

## DMPC Decision – PCD 1771

**Title:** Award of funding for pilot to improve legal advice for children

### Executive Summary:

This Decision will replace PCD 1708, which approved a total contract award of £57,750 for the delivery of development and delivery of training, ongoing support for police staff and solicitors as part of a pilot to improve legal advice for children. This Decision is required due to a change in providers. This Decision enables MOPAC to support a pilot designed in partnership with the Met, local authorities and representatives from the legal defence community to ensure children receive the most appropriate legal at a police station. This work builds on the Tackling Ethnic Disproportionality in Youth Justice Action Plan, which led to the role out of presumption of legal advice for children in all London custody suites. The duration of contracts will be from September 2024 to March 2025.

### Recommendation:

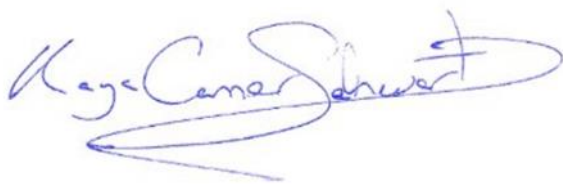
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve acceptance of £36,000 in grant funding from London Borough of Haringey to enable the delivery of a pilot of specialist legal advice for children and update budgets accordingly.
2. Approve the award of contracts for a duration of 6 months from September 2024 to March 2025, to the following organisations to develop and deliver the training and pilot evaluation:
  - Youth Justice Legal Centre at a value of £28,000
  - Child Rights and Youth Justice at a value of £15,750
  - University of Nottingham £14,000

### 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** 19/12/2024

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

### **1. Introduction and background**

- 1.1. In autumn 2019, MOPAC convened a working group, to develop The [Action Plan to tackle Ethnic Disproportionality in Youth Justice](#).
- 1.2. As a result of the commitments in the plan, a presumption of legal advice for children entering police custody was successfully implemented across all custody suites in London.
- 1.3. This pilot will build upon the London-wide presumption of legal advice for children, by ensuring that the children, particularly those who are from ethnic minority backgrounds receive the most appropriate legal advice. The hope is to, in turn, achieve the aim of increasing the user of diversion and decreasing the proportion of children from ethnic minority backgrounds that are held in police custody for long periods, as well as decreasing the proportion of children from ethnic minorities who progress to court.
- 1.4. This strategic aim fits alongside wider commitments from MOPAC, MPS and YJB to take a 'Child First' approach to working with all children in the justice system.

### **2. Issues for consideration**

- 2.1. Currently there is no mandatory requirement for children in police custody to receive legal representation from a child specialist. Moreover, children who are likely to have least trust in the system (black and mixed heritage children), are least likely to admit guilt and thus less likely to have the opportunity to be diverted away from the formal justice system.
- 2.2. This pilot aims to test whether behaviour change (and therefore change in the experience for children) can be seen both for police and for solicitors if training is given on engaging with and working with children and understanding the child-specific legal framework.
- 2.3. The positive outcomes that this pilot seeks to achieve from using training to support changing behaviours of solicitors and police include; reducing police detention of children, particularly those from ethnic minority backgrounds and increasing the use of diversionary disposals, including for those from ethnic minority backgrounds. The overall aim is that this will, in turn, contribute to a decrease in the disproportionality of children from ethnic minority backgrounds in the criminal justice system.
- 2.4. Delivery of the training is led by the Youth Justice Legal Centre (YJLC), who are the primary organisation offering existing training of this kind and have led on training design and delivery. YJLC will sub-contract two practitioners associations representing solicitors to support with training development and delivery, a consultant academic

with specific expertise in youth violence and crime, as well as a team of systemic psychotherapists to deliver training on soft skills to engage with children. Project management, and support for training development and delivery will be delivered by Child Rights and Youth Justice, a small organisation advocating for children's rights in the youth justice system and specifically working towards ensuring every child is represented by a child specialist criminal lawyer.

- 2.5. Funds will also be awarded to the University of Nottingham. This is a change from the provider specified in PCD 1708, this is due to available data access. University of Nottingham will complete the pilot evaluation as an addition to an existing piece of research in custody suites, which is primarily funded by the Nuffield Foundation. University of Nottingham have agreements in place with the MPS to enable the required data access to complete the evaluation. £14,000 funding will enable the academics to complete a bespoke evaluation of the pilot. The funding will be used for additional research capacity for the lead researchers as well as funding work with a youth engagement organisation to facilitate focus groups to ensure the report includes the children's voices.

### **3. Financial Comments**

- 3.1. The cost of this work in 2024/25 totals £57,750. This will be funded from within the 2024/25 CJS budget (£21,750) and from London Borough of Haringey (£36,000).
- 3.2. This decision also approves the acceptance of funding to the amount of £36,000 from London Borough of Haringey. Budgets will be updated accordingly.
- 3.3. The value of contract awards (£57,750) is listed below:
- Up to £28,000 to Youth Justice Legal Centre (YJLC) for organisation of training events, training fees, and ongoing support for police officers and solicitors.
  - Up to £15,750 to Child Rights and Youth Justice (CRYJ) for project management and training material development and oversight.
  - Up to £14,000 to University of Nottingham for evaluation of the pilot.

### **4. Legal Comments**

- 4.1. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all bids for grant funding.
- 4.2. Legal advice is not required for this decision and no legal implications are expected.

### **5. Commercial Issues**

- 5.1. The direct award of funds was agreed by MOPAC Commercial Assurance Group as this is the first pilot of its kind and the supply market for this specialist training is not developed. There are no known organisations outside those who are proposed to deliver, who would be able to offer the training and ongoing support needed in this pilot. The agreed exemption from competitive tendering paper from MOPAC Commercial Assurance Group, is attached as Appendix 1.
- 5.2. Since the original agreement at Commercial Assurance Group, Appendix 1 has been updated with a note that the evaluation will be contracted by MOPAC to University of Nottingham, and that payments to the London Criminal Courts Solicitors Association and Youth Practitioners Association will be sub-contracted through the YJLC rather than being awarded directly.
- 5.3. This direct award will go towards funding the development and delivery of training for solicitors and police officers, the provision of ongoing support to solicitors and police officers after training, as well as research and evaluation costs.
- 5.4. Awarding the contract via exemption of competitive tendering is therefore chosen due to lack of reasonable alternatives with correct expertise. This decision has been discussed and agreed by the Commercial Assurance Group.
- 5.5. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve all bids for grant funding
- 5.6. Paragraph 4.13 of the MOPAC Scheme of Delegation provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to approve any exemptions from procurement requirements.

## **6. Public Health Approach**

- 6.1. This project aligns with the public health approach by aiming to divert children away from the criminal justice system to prevent further criminalisation. The pilot also builds on MOPAC's commitment to aims to adopt a child first approach.
- 6.2. This piece of work has been informed by discussions and feedback from the Violence Reduction Unit, the Greater London Authority.

## **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.

## **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. An Inclusion Impact Assessment (IIA) will be completed and any mitigations needed will be identified.
- 8.3. The aim of this project is to reduce disproportionality and the impact on children from ethnic minorities will be a focus of the evaluation.

## **9. Background/supporting papers**

- 9.1. Appendix 1 – PCD 1708
- 9.2. Appendix 2 - Child First legal advice CAJT – Exemption From Competitive Tendering

**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: N/A

**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>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> Legal advice is not required.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report..	✓
<b>Public Health Approach</b> 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.	✓
<b>Commercial Issues</b> The Contract Management Team has been consulted on the commercial issues within this report. The proposal is in keeping with the GLA Group Responsible Procurement Policy.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>GDPR compliance issues are covered in the body of the report and the Data Protection Officer has been consulted on the GDPR issues within this report.</li> <li>A DPIA will be completed</li> </ul>	✓
<b>Drafting Officer</b> Deborah Asamoah has drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The Head of Service, Tom Burnham 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** 16/12/2024