000	£'000	£'000	£'000	£'000	£'000
Essex Police Capital costs	0.00	840.00	0.00	0.00	0.00	840.00
Essex Police Revenue Set-up costs (ISO Accreditation)	0.00	34.20	0.00	0.00	34.20	68.40
Essex Police Revenue Recurring costs (Property & ISO Accreditation)	62.30	80.30	80.30	80.30	80.30	383.50
PFCC Revenue Recurring costs (Property)	62.30	62.30	62.30	62.30	62.30	311.50
Grand total project costs	124.60	1,016.80	142.60	142.60	176.80	1,603.40
Revenue Recurring Sub Total	124.60	142.60	142.60	142.60	142.60	695.00

A stage B business case was submitted and approved during the 2023-24 budget setting stage and earmarked under the project 'Brentwood SARC extension'. This is a stage C business case requesting the capital funding approval of £840k in 2024-25 with associated revenue costs which were not included in the original bid.

The revenue funding requirement comprises of £68.4k in one-off revenue over five years, plus £695k in recurring revenue in the same period, including a PFCC contribution from the Victims Commissioning fund of £311.5k.

The Stage C capital bid for Essex Police one-off revenue of £68.4k was previously identified as recurring revenue in the Stage B submission. Despite the aforementioned one-off revenue adjustment, the Stage C recurring revenue has increased by £225.1k due to the inclusion of building occupation-related costs that were not identified in the Stage B paper. The overall revenue budget requirement 2024/25 to 2028/29 is £451.9k, amounting to an increase of £293.5k. The proposed budget requirements for both capital and associated revenue costs are detailed in the tables above for both Essex Police and the PFCC.

The above figures exclude the costs associated with borrowing in respect of this project however it should be noted that this will lead to an increase in the force's capital financing requirement (CFR). This will result in charges to the revenue account relating to minimum revenue provision (MRP) and interest payable. For this project these costs will equate to the capital investment value of £0.84m being charged as MRP in instalments over the useful economic life of the related asset. In respect of interest payable for external borrowing it is assumed that the force will incur financing costs of approximately 5.75% for a period of 15 years. On the assumption the principal is not repaid in full until the end of the borrowing term this will result in total charges to the revenue account of proceeding with this project of £1.565m, incorporating both the MRP and interest elements. This equates to £48.3k per annum interest payment.

It should be noted that the above financing costs are already budgeted in the MTFS as part of the subject to approval capital projects, and these values are being provided for information only in respect of understanding the cost implications to the force of proceeding with this project.

10. Legal implications

Although there are no direct legal implications arising from the recommendations within this decision report, the PFCC will be required to enter into a lease with NHS Property Services for the SARC premises. Heads of Terms for the lease have been negotiated with NHS Property Services and attached to the appendices of this decision report.

There will also be the requirement to enter into a co-terminus lease with the service provider for the same duration as their contract.

Although this decision report approves funding, this will enable the procurement exercise to commence. There will be further additional decision points for the PFCC to agree and execute the lease as well as the construction contract.

11. Staffing implications

It is unknown at this time if the SARC will be able to function operationally whilst the building works take place. As construction will involve an additional single storey extension to the existing building, it is anticipated that the SARC will be able to operate but contingency plans will need to be explored with SARCs in neighbouring forces. This risk can be mitigated through a clear implementation plan devised in consultation with the eastern region and neighbouring forces.

12. Equality, Diversity and Inclusion implications

There are currently no identified equality, diversity or inclusion implications arising from this decision report.

13. Risks and Mitigations

There is a clear risk that, if the proposal is not supported, Essex Police will be placing victims' evidence into question at court, potentially placing victims at risk.

The main risk associated with this project is investing £840k capital into a building that Essex Police does not legally own. As Essex Police is currently a user of this facility and not the legal owner or a formally registered occupier, it does not have any right to undertake works to the property and does not have any recourse in the event it pays for works to be undertaken by the current owner or by a nominated third party. However, to mitigate the risk of investing £840k into a building that Essex Police does not own and is not the formally registered occupier of, it is proposed that Essex Police forms a new 25-year lease with the building owners, NHS Property Services. The Heads of Terms of occupation are part of this decision report, and the new lease will be completed prior to the construction contract being entered into.

The mutual break clause allows for either party to provide six months' notice in the event that the tenant's service contract is terminated. This would require NHS England to no longer commission SARC services through the local forces. We could continue to maintain the service ourselves at a higher financial level and negotiate with NHS

Property Services to remain at the property but would be bound by the terms of the lease and the break clause could be exercised.

There are minimal risks to proceeding with SARC accreditation. It is unknown if the SARC will be able to function operationally whilst the building works take place. As construction will involve an additional single storey extension to the existing building, it is anticipated that the SARC will be able to operate but contingency plans will need to be explored with SARCs in neighbouring forces. This risk can be mitigated through a clear implementation plan devised in consultation with eastern region and neighbouring forces.

The conditions are as previously outlined – to achieve accreditation by October 2025 with the quality management system reaching and being maintained to international standards.

14. Governance Boards

Estates Change Board - 29/04/2024
Chief Officer Group (COG) - 01/05/2024
Strategic Estate Board - 13/05/2024
Strategic Board - 10/06/2024

15. Links to Future Plans

This investment allows Essex Police to continue to provide an accredited service that is within the county.

16. Background Papers and Appendices

[Redacted]

[Redacted]

Appendix 2 – [Redacted]

[Redacted]

Appendix 3 – [Redacted]
[Redacted]

[Redacted]

Appendix 4 – Service Provider Decision Reports – OFFICIAL (*already published*)

[20231204-DR160-23-SARC-contract-v0.2_Redacted.pdf \(pfcc.police.uk\)](#)

[DR190-23-SARC-contract-EP-v0.2_SJ-002_Redacted.pdf \(pfcc.police.uk\)](#)

Report Approval

The report will be signed off by the PFCC's Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.



Chief Executive / M.O.

Sign:

Print: P. Brent-Isherwood

Date: 29 May 2024

Chief Finance Officer

Sign:



Print: Janet Perry

Date: 30 May 2024

Publication

Is the report for publication?

YES

NO

If 'NO', please give reasons for non-publication (*Where relevant, cite the security classification of the document(s). State 'None' if applicable*)

Subject to redaction, as set out below

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

Redaction

If the report is for publication, is redaction required:

1. Of Decision Sheet?

YES

2. Of Appendix?

YES

NO

NO

If 'YES', please provide details of required redaction:

Appendices classified as Official Sensitive in accordance with the Government Security Classification are not to be published.

Date redaction carried out: 28/06/2024

Chief Finance Officer / Chief Executive Sign Off – for Redactions only

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

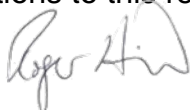
Sign: 

Print: Darren Horsman - Deputy MO

Chief Executive / Chief Finance Officer

Decision and Final Sign Off

I agree the recommendations to this report:

Sign: 

Print: Roger Hirst

PFCC

Date signed: 25/06/2024

I do not agree the recommendations to this report because:

.....
.....
.....

Sign:

Print:

PFCC/Deputy PFCC

Date signed: