

DMPC Decision – PCD 1156

Title: Services for women in the Criminal Justice System – Service extension and accepting extra funding from the Ministry of Justice

Executive Summary:

MOPAC has funded services for women in contact with the Criminal Justice System (CJS) in London since 2018. Since June 2021 these provisions have been co-funded with the Ministry of Justice (MoJ). The service is currently being recommissioned for a further three years, with the Ministry of Justice and NHSE. The new service is now expected to go live between October and December 2022, which therefore requires an extension of the current service, along with the currently separate Women’s diversion pilot, which will be integrated into the new service, to ensure there is no break in delivery.

This Decision seeks approval for receipt of funding from the MoJ to cover the continuation of current pan-London services up to December 2022 and unexpected TUPE staffing cost of £14,791.76 incurred at the point of staff transfer in June 2021. All of this funding will be disbursed to the providers.

An extension is also sought for the Adult Women’s Diversion Pilot, from the 1st April to up to the end of September 2022.

Recommendation:

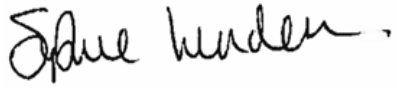
The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the extension of the current pan-London Women in the CJS service by up to six months to no later than December 2022, in addition to the acceptance of up to £655,158 from the Ministry of Justice to support this extension and the subsequent disbursement to the providers.
2. Approve the acceptance of £14,791.76 from the Ministry of Justice for TUPE costs to support the London Women’s service and the subsequent disbursement to the providers.
3. Approve the extension of the current Adult Women’s Diversion Pilot from April 2022 to September 2022 (inclusive) at a cost of £103,000. This funding will be fully funded from 2021/22 budgets carried forward in earmarked reserves for delivery in 2022.

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.

SignatureHandwritten signature of Julie Warden in black ink.**Date****31/03/2022**

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

1. Introduction and background

- 1.1. The Police and Crime Plan contains commitments to “push for additional investment from partners to expand access to specialist women’s centres so that female offenders across London have access to gender-appropriate provision designed to tackle reoffending”
- 1.2. This commitment led to the development of the female offender service as part of the London Crime Prevention Fund (LCPF) Co-Commissioning Fund from 2018. The two providers for this service have been Advance Advocacy and Non-Violence Community Education, who provide the Women’s Centres & Wrap Around Service, and the South London Alliance, who provide the Whole System Approach to Female Offending.
- 1.3. These services were funded in 21 London boroughs by MOPAC until June 2021, when a new co-commissioning arrangement with the Ministry of Justice (MoJ) allowed the expansion of this provision across London using the same providers. This new arrangement has successfully integrated the female offender service with the new model of probation delivery and led to an increased number of referrals for women in need of wrap around support to reduce their risk of reoffending and promote safeguarding from Violence Against Women and Girls (VAWG). This service is now known as the London Service for Women in touch with the CJS.
- 1.4. The current London Women’s Service is based on grant agreements which run until 30th June 2022.
- 1.5. The Police and Crime Plan also commits MOPAC ‘to work to divert low-risk women from formal criminal justice processes through police-led triage.’ This is being taken forward by the Adult Women’s Diversion Pilot, which became operational in September 2019.
- 1.6. The pilot is aimed at diverting women that have committed a low-level offence away from entering the Criminal Justice System. Where appropriate, these women are issued with a Police Conditional Caution, requiring them to engage with local gender-specific support services. MOPAC commissioned Advance Advocacy and Non-Violence Community Education to provide this service, which seeks to address the underlying causes of the woman’s offending behaviour, through a holistic package of individual rehabilitative support, based on need. The pilot also offers police and the Crown Prosecution Service, a robust alternative pathway as opposed to prosecution of these women through the courts.
- 1.7. In accordance with the Grant Agreement and subsequent Grant Modification, the current diversion pilot ends on the 31st March 2022.
- 1.8. PCD 1065 agreed the future funding for services for women in the CJS until March 2025. MOPAC’s total financial commitment to this co-commissioned service is set at

£2,330,000 until March 2025. MOPAC funding is dependent on MoJ funding commitments to this service.

- 1.9. Since last year MOPAC has been working with London Probation, MoJ and other partners on a new co-commissioning process that will continue support for women in touch with the Criminal Justice System in London from when the current services ends.

2. Issues for consideration

- 2.1. **Pan-London Women in the CJS service.** Work with partners across probation, prisons, health, local authorities and in the specialist women's sector has highlighted the benefits of a more comprehensive, joined up and whole-systems approach to commissioning services for women in the CJS and at risk of reoffending. This is reflected in the data about women's needs linked to reoffending, protection from VAWG and health outcomes, whether they are in the CJS or on the periphery. This is also reflected in direct feedback from current service users. These considerations have led to additional developments in the re-commissioning process for the wrap around service for Women in the CJS, meaning that additional co-commissioning partners require more time to join the re-commissioning process. This means that the new service is now expected to go live between 1st October 2022 and 31st December 2022, with a maximum extension of up to six months from the previous end date of 30th June 2022. This decision seeks agreement to this extension of up to six months through grant modification. MoJ funding of up to £655,158 will also be accepted as part of this co-funded extension. All of this funding will be disbursed to the providers. Work is being carried out to keep this extension period as short as possible.
- 2.2. **TUPE Costs.** During the mobilisation process for the current pan-London service there was agreement with the providers and the MoJ, that the MoJ would pay any unexpected TUPE costs incurred by the providers. These have now been confirmed as £14,791.76. This Decision seeks agreement to accept this funding from MoJ, so that it can be passed in full to the Provider, via modifications to their Grant Agreements.
- 2.3. **Diversion.** The Adult Women's Diversion Pilot is currently due to end on 31st March 2022, but plans to continue this work, as part of a more integrated service, have been developed. The new model for the diversion pilot will be to co-commission this as part of a single service with the Pan-London Women in the CJS service. Funding has been identified to enable the extension of the Adult Women's Diversion Pilot for six months, from April 2022 to September 2022 (inclusive).
- 2.4. As a result of these extensions, both these services will be re-commissioned as a single, integrated provision across London, also combined with extra investment from other sources to greatly enhance the scope and capacity of the new service.

3. Financial Comments

- 3.1. This Decision requests approval to accept a maximum grant of £14,791.76 from the MoJ as further contribution towards pan-London Women in the CJS service, specifically for TUPE costs.

- 3.2. Funding will be disbursed to the provider in accordance with the Memorandum of Understanding with the MoJ.
- 3.3. PCD 1065 notes £2,330,000 as approved funding until March 2025 for services for women in the CJS. This includes £920,000 for 2022/23, which will cover the costs of the extension of the pan-London Women in the CJS service. A proportion of the £920,000 will be used to cover additional costs until up to December 2022 as detailed below.
- 3.4. As part of the co-commissioning arrangement with MoJ for the pan-London service, they will also provide funding for extension period as shown below. This has been agreed in an updated and now signed Memorandum of Understanding. This decision seeks agreement to accept MoJ funding of up to £655,158.5 as detailed below. This funding will also be disbursed to the providers in accordance with the Memorandum of Understanding with the MoJ.

Extension period in 2022/23	MOPAC funding	MoJ funding	Total
Q2 July – September	£306,666	£332,579.25	£639,245.25
Q3 October - December	£306,666	£332,579.25	£639,245.25
Total for full 6 month extension	£613,332	£655,158.5	£1,278,490.5

- 3.5. The extension of Diversion will cost £103,000. This funding will be fully funded from 2021/22 budgets carried forward in earmarked reserves for delivery in 2022.

4. Legal Comments

- 4.1 Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has authority to approve offers made for grant funding.
- 4.2 The Crime and Disorder Act 1998 at sections 17(1) (a) to (c) places 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.

5. Commercial Comments

- 5.1 This additional funding has been agreed via an amended Memorandum of Understanding between MoJ and MOPAC and will subsequently be reflected in modifications to the Grant Agreements with the two Providers.

6. Public Health Approach

- 6.1. The female offender service has the support of the Violence Reduction Unit as it seeks to reduce the risk of reoffending posed by women in touch with the criminal justice

system and reduce the risk of harm posed by them to the public, known adults and children. The service also seeks to reduce intergenerational offending. Many of the service users also have complex needs and have experienced victimisation and abuse and the services provide wrap-around support to address these issues and promote long term rehabilitation and well-being.

7. GDPR and Data Privacy

- 7.1. This expansion of the female offender services will not alter the data protection measures in place for each service.
- 7.2. A Data Protection Impact Assessment (DPIA) has been produced to identify and minimise risks to data subjects. This document will be updated to reflect the extension.
- 7.3. All providers funded by MOPAC are required to comply with the GDPR and Data Protection Act 2018.

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. The female offender services actively promote the welfare and address the specific needs of women in touch with the criminal justice system in a dedicated gender specific environment and via specialist women-only provision. This also allows for a focus on specific needs around physical and mental health needs, pregnancy and parenthood and the needs of foreign national and young adult women. BAME women are particularly over-represented in the criminal justice system and the services are specifically tailored to engage these groups and adapted to meet their needs. The services are also open to transgender women depending on the needs of each case.

9. Background/supporting papers

- 9.1. N/A.

<p>Public access to information</p> <p>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.</p> <p>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.</p>
<p>Part 1 Deferral:</p> <p>Is the publication of Part 1 of this approval to be deferred? NO</p>
<p>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.</p> <p>Is there a Part 2 form –NO</p>

ORIGINATING OFFICER DECLARATION		<i>Tick to confirm statement (✓)</i>
Financial Advice: The Strategic Finance and Resource Management Team has been consulted on this proposal.		✓
Legal Advice: Legal advice is not required.		✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.		✓
Public Health Approach Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.		✓
Commercial Issues The 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 <ul style="list-style-type: none"> 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. A DPIA will be completed once an evaluation plan is in place. 		✓
Drafting Officer Tom Dodsworth has drafted this report in accordance with MOPAC procedures.		✓
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****30/03/2022**