

DMPC Decision – PCD 1565

Title: Expansion of Drug Testing on Arrest 2023/24

Executive Summary:

The Metropolitan Police Service deliver drug testing in Police custody and procure drug testing equipment and laboratory services for contested orders, funded by MOPAC. This funding enables the identification and referral to treatment of drug using offenders, which plays an important role in reducing reoffending and improving health outcomes.

The Home Office have offered additional funding for this financial year, 2023/24, to continue the delivery of and expand drug testing on arrest. The Metropolitan Police Service proposes to continue their current programme of testing, and continue to expand the use of Inspector's Authority to test for offences committed in the night-time economy, football-related offences, and violence against women and girls including domestic abuse offences. This decision requests the acceptance of £150,000 in grant funding, for delivery from 1st April 2023 to 31st March 2024.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

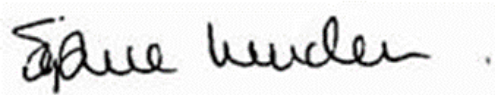
1. Approve the acceptance of £150,000 from the Home Office to continue and expand drug testing on arrest from 1st April 2023 to 31st March 2024, subject to the signing of a Home Office Grant Agreement.

Deputy Mayor for Policing and Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date

12/12/2023

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

1. Introduction and background

- 1.1. MOPAC is funding the Metropolitan Police Service (MPS) to deliver drug testing on arrest in police custody, at a total allocation of £470,000 in 2023/24.
- 1.2. This funding supports three job roles within the MPS: A Strategic Drug and DIP lead, a Drug Testing Co-ordinator and an Offender Management Co-ordinator. These roles manage drug testing in police custody, and the procurement of drug testing equipment and laboratory services for contested orders.
- 1.3. The Home office have offered additional funding for this financial year 2023/24 to continue the delivery of and expand drug testing on arrest. The MPS propose to accept £150,000 from the Home Office for delivery from 1st April 2023 to 31st March 2024.

2. Issues for consideration

- 2.1. Drug testing in police custody underpins the pathway to drug treatment for those arrested, engaging drug using offenders in treatment at an early stage.
- 2.2. The Police and Crime Plan 2022-25 commits that MOPAC will continue to work closely with health and local partners to improve pathways to health treatment for those in contact with the criminal justice system, with a focus on drug use which drives crime, helping to reduce reoffending and the wider harms caused by drugs.
- 2.3. The Government announced as part of its initial response to Dame Carol Black's Review of Drugs, the plan to increase the use of drug testing on arrest by police forces across England and Wales. This was underlined within the Government's Drug Strategy, From Harm to Hope.
- 2.4. The Home Office has offered up to £150,000 to the MPS to continue to deliver and expand their drug testing on arrest programme in 2023/24.
- 2.5. The MPS proposes to continue their current programme of testing, and continue to expand the use of Inspector's Authority to test for offences committed in the night-time economy, football-related offences, and violence against women and girls including domestic abuse offences.

3. Financial Comments

- 3.1. MOPAC requests approval to accept funding totalling £150,000 from the Home Office, through quarterly grant agreements. The funding will be added to the existing budget of £470,000 for drug testing on arrest in 2023/24, which is paid to the MPS quarterly in arrears.
- 3.2. This will make the total budget for drug testing on arrest £620,000 in 2023/24.

4. Legal Comments

- 4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." Under Schedule 3, paragraph 7 (1) MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.2. There are further relevant powers set out in the Crime and Disorder Act 1998 at sections 17(1) (a) to (c) which place MOPAC under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it can to prevent, crime and disorder (including anti-social and other behaviour adversely affecting the local environment), reoffending in its area, and the misuse of drugs, alcohol and other substances in its area. The proposed arrangements are consistent with MOPAC's duties in the Crime and Disorder Act 1998.
- 4.3. Further to section 143 of the Anti-Social Behaviour, Crime and Policing Act 2014 MOPAC can also provide services that secure, or contribute to securing, crime and disorder reduction in the body's area.
- 4.4. Under MOPAC's Scheme of Delegation, approval of inward MOPAC donations and sponsorship above £50,000 rests with the DMPC, as in paragraph 4.8.
- 4.5. The delegation of responsibility for the finalisation of planning and contractual/grant arrangements, including relevant terms and the signing of agreements, to the Chief Operating Officer is in accordance with the general power of delegation in paragraph 1.7.
- 4.6. Officers must ensure the Financial Regulations and Contract Regulations are complied with.
- 4.7. Officers should ensure that the funding agreements are put in place before any commitment to fund is made.
- 4.8. Officers confirm that sufficient assurance has been carried out to this decision to determine that the DMPC has legal authority to agree the recommendations.

5. Commercial Issues

- 5.1. Funding will be provided to MOPAC by the Home Office quarterly, under Grant Agreements.
- 5.2. An amendment to the Service Level Agreement with the MPS will be required to uplift the existing funding.
- 5.3. Data will continue to be provided to MOPAC monthly, and this will be extended to the Home Office for the duration of the extended delivery period.

6. Public Health Approach

- 6.1. Drug testing in police custody provides a pathway for those with substance misuse needs to be referred into treatment. Engagement in treatment has been shown to reduce both health harms and reoffending.

7. GDPR and Data Privacy

- 7.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.
- 7.2. The expansion of drug testing on arrest will not alter the data protection measures in place. All data provided to MOPAC and the Home Office will be aggregated.

8. Equality Comments

- 8.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2. Substance misuse impacts people across all demographics, but there is particular crossover with mental ill health, where people may self-medicate with illegal substances. Drug testing on arrest is not undertaken for children under 18 years old. Testing will be undertaken for those who have committed a trigger offence regardless of any other protected characteristics, so the throughput is determined by arrests made. Where Inspector's Authority is used, there is clear guidance to mitigate against the introduction of disproportionality.
An Equalities Impact Assessment (EIA) will be drawn up by the MPS as part of this expansion in testing.

9. Background/supporting papers

- [PCD 1065 Criminal Justice System - 2022/23 Commissioning Decisions](#) was signed in November 2021 and outlines funding for drug testing on arrest in 2022/23.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

Part 2 Confidentiality: Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form – NO

ORIGINATING OFFICER DECLARATION	<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
Legal Advice: Legal advice is not required.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.	✓
Commercial Issues The Procurement, Contract and Grants Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
GDPR/Data Privacy - GDPR compliance issues are covered in the body of the report. - A DPIA is not required.	✓
Drafting Officer Zoe Hickman has drafted this report in accordance with MOPAC procedures.	✓
Director/Head of Service: The Head of Commissioning and Partnerships has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

Chief Executive Officer

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature**Date**