

DMPC Decision – PCD 1110**Title: Community Sentence Treatment Requirements – South London Pilot Extension & Acceptance of Funding****Executive Summary:**

The national Community Sentence Treatment Requirements (CSTR) programme is being tested for women in South London. Long Term Plan Funding made available to NHSE/I Health and Justice London provides the opportunity to extend the pilot until September 2022, to align with future procurement by NHSE/I Health and Justice and prevent a gap in service provision.

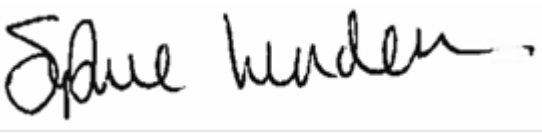
Recommendation:

The Deputy Mayor for Policing and Crime is recommended to approve the acceptance of £73,180 funding from NHSE/I Health and Justice London and the extension at this value of the current contract with St Andrew's Healthcare, for the delivery of the South London CSTR Pilot, from 1st April 2022 to 30th September 2022. Approval is also sought for future variations to the contract, as may be deemed necessary to ensure effective delivery of the Pilot.

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 06/03/2022

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

1. Introduction and background

- 1.1. The South London CSTR pilot is being delivered for eligible women resident in 12 boroughs: Bexley, Bromley, Croydon, Greenwich, Kingston, Lambeth, Lewisham, Merton, Richmond, Sutton, Southwark and Wandsworth. Delivery began on 17th February 2020 and will continue until 31st March 2022.
- 1.2. Following a competitive tender, the commissioned provider of mental health assessments and treatment for this pilot is St Andrew's Healthcare.
- 1.3. The contract with St Andrew's Healthcare has already been uplifted by £70,703, utilising NHSE/I Health and Justice Long Term Plan funding, in order to expand the scope from 6 to 12 boroughs. This was agreed under decision PCD 934.
- 1.4. The Long-Term Plan funding allocated to NHSE/I Health and Justice London is to enable rollout of the national CSTR programme.
- 1.5. This pilot extension would be delivered for a period of 6 months from 31st March 2022 to 30th September 2022, with an increase in of £73,180 to the current contract.

2. Issues for consideration

- 2.1. The key benefit realised from this extension of the current pilot will be a continued service for women in London to access mental health treatment in the community, which evidence has shown has a positive impact not only on wellbeing, but also on reoffending rates, until the longer-term CSTR programme for women is in place.
- 2.2. This extension will support the future rollout of the national CSTR programme launching on 1st October 2022.
- 2.3. The current CSTR pilot provider, St Andrews Healthcare, have reassured both MOPAC and NHSE/I Health and Justice London that women on the current pilot caseload on the 30th September 2022 will seamlessly be transferred to the new national CSTR programme beginning 1st October 2022. This means we do not require an overlap period for the transfer of cases.

3. Financial Comments

- 3.1. MOPAC requests approval to accept a one-off funding of £73,180 from NHSE/I Health and Justice London through a Memorandum of Understanding. The funding will support the extension of Community Sentence Treatment Requirements (CSTR) pilot from 1st April 2022 to 30th September 2022.
- 3.2. This extension will require a contract variation to the existing contract with St Andrew's Healthcare (GLA 81403), which started on 17th February 2020 and runs until 31st March 2022.

- 3.3. The original contract value was £287,766, which was uplifted by a further £70,703 in the 2021/22 financial year to expand provision from 6 to 12 boroughs. This further uplift of £73,180 will bring the total uplift to £143,883, which is 50% of the original contract value.
- 3.4. The cost of pilot delivery for 6 months is £95,355. Due to procurement regulations a contract value can only be uplifted by 50% which means that St Andrew's Healthcare will be left with a deficit of £22,174 in delivery costs. St Andrew's Healthcare have agreed to take on this deficit and maintain current service standards, as delivery of this pilot meets their charitable objectives.
- 3.5. It is recommended that this decision allows any underspend from this financial year 2021/22 to be carried over into 2022/23, in order to ease the financial burden on the charity.

4. Legal Comments

- 4.1. Under 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 with and executed by MOPAC and each of the providers before any commitment to fund is made. MOPAC makes no commitment to fund the pilot extension until this time, and these agreements will detail the performance and payment schedules.
- 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 Comments

- 5.1. There are no procurement issues with the recommendation to extend the current pilot, as the value of the contract with St Andrew's Healthcare is not being increased by more than 50% of the original value.
- 5.2. There will be no change to the service specification. Full terms and conditions for contract management and payment will be set out in a contract variation letter to St Andrew's Healthcare.

6. GDPR and Data Privacy

- 6.1. The South London CSTR pilot uses personally identifiable data for members of the public. St Andrew's Healthcare remains the primary data controller. MOPAC is the commissioner and controller for evaluation purposes only.
- 6.2. The contract with St Andrew's Healthcare contains standard clauses regarding GDPR compliance.

7. Equality Comments

- 7.1. 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.
- 7.2. An equalities impact assessment has been undertaken for this pilot.
- 7.3. The pilot works with women over 18 years old in 12 boroughs. Children under 18 years old, men and anyone resident outside the 12 boroughs in scope for this pilot will not be eligible for this service. The NHSE/I Health and Justice London national CSTR programme will have a wider scope to include men.

- 7.4. This pilot aims to improve outcomes for those in the criminal justice system with mental health or substance misuse treatment needs. It will also be inclusive of those with personality disorders and learning disabilities, as these needs are disproportionately often present among offenders, but services can be limited.
- 7.5. This pilot is inclusive of transgender women.
- 7.6. Short term custodial sentences can have a highly detrimental effect on children, so the proposed increase in CSTRs and corresponding decrease in short custodial sentences should be beneficial for those women with children.

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

Tick to confirm statement (✓)

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.

✓

Commercial Issues

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.

✓

GDPR/Data Privacy

- 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.

✓

Director/Head of Service

The Head of Service 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 25/02/2022

