

## REQUEST FOR DMPC DECISION – PCD 56

**Title: Domestic Abuse Alcohol Abstinence Monitoring Requirement (AAMR) – Feasibility study and controlled testing**

### Executive Summary:

MOPAC successfully applied to the Home Office Police Innovation Fund (PIF) and received a total of £1,050,000 over two years, to test Innovation and support future development of the Sobriety Programme. £500k was awarded to run a development project in 2016/17 and a further £550k to support the longer term delivery in 2017/18. The overall intention for the £500k 2016/17 funding is to:

- 1) Test and scope additional innovative uses for the AAMR;
- 2) Supporting the long-term maintenance of the use of AAMR through the development of a sustainable operating model which will be delivered in 2017/18.

This decision is to progress the delivery of the first of 3 key elements of the 2016/17 funding which are:

- 1) Testing the use of the AAMR on Domestic Abuse offenders;
- 2) Identification of efficiency savings via tagging at source;
- 3) Exploration of wider health benefits with the use of the AAMR.

As part of element 1, MOPAC have allocated up to £100,000 of the 2016/17 funding to carry out a small pilot for a feasibility study and the 'controlled testing' of the AAMR for domestic abuse offences (where alcohol is shown to be a contributory factor within the offence). A decision approving MOPACs intentions to procure these services through a competitive grant process was signed. (PCD 40)

Following a competitive grant process, Standing Together Against Domestic Violence (STADV), working with colleagues from Respect and Against Violence and Abuse (AVA) has successfully tendered to provide specialist advice and support and to lead on the feasibility study and 'controlled testing' of the AAMR on DA offenders. The value of this grant was £100,000 which had been secured from the successful bid to Home Office Police Innovation Fund (PIF). STADV put in a competitive tender at **£95,050**.

### Recommendation:

That the DMPC approve:

- a) The award of a grant of **£95,050** to Standing Together Against Domestic Violence (STADV) to deliver the feasibility study for using the AAMR on DA offences and piloting the use on a small and controlled cohort of DA offenders.

### 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

*Joanne Hendrick*

Date

*19/09/2016*

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

### **Decision required – supporting report**

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

- 1.1. In 2011 the Mayor's office secured legislation to allow for the introduction of a new sentencing power, the Alcohol Abstinence Monitoring Requirement (AAMR) to tackle the significant problem of alcohol related offending in London.
- 1.2. The AAMR gives the Judiciary the statutory power to stop an offender drinking alcohol, where their offence is alcohol related, and when this is not complied with the offender will be breached and punished further, this could in certain circumstance include being sent to prison.
- 1.3. MOPAC commissioned a compulsory alcohol sobriety trial in South London (Croydon, Lambeth, Southwark and Sutton) which aimed to reduce alcohol-related reoffending. The trial commenced 31 July 2014 and ran until 1 April 2016.
- 1.4. Over the initial 20 month pilot period, AAMRs were imposed with an average length of 75 days. AAMRs were given for a range of crime types most commonly in relation to violence or drink driving related offences. The AAMR had a comparatively high compliance rate of 92% over the pilot period, based on the number of cases returned to court and convicted of breaching their AAMR.
- 1.5. The AAMR has been largely welcomed by the Judiciary as 'another tool in the sentencing arsenal' of community sentences, offering an innovative and tailored response to alcohol related offending, filling a gap in sentencing for alcohol related offences committed by non-alcohol dependent offenders. Evaluation can be viewed at [www.london.gov.uk/WHAT-WE-DO/mayors-office-policing-and-crime-mopac/community-safety/alcohol-and-substances/sobriety-pilot](http://www.london.gov.uk/WHAT-WE-DO/mayors-office-policing-and-crime-mopac/community-safety/alcohol-and-substances/sobriety-pilot)
- 1.6. As a result of the success of the pilot, central Government have a manifesto commitment to roll out the AAMR and use of sobriety tags nationally.
- 1.7. MOPAC were keen to build onto the learnings and insights of the South London pilot in the design and implementation of a 12 month pan-London pilot which will test the same principles as the South London pilot, working with the same cohort but on a larger scale which will provide the required scale and time to undertake reoffending analysis. This is being jointly funded by the MoJ and MOPAC and is being rolled out across London until March 2017.

#### **2. The pan-London roll out**

- 2.1. The London roll-out was launched on 1st April 2016 and follows a phased approach as follows:
- 2.2. a) April 2016 – South East and South West. London Local Justice Areas (LJAs)
- 2.3. b) July 2016 – West and Central London LJAs
- 2.4. c) October 2016 – North and North West London LJAs
- 2.5. d) January 2017 – East and North East London LJAs
- 2.6. It is anticipated that the 12 month implementation period will yield between 500 and 600 AAMRs. The number of AAMRs that each LJA will produce will vary depending on the period of time the requirement is available for as a sentencing option (in accordance with the above schedule).
- 2.7. Since the launch of the South London pilot, a total of 210 AAMRs have been imposed in London.

- 2.8. On the basis that the delivery model of the pan-London pilot is a 'like for like' with the South London Pilot there are still challenges regarding longer term sustainability. In particular these relate to value for money, scalability and how the service is being targeted (cohorts).

## **2.9. Testing Innovation**

- 2.10. To support the development of an affordable and sustainable AAMR operating model, MOPAC was awarded additional funding for the FY 2016/17 via the Home Office Police Innovation Fund (PIF), which has provided the opportunity to develop and enhance the tools available to support agencies in driving down repeat offending of alcohol related crimes. This also presents opportunities in relation to supporting courts with their sentencing options around DA, by providing a court mandated approach to enable abstinence from alcohol.
- 2.11. As part of the development of the South London pilot, MOPAC engaged with a number of agencies and stakeholders from the VAWG sector.
- 2.12. At the early outset of the Compulsory Sobriety Programme there were concerns over DA offenders being made subject to an AAMR, before the AAMR had been fully tested. This was in relation to the potential consequences, such as the abstinence of alcohol creating additional risks for the victim and diverting attention away from specific interventions that are designed to tackle the offending behaviour.
- 2.13. Following the conclusion of the initial proof of concept pilot and now that we understand more about the AAMR and how it can be used as part of a package of sanctions, we want to cautiously explore and understand the benefits and dis-benefits of using an AAMR on DA perpetrators.
- 2.14. MOPAC intend to use a proportion of this funding to carry out a small pilot for a feasibility study and the 'controlled testing' of the AAMR for DA offences (where alcohol is shown to be a contributory factor within the offence). MOPAC have engaged with key partners from the VAWG sector specifically to seek their views on the feasibility study specification and the feasibility of delivery and proposed timescales. Partners were also invited to submit a tender.
- 2.15. The decision to invite partners from the VAWG community to carry out the feasibility study is to ensure the study is trusted and deemed to be credible amongst wider partners and the VAWG community, with the understanding that the study has been carried out by a credible organisation with a victim centred approach.

## **3. Contract Award and Conditions**

- 3.1. There is no commitment that MOPAC will roll out the use of AAMRs on DA offenders across London by awarding this grant. The feasibility study and controlled testing will be used to help understand the feasibility of the use of the AAMR on DA offenders and help to inform MOPACs decision as to whether AAMR can be used to effectively support existing sanctions for addressing Domestic Abuse.
- 3.2. As part of the development award, this work must be completed and funds spent by March 2017.
- 3.3. The Acting Chief Executive will sign the grant on behalf of MOPAC.

## **4. Timeframes**

- 4.1. The timeframe for completing all work is the 31<sup>st</sup> March 2017. This will provide sufficient time to complete the products required.

Clarification deadline	8 August 2016
Tender deadline	17 August 2016
<b>Award of Grant</b>	<b>September 2016</b>
Stakeholder Engagement – Service Providers & victims/survivors	September 2016 to March 2017
Testing of AAMR on DA offenders (trial risk assessed cohort)	November to March 2016
Development of feasibility study	September 2016 to March 2017

## 5. Commissioning process

- 5.1. The grant value is £95,050. In recognition of the sensitive and specialist nature of working with both offenders and victims/survivors of DA, MOPAC intend to award a grant to expert and specialist voluntary sector provider(s) to adequately assess and address the specific nature of the different requirements, risks, challenges and opportunities; for using an AAMR on DA offenders where alcohol was a contributing factor and the offender is not dependent on alcohol. The provider will also be required to support the controlled testing of AAMR on DA offenders.
- 5.2. One consortia bid was received from Standing Together Against Domestic Violence (STADV), who will be the lead partner in this project working with colleagues from Respect and Against Violence and Abuse (AVA).
- 5.3. STADV were successful with their tender in accordance with the evaluation criteria detailed below. We recommend that you approve this DMPCD to award contract.

### Evaluation Criteria

Ref.	Criteria	Weighting
1	Effective Implementation	20%
2	Delivery Model	25%
3	Quality Assurance	10%
4	Experience and Expertise	25%
5	Value for Money	20%
<b>Total</b>		<b>100%</b>

- 5.4. This was assessed against a set of mandatory essential criteria and passed.

Scoring standards	Criteria	Score
Excellent	Excellent response to the requirement, good range of examples or relevant experience, highly relevant to the services required	9-10
Good	Good response to requirement and good range of examples or relevant experience provided	7-8
Average	Average response to requirement and some examples or relevant experience provided	4-6
Poor	Poor response to requirement and no examples or relevant experience provided	1-3
Non-compliant	No response to the requirement was provided	0

## **6. Financial Comments**

- 6.1. MOPAC has been awarded a grant of £1,050,000 from the Home Office Police Innovation Fund (PIF) over two years, to test innovation and future development of the Sobriety Programme.
- 6.2. £500,000k was awarded to run a development project in 2016/17 and a further £550,000k to support the longer delivery in 2017/18
- 6.3. MOPAC have allocated up to £100,000 of the 2016/17 funding to carry out a small pilot for a feasibility study and the 'controlled testing' of the AAMR for DA offences (where alcohol is shown to be a contributory factor within the offence).
- 6.4. The value of this grant for which this DMPCD seeks approval is £95,050 of Home Office funding.

## **7. Legal Comments**

- 7.1. Section 143 (1) (b) of the Anti-Social Behaviour Crime and Policing Act 2014 provides an express power for MOPAC, as a local policing body, to provide or commission services "intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour." Section 143(3) allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate.
- 7.2. Under MOPAC's Scheme of Delegation & Consent, approval of the strategy for the award of individual grants and the award of all individual grants (for crime reduction or other purposes) is a matter generally reserved to the DMPC (paragraph 4.8). The release of funding in accordance with the proposals set out in this decision form can accordingly to be approved by DMPC. The delegation of responsibility for the finalisation of planning and contractual/grant arrangements, including relevant terms and the signing of agreements, to the Acting Chief Executive is in accordance with the general power of delegation in paragraph 1.7

## **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. STADV were asked to provide details of their Equalities processes as part of their tender; these were deemed to be acceptable by the evaluation panel.
- 8.3. The provider has been asked, as part of this feasibility study to complete an equality impact assessment (EIA) for the use of the AAMR on DA offenders including changes to offending behaviour.
- 8.4. An EIA for the AAMR can be found at [www.london.gov.uk/sites/default/files/laspo-sobriety-eia.pdf](http://www.london.gov.uk/sites/default/files/laspo-sobriety-eia.pdf) or [here](#)

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

- 9.1. MOPAC Feasibility study specification

**Public access to information**

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPAC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

If yes, for what reason:

Until what date (if known):

Is there a **part 2** form – No

If yes, for what reason:

**ORIGINATING OFFICER DECLARATION:**

	<i>Tick to confirm statement (✓)</i>
<b>Head of Unit:</b> Samantha Cunningham has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
<b>Legal Advice:</b> Legal advice is not required.	✓
<b>Financial Advice:</b> The Head of Strategic Finance and Resource Management have been consulted on this proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓

**OFFICER APPROVAL****Acting Chief Executive**

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

R. Lawrence

Date

15/05/2016



# **Alcohol Abstinence Monitoring Requirement**

## **Feasibility Study**

**July 2016**

# **Statement of Requirement**

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### **PART B: THE BIDDING PROCESS AND REQUIREMENTS**

## **PART A: SPECIFICATION FOR THE SERVICE**

### **1. Summary**

This opportunity offers conditional grant(s) up to the maximum value of £100,000 for a feasibility study on the use of the Alcohol Abstinence Monitoring Requirement (AAMR) on Domestic Abuse (DA) offenders where the offender is not dependent on alcohol but alcohol is a contributing factor to the offence; and the controlled testing of the AAMR on a cohort of DA offenders.

This grant is only eligible for third sector providers.

### **2. Introduction - An explanation of AAMR - The South London Pilot and its successes**

The Mayor's Office for Policing and Crime (MOPAC) was established on 16th January 2012 under the Police Reform and Social Responsibility Act 2011. MOPAC holds the MPS to account; making the police answerable to the communities they serve. MOPAC is the Police and Crime Commissioning body for London. MOPAC is required to work in partnership across agencies at a local and national level to ensure there is a unified approach to preventing and reducing crime.

In 2011 the Mayor's office secured legislation to allow for the introduction of a new sentencing power, the Alcohol Abstinence Monitoring Requirement (AAMR) to tackle the significant problem of alcohol related offending in London.

The AAMR gives the Judiciary the statutory power to stop an offender drinking alcohol, where their offence is alcohol related, and when this is not complied with the offender will be breached and punished further, this could in certain circumstance include being sent to prison.

The AAMR involves fitting a tag to the offender's ankle and monitoring their alcohol consumption for up to 120 days.

In order to be eligible for an AAMR during the course of the pilot, the following conditions must be met:

- ✓ Consumption of alcohol must be an element of the offence or an associated offence, or the court must be satisfied that consumption of alcohol was a factor that contributed to the offender committing the offence or an associated offence;
- ✓ The offender must not be dependent on alcohol;
- ✓ The court must not include an alcohol treatment requirement (ATR) in the order (ATRs are for dependent drinkers only);
- ✓ The offender must live in London;

The Court Team officer will use Alcohol Use Disorders Identification Test (AUDIT Tool) to assess the offender for suitability<sup>1</sup>.

MOPAC commissioned a compulsory alcohol sobriety trial in South London (Croydon, Lambeth, Southwark and Sutton) which aimed to reduce alcohol-related reoffending. The trial commenced 31 July 2014 and ran until 1 April 2016.

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<sup>1</sup> Legislation requires the court to be satisfied that the offender is not dependent on alcohol before imposing an AAMR.

Over the initial 20 month pilot period, AAMRs were imposed with an average length of 75 days. AAMRs were given for a range of crime types most commonly in relation to violence or drink driving related offences. The AAMR had a comparatively high compliance rate of 92% over the pilot period, based on the number of cases returned to court and convicted of breaching their AAMR.

The AAMR has been largely welcomed by the Judiciary as ‘another tool in the sentencing arsenal’ of community sentences, offering an innovative and tailored response to alcohol related offending, filling a gap in sentencing for alcohol related offences committed by non-alcohol dependent offenders. Evaluation can be viewed at [www.london.gov.uk/WHAT-WE-DO/mayors-office-policing-and-crime-mopac/community-safety/alcohol-and-substances/sobriety-pilot](http://www.london.gov.uk/WHAT-WE-DO/mayors-office-policing-and-crime-mopac/community-safety/alcohol-and-substances/sobriety-pilot)

As a result of the success of the pilot, central Government have a manifesto commitment to roll out the AAMR and use of sobriety tags nationally.

MOPAC were keen to build onto the learnings and insights of the South London pilot in the design and implementation of a 12 month pan-London pilot which will test the same principles as the South London pilot, working with the same cohort but on a larger scale which will provide the required scale and time to undertake reoffending analysis. This is being jointly funded by the MoJ and MOPAC and is being rolled out across London until March 2017.

### **3. The pan-London roll out**

The London roll-out was launched on 1st April 2016 and follows a phased approach as follows:

- a) April 2016 – South East and South West. London Local Justice Areas (LJAs)
- b) July 2016 – West and Central London LJAs
- c) October 2016 – North and North West London LJAs
- d) January 2017 – East and North East London LJAs

It is anticipated that the 12 month implementation period will yield between 500 and 600 AAMRs. The number of AAMRs that each LJA will produce will vary depending on the period of time the requirement is available for as a sentencing option (in accordance with the above schedule).

Since the launch of the South London pilot, a total of 210 AAMRs have been imposed in London.

On the basis that the delivery model of the pan-London pilot is a ‘like for like’ with the South London Pilot there are still challenges regarding longer term sustainability. In particular these relate to value for money, scalability and how the service is being targeted (cohorts).

### **4. Testing Innovation**

To support this and to develop Compulsory Sobriety further, MOPAC successfully secured additional funding for the FY 2016/17 via the Home Office Police Innovation Fund (PIF), which has provided the opportunity to develop and enhance the tools available to support agencies in driving down repeat offending of alcohol related crimes. This also presents opportunities in relation to supporting courts with their sentencing options around DA, by providing a court mandated approach to enable abstinence from alcohol.

As part of the development of the South London pilot, MOPAC engaged with a number of agencies and stakeholders from the VAWG sector.

At the early outset of the Compulsory Sobriety Programme there were concerns over DA offenders being made subject to an AAMR, before the AAMR had been fully tested. This was in relation to the potential consequences, such as the abstinence of alcohol creating additional risks for the victim and diverting attention away from specific interventions that are designed to tackle the offending behaviour.

Following the conclusion of the initial proof of concept pilot and now that we understand more about the AAMR and how it can be used as part of a package of sanctions, we want to cautiously explore and understand the benefits and dis-benefits of using an AAMR on DA perpetrators.

MOPAC intend to use a proportion of this funding to carry out a small pilot for a feasibility study and the 'controlled testing' of the AAMR for DA offences (where alcohol is shown to be a contributory factor within the offence).

## **5. Objectives of a feasibility study and controlled testing**

The feasibility study and controlled testing should be communicated as an opportunity for stakeholders to help ensure the AAMR is used appropriately and safely on DA offenders. The approach adopted should be victim/survivor and frontline worker centric and objectives should include:

- ✓ Effective engagement with victims/survivors on the use of the AAMR on DA offenders;
- ✓ Victim/survivor and frontline worker focused feasibility study which incorporates opportunities, risks and mitigating requirements for the use of the AAMR on DA offenders;
- ✓ Development of required processes which focus on achieving victim/survivor safety and also perpetrator rehabilitation and changes to offending behaviour;
- ✓ Effective engagement with the Judiciary
- ✓ Development of required processes for piloting the AAMR on DA offenders which can be scaled up to a pan-London level if required;
- ✓ Development of required processes and roles and responsibilities of partners such as the Community and Rehabilitation Companies (CRC), HMCTs, Community Safety Units and IDVAs in ensuring appropriate support and safeguarding to perpetrators and victims/survivors.
- ✓ Realisation of potential wider benefits;
- ✓ Processes for measuring the impact – working in partnership with MOPACs Evidence & Insight Team.

In recognition of the sensitive and specialist nature of working with both offenders and victims/survivors of DA, MOPAC intend to award a grant to expert and specialist voluntary sector provider(s) to adequately assess and address the specific nature of the different requirements, risks, challenges and opportunities; for using an AAMR on DA offenders where alcohol was a contributing factor and the offender is not dependent on alcohol. The provider will also be required to support the controlled testing of AAMR on DA offenders.

**Providers must also meet the essential requirements pro-forma detailed in (Appendix A.)**

MOPAC welcomes either a consortia arrangement or a single provider to meet this requirement. Consortia arrangements must be led by a prime provider who will have overall responsibility for the delivery and performance management of the grant agreement with MOPAC.

**5.1 A detailed feasibility study that is supported by a credible but brief process of consultation with providers, victims/survivors and stakeholders. The study should identify key opportunities and risks to the testing of the AAMR on DA offenders, options for moving this work strand forward and pull together a practical and victim/survivor centric way for testing the use of the AAMR of DA offenders.**

<b>Feasibility of AAMR for DV Offenders</b>
<p>The detailed feasibility study should deliver on and/or answer the following;</p> <p><u>Current analysis</u></p> <ul style="list-style-type: none"> <li>✓ Scoping the current sanctions used for DA offenders, effectiveness, compliance and reoffending rates;</li> <li>✓ Benefits and weaknesses of current sanctions available for DA offenders;</li> <li>✓ Consideration of how elements of current sanctions available could be enhanced by an AAMR;</li> <li>✓ Robust stakeholder engagement with partners including the Judiciary, VAWG community and victims/survivors regarding the use of the AAMR with DA offenders. Engagement should include the scoping of initial concerns from stakeholders and any identified threats and opportunities.</li> <li>✓ Understanding of how an AAMR could be used for DA offenders by the Judiciary within the context of sentencing guidelines (e.g. how does the gravity of the DA offence impact on the number of requirements that the judiciary can order as part of a community sentence and does that provide certain risks?)</li> </ul>

### Feasibility of AAMR on DA Offenders

The findings of the current analysis and wider stakeholder engagement with stakeholders including victims/survivors; should be used to inform the feasibility of using the AAMR for DA offenders. This will include delivering on and/or answer the following;

- ✓ Requirements of the AAMR in supporting other sanctions for DA offenders. What would be the desired outcomes?
- ✓ Options for using the AAMR on DA offenders, including governance, risk assessment and management. Considerations to take into account the needs of the victims/ survivors;
- ✓ Consideration of various uses of the AAMR and or Sobriety tags with DV offenders;
- ✓ Identification of risks and proposed mitigating actions;
- ✓ Identification of required support for victims/ survivors;
- ✓ Identification of required support and intervention for the offender;
- ✓ Identification of required support and training for Probation staff and the Judiciary in using the AAMR on DA offenders.
- ✓ Collation of stakeholder feedback, key challenges and tensions;
- ✓ Cost implications of piloting AAMR with DA offenders;
- ✓ Completion of an equality impact assessment (EIA) for the use of the AAMR on DA offenders including changes to offending behaviour;

### Creating a clear business case that addresses

- ✓ Myth busting, fears and perception versus reality;
- ✓ Supports the development of clear messaging to the Judiciary, Probation staff and wider stakeholders regarding the links between Alcohol and DA. It is important it is recognised that Alcohol is not the cause of DA, however may be a trigger. Addressing the concern that Alcohol consumption alone could put victims/survivors at risk.
- ✓ Development of recommended processes and requirements for using the AAMR for DA offenders.
- ✓ Highlighting any challenges/risks with current sentencing legislation or policy to using AAMR with DA offenders, along with potential mitigating action (that acknowledges the limitations that MOPAC and London partners have in terms of making short and medium term changes to nationally defined approaches).

## 5.2 Controlled testing of the use of the AAMR on a cohort of DA Offenders which will inform the final feasibility study.

### Testing of AAMR on DA Offenders

Extending the AAMR to DA perpetrators may present some risks in relation to unintended consequences. Processes will need to be developed and put in place to safeguard the victims/survivors and support the perpetrator.

As part of the feasibility study there will be a requirement to test the use of the AAMR on a small cohort of Domestic Abuse offenders (approx. between 20-40).

Testing the use of the AAMR on DA Offenders will include considerations of:

- ✓ Proposed initial pilot area, based on stakeholder feedback, potential cohort for scalability, stakeholder support and local service provision;
- ✓ Identification of most appropriate DA offender cohort to test the AAMR on (taking into account that the offender must fall within the community order/suspended sentence threshold. Providers may also want to consider risk of harm levels of the offender and how they will establish the risk of harm levels of the offender);
- ✓ Establish baselines and outcome measures for the pilot;
- ✓ Development of a practical model for testing the use of the AAMR/sobriety tags on DA offenders;
- ✓ Engaging with the judiciary on how they intend to use the AAMR on DA offenders and providing support and information where necessary;
- ✓ Advising on required safeguarding processes for the use of the AAMR on DA Offenders such as the provision of specialists training for the courts and probation staff as to how to appropriately impose an AAMR on a DA offender, recommending a package of requirements, e.g. including an Integrated Domestic Abuse Programme (IDAP) and or other RESPECT accredited perpetrator programmes;
- ✓ Advising on required processes for linking the use of the AAMR with appropriate perpetrator programmes including identification of key teachable moments, providing opportunities for intervention and advice between offender and responsible CRC/NPS officer as appropriate;
- ✓ Engaging and working with the AAMR Project Manager, the Courts and Magistrates to test the use of the AAMR on up to 40 offenders (Boundaries for cohort to be agreed and advised by the provider(s)).

The outcomes of the study should include the identification of:

- ✓ Any risks / potential perverse incentives in using the AAMR on DA offenders;
- ✓ Any specific risks or potential perverse incentives to the victim/survivor of an offender placed on the AAMR;
- ✓ Potential mitigating actions to address any risks / perverse incentives of the use of the AAMR on DA offenders;
- ✓ Development of clear messaging processes to both the victim and offender regarding the requirements of the AAMR, with particular reference to the AAMR not prohibiting the offender from finding alternative accommodation if required;
- ✓ Potential challenges and tensions from the 3<sup>rd</sup> sector and statutory partners resulting from the piloting of the AAMR with DA offenders;

- ✓ What would be the required steps necessary by partners including Probation, HMCTS, CSU's and IDVAs to ensure the AAMR is piloted on DA offenders safely?
- ✓ Processes to ensure that any risks to the offender or victim/survivor are identified and managed;
- ✓ Clear and measurable outcomes for the piloting of the AAMR on DA offenders;
- ✓ What are the potential wider government / society benefits that are improved with the use of the AAMR on DA offenders - How could these additional outcomes be measured);
- ✓ Development of required processes for piloting the AAMR on DA offenders which can be scaled up to a pan-London level if required.

## 6. Deliverables & Timescales

The services that will be required are detailed below together with projected timescales.

Deliverable	Timescale
Clarification deadline	8 August 2016
<b>Tender deadline</b>	<b>17 August 2016</b>
Stakeholder Engagement – Service Providers & victims/survivors	September 2016 to March 2017
Development of feasibility study	September 2016 to March 2017
Testing of AAMR on DA offenders (trial risk assessed cohort)	November 2016 to March 2017
Completed feasibility study	End of March 2017

### 1. Submission and notification process

## 7. Definitions/Glossary

- Mayor's Office for Policing And Crime <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac>
- London Sobriety Pilot. <https://www.london.gov.uk/WHAT-WE-DO/mayors-office-policing-and-crime-mopac/community-safety/alcohol-and-substances/sobriety-pilot>
- AAMR Legislation s.76 & s.77 Legal Aid, Sentencing and Punishment of Offenders Act 2012. <http://www.legislation.gov.uk/ukpga/2012/10/section/76/enacted>
- MOPAC Sobriety South London pilot evaluation: [https://www.london.gov.uk/sites/default/files/aamr\\_final.pdf](https://www.london.gov.uk/sites/default/files/aamr_final.pdf)
- MOPAC Evidence & Insight Team: <https://www.london.gov.uk/what-we-do/mayors-office-policing-and-crime-mopac/data-and-research/academic-research>

## 8. Scope

The scope of the feasibility study is limited to the required expertise that enables the development of feasibility study which is able to independently determine the benefits and potential dis-benefits of using the AAMR on DA offenders, who are not dependent on alcohol, but where alcohol is a contributing factor to their offence.

The feasibility study developed will need to model actual data gathered from the pilot areas and feedback from stakeholder engagement to support the validity of using the AAMR on DA offenders, thus extending the remit and sustainability of the sobriety pilot in London.

Stakeholder engagement is not strictly limited to a suite of events and the detail can be agreed between the successful provider and MOPAC, however any communications must not jeopardise the innovation and intellectual property of MOPAC or other stakeholders within the London Sobriety Pilot.

Providers are expected to have a background in Domestic Abuse, victims/survivors of DA, the wider criminal justice system, in particular probation services and the Judiciary. An understanding between the links between alcohol and DA would also be desirable.

In order to meet all of the requirements the provider will be expected to work alongside the AAMR Project manager, MOPAC, the London CRC, Alcohol Monitoring Systems Ltd, the MoJ and Home Office as well as a range of partners and stakeholders.

The provider will also be required to work in partnership and support MOPACs Evidence & Insight Team for the purposes of the evaluation of the pilot, in particular with reference to measuring the impact of using the AAMR as a mandated requirement for DA offenders.

## **9. Governance and Grant management**

### Point of contact

The point of contact for the day to day delivery of this service will be Naomi Simpson, Programme Manager, MOPAC. [Naomi.Simpson@mopac.london.gov.uk](mailto:Naomi.Simpson@mopac.london.gov.uk)

There will be an escalation hierarchy to the Senior Programme Manager, Tom Burnham, and the Head of IOM & Neighbourhoods, Samantha Cunningham as required.

### Grant Management meetings

The provider will be required to attend monthly grant management meetings at City Hall. To support these meetings, written progress reports from the provider will be required.

These reports should include an update on delivery, issues, risks and suitable mitigation strategies to bring deliverables back onto track, if in jeopardy.

### Governance meetings

The provider will commit support to the existing governance arrangements in place for the pilot as required. This could include attendance and providing required updates at the:

- Six weekly AAMR Programme Board meetings held at City Hall;
- Monthly VAWG expert reference group held at City Hall;
- Fortnightly internal governance meetings held at City Hall;
- Ad hoc meetings with the Home Office and wider partners.

### Performance measures

During the term of the grant agreement performance will be measured through the above progress reporting mechanisms and against the agreed timescales.

### Acceptance final feasibility study

Sign off of the feasibility study will be through MOPAC. If, throughout the grant period, the level of service is unacceptable or the provider does not meet the required standards the MOPAC may choose to engage with the market to find an alternative provider to deliver the requirement.

## **10. Location**

For the majority of the grant the provider may work from their own premises, however there will be occasions when the provider will be expected to work within one of the pilot boroughs/or MOPAC offices located at City Hall, London.

## **11. Vetting**

The successful provider will need to have access to offender data so will need to have staff allocated to this project who are vetted accordingly to NPPV2 / CTC level.

## **12. Invoicing and Payment**

This grant is to the maximum value of £100,000.

Up to £60,000 will be for the completion of the feasibility study, business case and impact assessment.

A further enhanced offer of £20,000 - £40,000 will be allocated to enable the delivery of an effective pilot of using the AAMR on DA offenders. This will include the processes required for the pilot and should include supporting any mitigating requirements to risks identified in the feasibility study such as effective training of probation staff and Judiciary, required service provision for both victim/survivor and perpetrator as deemed necessary from the findings of the feasibility study and stakeholder engagement. (Any perpetrator programmes will need to be RESPECT Accredited).

The provider(s) will be required to provide a budget breakdown of how the funding will be allocated across these two priority areas. Please note that MOPAC will only accept tenders that cover both these priority areas.

The MOPAC will release 50% of the feasibility funding at the start of the project, with the remaining 50% being paid upon successful completion, subject to receipt of evidence of delivery.

MOPAC will also release 50% of the requested enhanced offer prior to the piloting of the AAMR on DA offenders. The remainder will also be released on completion of the pilot.

Your invoice should quote the Purchase Order (PO) number as a reference number which will be provided upon award of grant.

Invoices to be sent via email to [Apqueries@met.police.uk](mailto:Apqueries@met.police.uk)

Please note if you do not use the correct PO number, there is likely to be a significant delay in processing your invoice.

Payment will be paid within 30 days of receipt of invoice, subject to satisfactory progress and satisfactory completion of monitoring returns.

The maximum budget for this project is £100,000.

### 13. End of Grant

At the end of the grant the provider will be expected to provide:

- A feasibility study to inform the feasibility of the use of the AAMR on DA offenders;
- Operating model for the required processes for piloting the AAMR on DA offenders which can be scaled up to a pan-London level if required;
- An equality impact assessment (EIA) for the use of the AAMR on DA offenders.
- Testing of the AAMR on a small cohort of DA offenders
- 

### 14. Additional Papers

- APPENDIX B AAMR Functional Specification.

## PART B: THE BIDDING PROCESS AND REQUIREMENTS

### 2. Evaluation and scoring

2.1 Award of the grant will be subject to a competitive process and evaluated by a panel against the requirements outlined in this document.

2.2 Award of the grant will be evaluated against the pre-requisite criteria outlined below. If the bid fails any of these criteria, due to missing evidence or evidence that does not support the criteria; the bid will not be considered further.

Scoring standards	Criteria	Score
<b>Outstanding</b>	Fully meets the requirement and offers added value - the evidence demonstrates that the requirement is fully met and provides demonstrable added value.	<b>5</b>
<b>Good</b>	Fully meets the requirement - the evidence demonstrates that the requirement is fully met.	<b>4</b>
<b>Satisfactory</b>	Almost meets the requirement - evidence provided shows that the requirement is met but MINOR reservations exist about the quality or extent of the evidence provided.	<b>3</b>
<b>Poor</b>	Partially meets the requirements - evidence provided shows that the requirement is partially met but SIGNIFICANT reservations exist about the quality or extent of the evidence provided.	<b>2</b>
<b>Unacceptable</b>	Fails to meet the requirements - failed to demonstrate or provide evidence of an ability to meet the requirement	<b>1</b>
<b>Non-compliant</b>	Fails to provide the required information.	<b>0</b>

- 2.3 For those tenders which score 3 or above for all responses to the award criteria the evaluation will proceed. **Those in which one or more criteria scores 2 or less will not proceed.**
- 2.4 Following the completion of the process, each score for a response to an award criterion will be multiplied by the relevant sub-weighting to arrive at a weighted score. Weighted scores will be added together, providing an overall score for the bid. The decision of the panel will be final and no negotiation will be entered into with unsuccessful provider(s).
- 2.5 The evaluation quality criteria for the service are shown below. 90% of the overall score will be based on quality and 10% will be based on value for money, as indicated by the weightings in the tables.
- 2.6 The format and layout of the bid must:
- Be written in size 12 Arial font; and
  - Be strictly limited to 15 sides<sup>2</sup> of A4 for the main bid and up to an additional 15 sides of A4 for appendices covering the essential requirements (excluding policies and accounts) as outlined at section 7.2.
  - Include page numbers on all pages of the bid and any appendices.

### 3. Essential requirements for the bid

- 3.1 The following are essential requirements for the bid. All of these requirements must be clearly met/evidenced/included and clear sub headings should be used as appropriate. If the bid fails any of these criteria, due to non-compliance, missing evidence or evidence that does not support the criteria, the bid **will not progress to the evaluation panel stage and will not be considered further.**
- 3.2 The bid must include evidence of the following essential requirements as appendices to ensure the quality, experience and appropriateness of the provider. Please ensure your bid responds to each sub-heading separately and is set out accordingly and using the template in Appendix A.

### 4. Evaluation quality criteria for the bid

- 4.1 The tables below contain a list of all criteria and the relevant weighting for each. All the criteria are mandatory; if you do not respond to all criteria and fail to provide satisfactory reason as to why you cannot respond to a particular question, **this will result in a zero mark.**

Ref.	Criteria	Weighting
1	Effective Implementation	20%
2	Delivery Model	25%
3	Quality Assurance	10%
4	Experience and Expertise	25%
5	Value for Money	20%
<b>Total</b>		<b>100%</b>

<sup>2</sup> One side of A4 refers to a full one side of an A4 page. Space taken up for the question asked should be ignored and the provider should use the equivalent of a full, blank page. As a guide, 250 words is the average number of words per a full side of an A4 page. Diagrams and charts are welcomed, and will not count as part of the total space allocation, but should not be excessive and should be clearly labelled and referenced.

Ref.	Criteria	Requirement weighting 1-3	Maximum score
1	<b>20% Effective Implementation:</b> Effective and timely implementation of the feasibility study and data collection.		
1.1	Provide a detailed project plan of the first two months of delivery and engagement plan for the first month. This should include identification of key activities, milestones, risk and contingency arrangements, as well as work with MOPAC and other partners during this period to enable the feasibility study to commence on time.  The project plan will outline the duration of the tasks and the resources required to ensure success. Providers can submit a project plan using excel, MSPProject, Word or similar programme.	1	5
	<b>Enter response here:</b>		
1.2	Provide a high level plan for delivery of all elements of the feasibility study <i>and</i> the testing of the AAMR on offenders for the duration of the programme (August 2016 – March 2017), including early identified potential risks and mitigation.  Provide details of, where known, any anticipated boundaries which will be considered when identifying a suitable DA cohort for testing the AAMR	1	5
	<b>Enter response here:</b>		
2	<b>25% Delivery Model:</b> We want to know how you will develop and deliver the feasibility study and identify a cohort for testing the AAMR.		
2.1	Explain your delivery model and how it will deliver on the requirements and outcomes detailed under both:  5.1 A detailed feasibility study that is supported by a credible but brief process of consultation with providers, victims/survivors and stakeholders. The study should identify key opportunities and risks to the testing of the AAMR on DA offenders, options for moving this work strand forward and pull together a practical and victim/survivor centric way for testing the use of the AAMR of DA offenders.  <i>And:</i>  5.2 Controlled testing of the use of the AAMR on a cohort of DA Offenders which will inform the final feasibility study. You should also detail the number of posts and total cost of your proposal.	2	10

Ref.	Criteria	Requirement weighting 1-3	Maximum score
	This should also include your proposals for the creation of a clear business case.		
	<b>Enter response here:</b>		
2.2	Provide a budget breakdown of how the funding will be allocated across these two priority areas. Please note that MOPAC will only accept tenders that cover both these priority areas.	1	5
	<b>Enter response here:</b>		
3	<b>10% Quality Assurance:</b> Information reporting, outcomes and learning: We want to know that you are focused on delivering outcomes and that you are able to capture this and learn quickly when things need to change.		
3.1	Outline your mechanisms and systems for recording data in line with the feasibility study requirements. Provide a comprehensive list of the data you anticipate you will collect and will share, as well as the frequency of data recording.	1	5
	<b>Enter response here:</b>		
3.2	Demonstrate that you use best practice and use validated approaches for domestic violence/abuse work that apply to risk assessment, training, caseload and clinical supervision.	2	10
	<b>Enter response here:</b>		
4	<b>25% Experience and Expertise:</b> We want to understand your experience and expertise in the provision of support to victims and perpetrators of domestic violence.		
4.1	Demonstrate your experience & expertise in: <ul style="list-style-type: none"> <li>- Working with partners across the wider Criminal Justice System, including the CRC, NPS, HMCTs, Community Safety Units and the Judiciary.</li> <li>- The development of feasibility studies, Business Cases and Impact Assessments.</li> <li>- The understanding of the link between alcohol and domestic abuse and potential benefits of the abstinence of alcohol to both the victim/survivor and perpetrator.</li> <li>- Understanding of the Judiciary system and current court mandated sanctions for dealing with Domestic Abuse offences.</li> </ul>	3	15
	<b>Enter response here:</b>		
4.2	How will you identify provision and requirements of specialist frontline support for both the perpetrator and the victim/survivor of domestic	2	10

Ref.	Criteria	Requirement weighting 1-3	Maximum score
	violence/abuse? Will this support run through the period the AAMR is imposed, or will the support be offered post order also?		
	<b>Enter response here:</b>		
5	<b>20% Value for Money:</b> This is not a cost saving exercise but the provider is required to show value for money		
5.1	Bids must evidence the economy, effectiveness and efficiency of the activity that is being proposed.	1	5
5.2	We want to ensure that the delivery model for using the AAMR on DA offenders provides value for money, sustainability and that the operating model developed for piloting the AAMR on DA offenders has the ability to be scaled up to a pan-London level if required. Outline how a feasibility study will aim to do this.	1	5
	<b>Enter response here:</b>		

## 5. Clarification and support

5.1 There is an opportunity for providers to ask questions of MOPAC concerning this specification. The deadline for such questions is **8 August 2016** and should be emailed to [Tom.Burnham@mopac.london.gov.uk](mailto:Tom.Burnham@mopac.london.gov.uk)

5.2 This will be the only opportunity to seek clarification. The deadline for final completed bids is **17 August 2016**.

## 6. Timescales

6.1 The key milestones for the tendering process are as follows:

Deliverable	Timescale
Clarification deadline	8 August 2016
<b>Tender deadline</b>	<b>17 August 2016</b>
Stakeholder Engagement – Service Providers & victims/survivors	September 2016 to March 2017
Testing of AAMR on DA offenders (trial risk assessed cohort)	November to March 2016
Development of feasibility study	September 2016 to March 2017

## 7. Submission and notification process

7.1 You should email your bid to the following email address: [Naomi.Simpson@mopac.london.gov.uk](mailto:Naomi.Simpson@mopac.london.gov.uk) by no later than 23:59 on 12 August 2016. If you have not had an acknowledgement from us that we have received the bid within two working day of submission, please contact us to ensure receipt of the bid.

7.2 All bidders will be emailed directly to inform them of the outcome of their bid.

**APPENDIX A: Essential requirements pro-forma**

<b>Ref.</b>	<b>Essential requirements criteria</b>	<b>Confirm you meet the criteria (Yes/No)</b>	<b>Response - no more than 300 words for each point – where relevant</b>
A	Providers must have objectives that are for public benefit and not for profit.		
B	Providers must have the ability to be able to move required staff into place during the duration of the feasibility study.		
C	Providers must be an active member of a national or regional Violence Against Women and Girls body.		<b>Confirm which body</b>
D	Providers must confirm they have the ability to put in place mechanisms and systems for recording data in line with the service requirements and agree to share data with MOPAC and other partners.		
E	Providers must confirm that effective information sharing is in place and that data protection and confidentiality duties are met.		
F	Providers must indicate that they are willing to sign confidentiality and information sharing agreements with MOPAC and wider partners if requested.		<b>N/A</b>
G	Provide copies of adult and/or child safeguarding policies.		<b>Attach as appendix to bid</b>
H	Provide a copy of an equal opportunities policy.		<b>Attach as appendix to bid</b>
I	Providers must demonstrate commitment to equal opportunities and understanding of equality issues. All providers and services must be compliant with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC (and its providers and services) 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.		
J	Providers must confirm they have a complaints process for users who are not satisfied.		<b>N/A</b>

Ref.	Essential requirements criteria	Confirm you meet the criteria (Yes/No)	Response - no more than 300 words for each point – where relevant
K	Two sets of audited accounts (or equivalent accounts if below Charity Commission Accounting Framework thresholds).		<b>Attach as appendix to bid</b>
L	Completed references from previous work undertaken in the last 12 months.		<b>Attach as appendix to bid</b>
M	Staff allocated to work on this project to be vetted accordingly to NPPV2 / CTC level.		

## APPENDIX B

# **Alcohol Abstinence Monitoring Requirement (AAMR) FUNCTIONAL SPECIFICATION London Pilot**

*This specification describes the process and functions required to deliver the pan-London AAMR Compulsory Sobriety pilot. It details what is required from a transdermal alcohol monitoring provider and is the specification that MOPAC will use to procure the electronic monitoring services and equipment required to deliver the pilot. It also sets out the information required for quot.*

## Requirement (AAMR)

### 1. Overview

#### 1.1 Introduction

- 1.1.2 As a result of the successful South London pilot, MOPAC intend to expand the Sobriety Pilot across London in a phased approach.
- 1.1.3 The pilot will be undertaken using provisions in the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012 which provide courts with a power to impose an **Alcohol Abstinence and Monitoring Requirement (AAMR)**.

#### 1.2 AAMR – summary

- 1.2.1 The AAMR will be available to courts as part of a community order or suspended sentence order *if* the following conditions are met:
- Consumption of alcohol must be an element of the offence or an associated offence, *or* the court has to be satisfied that consumption of alcohol was a factor that contributed to the offender committing the offence or an associated offence;
  - The offender must **not** be dependent on alcohol;
  - Probation staff must carry out pre-court screening which will include alcohol screening. A signed declaration from the offender should be obtained by the responsible officer; where the offender states that they are not dependent on alcohol.
  - The court must not include an alcohol treatment requirement (ATR) in the order (ATRs are for dependent drinkers only); *and*
  - There must be alcohol abstinence monitoring arrangements available in that area.

#### 1.3 Aim of the London Sobriety pilot

- 1.3.1 To test different approaches to mandatory sobriety in terms of whom it targets and how it is implemented; with the purpose of designing and implementing a delivery model for London that provides greatest impact and efficiency.
- 1.3.2 The pan London implementation of the AAMR will build upon the foundation established by the South London Compulsory Sobriety Pilot. The London Sobriety Pilot will aim:
- to test re-offending rates;
  - to test the effect the AAMR has upon the health of offenders and their attitudes toward alcohol consumption following the successful completion of AAMRs;
  - to continue to test compliance with the AAMR;
  - test completion rates of the AAMR;
  - to develop a sustainable delivery model for the AAMR.
- 1.3.3 The contractor will be expected to comply in full with all reasonable requirements from the appointed evaluators to ensure these aims can be measured.

#### 1.4 Size and location of pilot

- 1.4.1 The London Sobriety Pilot will adopt a phased approach to the implementation of the AAMR.
- 1.4.2 The pilot scheme will run for up to approximately 14 months (February 2016 – 31 March 2017), with new Local Justice Areas not coming on line until after April 2016 (this will be reflected within the legislation). The intention is to allow the AAMR to continue to be implemented in the South London LJA from February 2016 and then expanding to the following LJA's, targeting up to 525 offenders.
1. April 2016 – South East and South West. London LJAs
  2. July 2016 – West and Central London LJAs
  3. October 2016 – North and North West London LJAs
  4. January 2017 – East and North East London LJAs

*(MOPAC shall provide AMS Ltd with 45 working days advance notice to confirm mobilisation timescales should they deviate from the above).*

- 1.4.3 The pilot will be aimed at offenders that reside within a pilot LJA in which the AAMR operates. The relevant area will expand with the implementation of the AAMR across London.
- 1.4.4 For the purposes of the pilot, the AAMR would not be suitable for offenders, who reside outside of a London borough where the AAMR is yet to be implemented.
- 1.4.5 Whilst there is nothing to stop the Crown Court imposing an AAMR, given the nature of the orders, we expect the vast majority of offenders subject to an AAMR to be sentenced by magistrates' courts and the pilot will be designed and mobilised with this in mind.

#### 1.5 Equipment

- 1.5.1 Transdermal tags will be used to monitor the alcohol consumption of the offender. The AAMR is a total abstinence requirement. **Appendix A<sup>3</sup> details the technological requirements specification** for the transdermal tags.

## 2. **Permanent monitoring functional requirements**

### 2.1 Introduction

- 2.1.1 The Contractor will monitor offender compliance with AAMR requirements in the alcohol abstinence pilot described above on a permanent basis.

### 2.2 Equipment

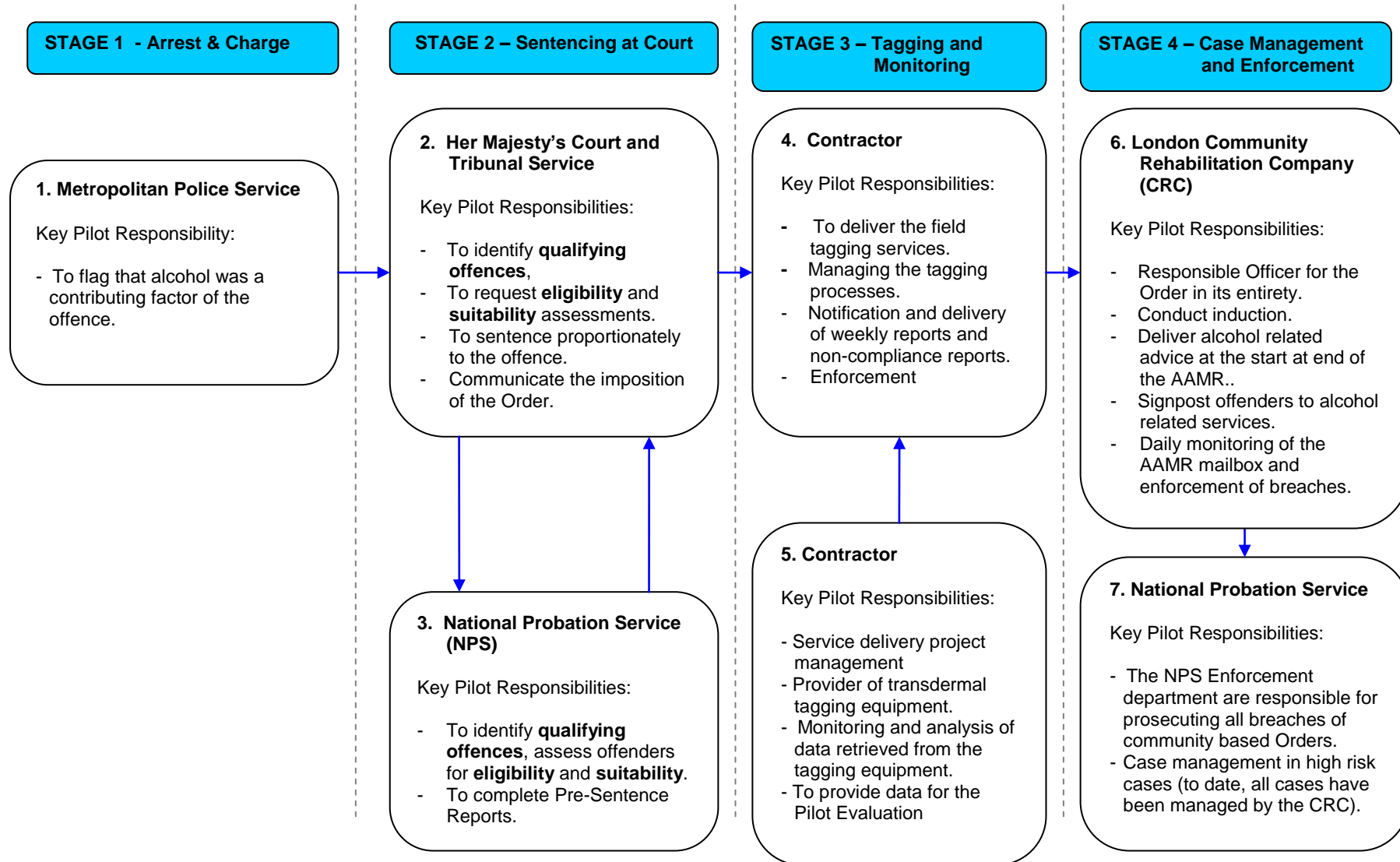
- 2.2.1 The contractor shall comply with the requirements set out in technical specification for the transdermal tags.

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<sup>3</sup> Additional appendices detailed in this Functional specification can be shared on request.

- 2.2.2 The Contractor shall ensure a verbal and written induction/guidance is provided to the offender, prior to fitting the transdermal tag. The induction and guidance shall ensure the offender has been fully informed of the requirements of the AAMR order including functional requirements of the tag e.g. Offender is required to have a continuous supply of electricity throughout the duration of the order.
- 2.2.3 The offender shall be required to sign a copy of the guidance stating they have been made aware of and understand its contents and implications. The Contractor will be required to securely save a copy of the signed guidance document and make it available, should the endorsed document be required for legal proceedings.
- 2.2.4 The Contractor shall give the offender information and details of steps they must take to maintain the equipment and information on any limitations or precautions when using the equipment.
- 2.2.5 The Contractor should provide MOPAC with a copy of this guidance document prior to the pilot commencing.
- 2.2.6 The Contractor must have a means of determining whether an offender has tampered in any way with any piece of equipment (tag, basestation or wireless/aerial) being used to monitor the offender's alcohol abstinence.
- 2.2.7 The Contractor shall ensure that they have sufficient equipment and staff to accommodate the total number of offenders in the pilot area for the entire duration of the pilot. The Contractor shall take into account potential damage to equipment and the need to retain equipment in evidence when determining how much equipment is sufficient. The Contractor shall maintain a log of all equipment received by offenders, which equipment is in use and equipment that has been returned to them. Equipment means all equipment used to monitor compliance with the AAMR.
- 2.2.8 The Contractor shall fit and install any equipment required to monitor alcohol abstinence and, in doing so, will provide any staff required to fit or install the equipment.
- 2.2.9 The Contractor shall ensure the continuous operation and/or availability of all elements of the equipment for the duration of the pilot and the removal of any equipment both when a particular AAMR on a specific offender comes to an end, and when the pilot ends.
- 2.2.10 The Contractor shall ensure all equipment used is functioning properly. The Contractor will provide technical support for any problems or issues with the equipment

### 3. Process and Partners



#### **4. Information Requirements**

- 4.1 The Contractor shall (alongside Probation and Courts) provide anonymised information/data to MOPAC, or any third party specified by MOPAC, as is required to continuously monitor and evaluate the pilot and in order to produce an end of pilot report. The Contractor shall also work with Probation (NPS and CRC) and the Courts (HMCTS) to prepare a standard monthly statistical report for MOPAC. The Contractor shall adhere to the requirements set out in the Data flow **APPENDIX B** and the Privacy Impact Assessment (PIA). Personal data shall not be shared with anyone other than Probation, the Police and the Courts.
- 4.2 The Contractor shall ensure that this report is made available by 17:00 hours on the same day every month in a format that MOPAC is able to use.
- 4.3 In particular, the Contractor must maintain a daily record of the number of offenders subject to the AAMR in the pilot area. This must be made available to MOPAC, local Courts and local Probation. This is required so that sentencers do not exceed the total available equipment for a particular area.
- 4.4 Following the implementation of the AAMR within each Local Justice Area, the Contractor will be required to send weekly updates to the Responsible Officers and SPOCs (within the respective LJA) on their offenders, for the first 90 days. The frequency of this report will then be reduced to fortnightly. The format of the updates will be designed to meet the needs of the Responsible Officers and adhere to the Privacy Impact Assessment (PIA).
- 4.5 There is a cap of 525 for the number of offenders able to be included in the pilot. MOPAC will monitor the monthly reports provided by the Contractor to allow for an early indication as to whether the cap is likely to be exceeded. The limit of 525 offenders is subject to review by MOPAC depending on circumstances.
- 4.6 The Contractor is responsible for retaining all required information and data for a minimum of six months following the end of the pilot and processing it in accordance with applicable government standards, policies and legislation.
- 4.7 The Contractor acknowledges that it will be provided with official documents, such as notification of orders of the Court.
- 4.8 The Contractor shall retain all official documents (and any other notification document) securely in electronic form and provide them to Courts, the NPS and the CRCs as required in electronic form or in any other format that may be reasonably requested.
- 4.9 The Contractor shall, if required, produce data in Court which verifies [alcohol consumption] in a format that is acceptable to the Court.

#### **5. Day to day monitoring requirements**

- 5.1 The Contractor shall commence monitoring of alcohol abstinence following installation of monitoring equipment:

- 5.2 The Contractor shall receive a notification from Courts of the requirement to be monitored. (Although the data contained in the notification will be virtually identical to the community order itself, it is not the actual order).
- 5.4 Where notification is received before 15:00, the installation will be attempted before midnight on the same day. Where the notification is received after 15:00 but before 16:00, all reasonable attempts will be made to ensure monitoring shall commence before midnight on the same day. Where the notification is received, following 16:00 all reasonable attempts will be made to install on the same night, where not possible, monitoring shall commence by midnight on the second day.
- 5.5 The Contractor shall confirm the identity of an offender before installing any equipment on the offender – this can be done with a photo ID for example.
- 5.6 The Contractor shall not, where they need to attend an offender's home or place of accommodation to fit or install equipment, visit between midnight and 07:00 hours.
- 5.7 The Contractor shall make two attempts to install the equipment. If the Contractor is unable to install or complete the installation of the equipment at the first attempt, they shall make a second attempt to do so no later than midnight of the following day of the monitoring requirement.
- 5.8 In exceptional circumstances, where the Contractor is aware that the offender will not be at the relevant address on the second day, the Contractor shall secure monitoring as soon as practically possible, but no later than 2 working days from the date of sentence.
- 5.9 If the Contractor has reason to believe that the offender will not be present until the following day, they will not make a further attempt until the next day.
- 5.10 Where installations have not been successfully completed on the first visit, the Contractor shall take all reasonable steps to make the following visit successful, using alternative methods to engage the offender. The Contractor does not need to restrict these alternative methods to text, phone or letter. For all offenders, there should be a minimum of two hours between installation attempts.
- 5.11 Where installation is not possible after attempts on two consecutive days, the Contractor should notify the Responsible Officer who may instigate breach proceedings on the basis of inability to monitor.
- 5.12 If during any visit to the offender the Contractor becomes aware of any illegal activity or other behaviour or circumstances that cause concern or risk to individuals or the public, it shall report these to the Responsible Officer at Probation.
- 5.12 If requested by the Court or Responsible Officer at any point, the Contractor shall undertake checks to ensure that the address given by the offender is suitable for alcohol monitoring. This may include a visit to the address to establish suitability. The Contractor shall report back the assessment of suitability to the requestor.

## **6. Performance management data requirements from Contractor**

- 6.1 The Contractor is not expected to carry out the evaluation of the pilot. The independent evaluator will be commissioned/identified by MOPAC. Information and data as set out in

the requirements below will directly support the evaluation. The Contractor will be responsible for recording all information provided by the CRC or NPS on their secure database. This information will need to be provided in an anonymised form to the independent evaluator.

#### Offender information

- Name;
- Address;
- Age;
- Gender;
- Ethnicity/Background;
- Monitoring of repeat offenders. (Each offender should be allocated a unique reference number to ensure accurate counting of offenders on an AAMR. An offender who has breached, and is given additional days on a AAMR will still count as [1] offender;
- Compliance, violation and breach rates, the reasons for violations/breach and the levels of alcohol consumption associated with violations/breach.
- Completion data;
- The time taken to notify the Responsible Officer of a potential breach.
- The outcome of breach hearings.

#### AAMR information

- The Order details.
- The period of time AAMR is imposed for, for each offender.
- The original offence for which the AAMR was imposed.
- The sentencing court.
- Time taken to receive notifications of Orders from Court.
- Name of the Responsible Officer.

#### Transdermal tag information

- The efficacy of the alcohol monitoring equipment and the surrounding monitoring process.
- The number of transdermal tags which needed to be repaired or replaced during the pilot. (Including reasons why).

### **7. Control Centre and Portal**

- 7.1 When an offender receives the AAMR, the Court will send an email containing a notification to the Contractor of requirements to be monitored. This will be sent via (CJSM) exchange.
- 7.2 The Contractor shall provide offender information and alcohol consumption data to Responsible Officers and Courts.
- 7.3 The Contractor shall allocate each offender a unique reference number. Each offender can only be allocated one unique reference number throughout the life of the pilot.

- 7.4 The Contractor shall ensure that the data available is capable of being manipulated and configured by Probation and Courts to meet their particular reporting needs. The Contractor shall ensure that the data made available is as up-to-date as is practicable.
- 7.5 The Contractor shall record the progress of each offender on his or her AAMR within a log.
- 7.6 The contractor shall record communication with the offender, the Responsible Officer or other parties discussing a specific case, within a contact log. This log will be specific to each AAMR.

## **8. Offender risks**

- 8.1 It is the responsibility of the National Probation Service to ensure suitable offenders are recommended for the pilot. Offenders that would pose an intolerably high risk of harm to themselves or others should not be recommended for AAMR.
- 8.2 The Contractor acknowledges that the Courts and Probation shall try to inform the Contractor of any risks posed by offenders e.g. they may have a history of violence.
- 8.3 The Contractor shall consider any particular risks associated with an offender and take appropriate action through their interactions with the offender including arranging visits or contacting the offender.
- 8.4 Where the Contractor identifies that monitoring a particular offender may present implementation or operational difficulties they shall raise this with the Responsible Officer. If no alternative can be agreed, and monitoring is not possible, the Responsible Officer should refer the matter to the NPS to consider whether to instigate legal proceedings on the basis of inability to monitor.
- 8.5 The Contractor shall ensure that should any concerns or risk information become evident during any visits or communications with the offenders; this shall be recorded and shared with the NPS, CRCs and Courts (where appropriate).

## **9. Compliance, Violations and Enforcement**

- 9.1 Enforcement of the AAMR will take place in accordance with standard practice and current legislation, as conducted for breach proceedings of community orders and suspended sentence orders.
- 9.2 Consequently, the Responsible Officer is required to consider whether the offender has failed without reasonable excuse to comply with the requirements of his or her community order. They may then either issue a warning or refer the offender to court for formal breach proceedings.
- 9.3 A community order is breached if an offender has already been issued with a warning by the Responsible Officer, for failing to comply with a requirement and the Responsible Officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order.
- 9.4 Where a breach is admitted or proved in Court, the breach provisions require the court to either to revoke the order and resentence the offender as if he or she had just been

convicted of the original offence, or to amend the terms of the order so as to impose more onerous requirements.

- 9.5 A suspended sentence order is breached if an offender has already been issued with a warning by the Responsible Officer for failing to comply with a requirement, and the Responsible Officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order; or, if the offender is convicted of an offence during the operational period of the suspended sentence. For a suspended sentence order, there is a presumption that the court will activate the custodial part of the sentence on breach **(See Breach proceedings process map APPENDIX C)**. However, the Court may make the order more onerous if it feels it would be unjust to activate the custodial element of the sentence.

## **10. Alcohol violation**

- 10.1 Violation of the AAMR occurs when the monitoring centre registers or detects that an offender has consumed alcohol.
- 10.2 The Contractor acknowledges that a breach occurs when one violation or several violations accumulate to be serious enough to warrant enforcement action.
- 10.3 The Contractor shall notify the Responsible Officer if there is a violation registered. Any violations or potential violations should be notified to the Responsible Officer via secure email as soon as alcohol consumption is registered or detected and certainly **within 24 hours**.
- 10.4 Immediately after the detection of a potential violation, the Contractor will make reasonable attempts to contact the offender via a telephone call in order to discuss the offender's behaviour and circumstances. The potential violation and any discussions with the offender will be conveyed to the Responsible Officer, if applicable. The contractor will confirm as to whether the event is a confirmed drinking event or a confirmed tamper.
- 10.5 It will be the Responsible Officer who will then contact the offender to find out the reasons why a confirmed violation has taken place and assess any excuses provided, with a view to determining whether the offender is deemed to have failed to comply with the AAMR.

## **11. Other violations**

- 11.1 Each of the following shall constitute a more serious Violation:
- Loss of or damage to equipment necessitating repair or replacement where evidence shows this to be either intentional or reckless;
  - Tampering with equipment or interfering with the ability of equipment to monitor alcohol;
  - Failure to comply with the steps they must take to maintain the equipment;
  - physical assault on, or threat of violence to, any of the Field Officer; *and*
  - Failure to allow the Contractor access to equipment during a visit, whether scheduled or unscheduled.

11.2 Each of the following shall constitute a less serious violation:

- Minor damage to the equipment where this appears not to be intentional or reckless but does require replacement;
- Failure to be present for an agreed scheduled visit from the Contractor, including installing equipment.

11.3 When visiting to check equipment, the Contractor shall;

- Not do so within the hours of midnight and 07:00 unless consent is provided by the subject;
- Do so within 24 hours of the Contractor having reason to believe that the equipment has been tampered with;
- Wherever possible, contact the offender in advance to inform them of the proposed visit;
- Unless otherwise agreed with MOPAC, if the equipment is unable to continue to be used to monitor alcohol consumption, the Contractor shall replace the equipment at the time of the visit;
- Contractor staff shall not wear any uniform, clothing, badges or other insignia which identifies them as connected to AAMR or the Contractor. The Contractor shall ensure that all vehicles are unmarked and likewise shall not be identifiable as connected with AAMR or the Contractor. When conducting visits, Contractor staff shall be discrete and considerate towards the offender, any other person living at that address and the neighbours;
- When arranging visits, the Contractor shall ensure that the most efficient schedules and routes are used, taking into account the relative priority of offenders and the nature of the visits;
- The Contractor shall only provide any information relating to an offender, or the monitoring of an offender to CJS organisations that are authorised in the Information Sharing Agreement (ISA) and in particular to Court and Probation staff.

## **12. Enforcement**

12.1 The NPS shall be responsible for the enforcement in Court of AAMR community orders and suspended sentence orders whether a single “stand alone” AAMR or with multiple requirements.

12.2 The Metropolitan Police Services (MPS) will be responsible for the initial arrest of offender. The MPS and Court Enforcement Officers will be responsible for the execution of any warrants.

12.3 In the event of legal proceedings against an offender, the Contractor shall provide the Responsible Officer and Prosecution team with information required to facilitate the proceedings, including section 9 statements and reports. The Contractor shall also attend Court to give evidence, if required.

### 13. **Data security**

- 13.1 The Contractor shall ensure that all information relating to the pilot is held securely as a minimum in accordance with ISO27001 and processed in accordance with the Data Protection Act 1998.
- 13.2 Evidence that information will be held and processed compliant to HM Government IA Standard at Business Impact Level 3 for Confidentiality is also acceptable. **Other industry standards are not acceptable.**  
([www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255910/HMG\\_Security\\_Policy\\_Framework\\_V11.0.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255910/HMG_Security_Policy_Framework_V11.0.pdf))
- 13.3 The Contractor shall be ISO27001 certified within 6 months of the pilot starting.  
([www.iso.org/iso/home/standards/management-standards/iso27001.htm](http://www.iso.org/iso/home/standards/management-standards/iso27001.htm))
- 13.4 The Contractor shall not store or process personal data outside the Unit  
The Contractor will need to set up and have access to the Criminal Justice Secure eMail (CJSM) exchange so they can receive electronic notification of the orders. All information shared with partners must be through the CJSM portal. Details available from <https://www.cjsm.net/>

### 14. **Programme Management**

- 14.1 MOPAC will be responsible for programme managing the implementation of the AAMR in London.
- 14.2 The Contractor will support the Programme Manager and Project Manager throughout the duration of the London roll out by providing relevant material that promotes the use of the AAMR, attending stakeholder engagement events and meeting with partners when required.
- 14.3 MOPAC will set the relevant time scales by which the roll out of the AAMR will take place across the nine London Local Justice Areas.
- 14.4 MOPAC shall provide AMS Ltd with 45 working days advance notice to confirm mobilisation timescales should it deviate from section 1.4.2
- 14.5 The contractor will be responsible for delivering regular update reports to the Programme Manager and Project Manager.
- 14.6 The contractor should transfer all requested relevant information/data to the Project Manager via secure emails, in order **to facilitate any matters in relation to the implementation of the AAMR. This includes data that assists with monitoring the progress of Orders and any information required to evaluate pan London roll out.**

### 15. **Financial Considerations**

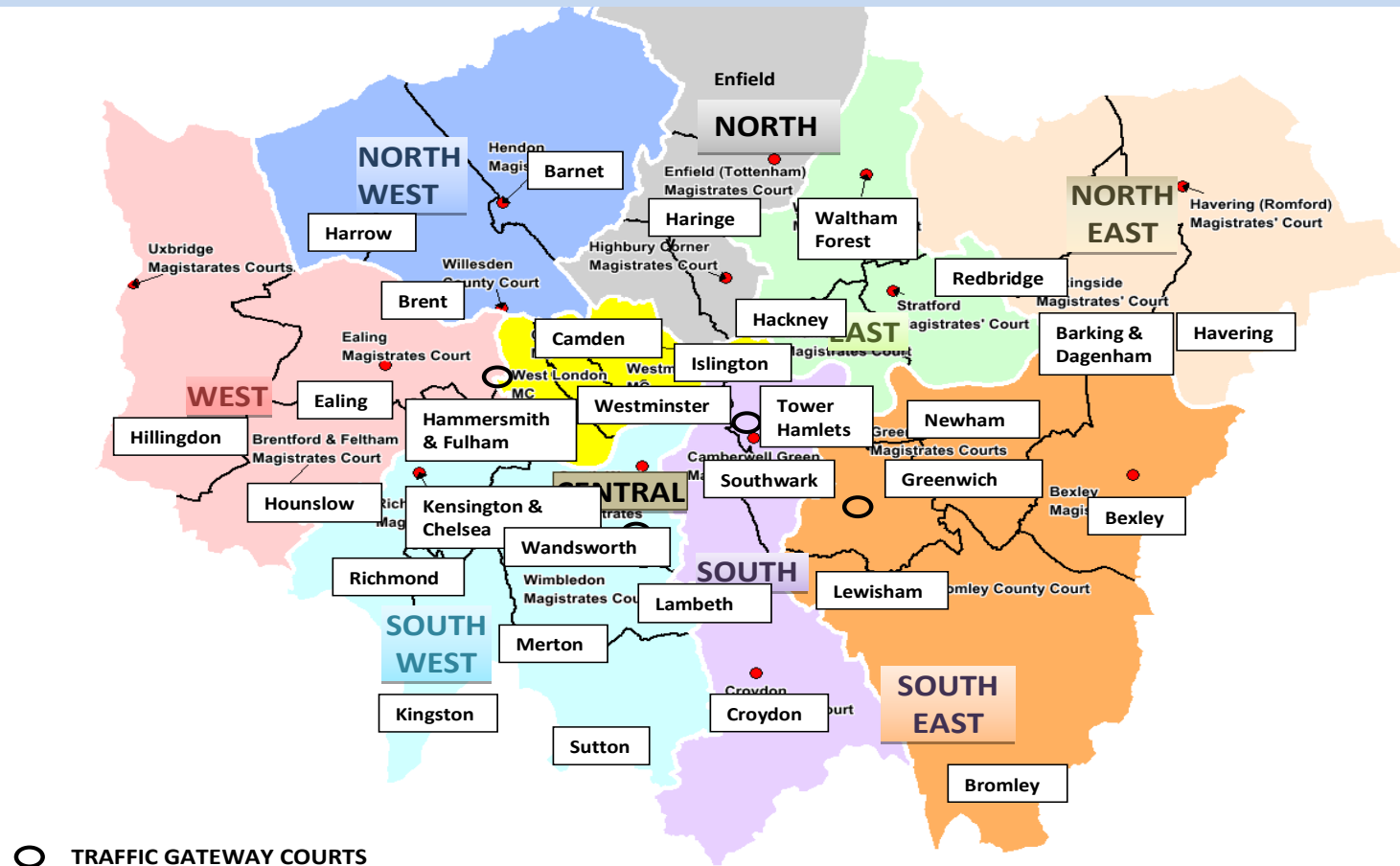
- 15.1.1 MOPAC will accept bids up to the value of £xxxxx.

## 16. **Presenting Funding proposal**

- 16.1 Any bids submitted should be on the assumption that there is an average of 75 AAMR days per offender and an estimated 525 offenders subject to the requirements across London between 1 April 2016 and 31 March 2017.
- 16.2 The contractor will also assume that they are responsible for delivering the AAMR for the duration of the requirement, as specified by the Court (not longer than 120 days per Order). This will apply in accordance with this contract and will continue for any Order impose prior to 1<sup>st</sup> April 2017.
- 16.3 The bid submitted to MOPAC must include:
- a **total daily cost** for each offender who is subject to an AAMR.
  - a breakdown of the daily rate for each offender and illustrate the daily costs attributed to the two primary Contractor functions:
    - i) Monitoring and analysis (including collation of individual monitoring results and performance management requirements as set out, to support the proof of concept evaluation).
    - ii) Field delivery services, (e.g. tagging, de-tagging and maintenance, enforcement in and out of Court)
  - A total price for the estimated 525 cases, again broken down clearly by the two primary contractor functions; monitoring and analysis and field delivery services.
- 16.4 Any bids submitted may provide a scale of cost which is dependent upon the increasing volume. If this approach is taken, the Contractor must be clear on the proportion of cases charged at a particular unit cost, setting out clearly what may be defined as the tipping point for a reduced unit cost. In addition, a breakdown of the costs in accordance with paragraph 16.3 must still be provided.
- 16.5 The contractor is asked to specify those costs which are about building infrastructure to support greater volumes. This needs to be clearly reflected in the breakdown of costs between the two contracted functions of monitoring, analysis, and field service delivery. £30,000 of funding to be requested for up-front start-up costs, but this would need to be inclusive of the total cost for working with a maximum of 525 offenders.
- 16.6 **As part of the mobilisation of the AAMR pan London pilot expansion, the Contractor will be commissioned and contract managed by MOPAC. The Contractor is invited to provide their view with regard to the phased role out of the pan London pilot setting out implications for their operating model.**

## London Boroughs and Magistrates' Courts within the London Sobriety Pilot

# Magistrates Courts in London



Due to an ongoing HMCTS review, the AAMR will not be applicable to all Courts. However, it will be available in all London boroughs.

### **Magistrates and Crown Courts situated within London**

Whilst it is expected that the majority of AAMRs will be imposed by the Magistrates Courts, a small proportion of cases may also be imposed by the Crown Courts situated within London.

**\*Additional appendices detailed in Functional specification can be shared on request.**