

REQUEST FOR DMPC DECISION – PCD 40**Title: Home Office Police Innovation Fund – Sobriety****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 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 delivery in 2017/18.

Recommendation:

The DMPC is asked to:

- Approve £500k Home Office Police Innovation Fund for FY 2016/17 to test innovation and develop a longer term AAMR operating model.
- Delegate authority for future decisions on this programme, and authority to sign any individual grant or contract agreements relating to the work, to the Chief Operating Officer (COO) or acting COO, providing there are no substantial changes.

Deputy Mayor for Policing and Crime

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

The above request has my approval.

Signature**Date**

27/07/2016

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

Decision required – supporting report

1. Introduction and background

- 1.1 In December 2015 MOPAC successfully applied to the Home Office Police Innovation Fund and received a total of £1,050,000 over two years, to test Innovation and support the future development of the Sobriety Programme.
- 1.2 The former Mayor of London successfully lobbied for 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 violence.
- 1.3 The new sentencing power allowed courts to impose a requirement that an offender abstain from alcohol for a fixed time period (recommended to be between 90-120 days); and be regularly tested to ensure compliance; as part of any community sentence order. This is the first time any court has been able to do this in Europe. The Ministry of Justice (MoJ) stipulated that this approach must be piloted before it could be rolled out.
- 1.4 MOPAC successfully delivered on the South London sobriety proof of concept pilot which ran for an extended period of 18 months from July 2014 in four boroughs (Croydon, Lambeth, Southwark and Sutton) which comprise the South London Local Justice Area (LJA).
- 1.5 The pilot tested how widely magistrates use the AAMR; the effectiveness of electronic monitoring and compliance with and breaches of the order.
- 1.6 Over the initial 18 month pilot period, 158 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 compliance rate of 92% over the pilot period, based on the number of cases returned to court and convicted of breaching their AAMR.
- 1.7 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.
- 1.8 The 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
- 1.9 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.
- 1.10 The success of the initial pilot triggered a 12 month expansion of the pilot across London during 2016/17 which tests the same principles as the South London pilot, working with the same cohort but on a larger scale. This expansion will provide the required scale needed to evaluate the impact of the AAMR on reoffending. This expansion of the pilot is funded jointly by MOPAC and the MoJ. Funding provision for the roll out is £450K and £400K respectively.
- 1.11 It is anticipated that the 12 month implementation period will yield between 500 - 600 AAMRs.
- 1.12 To support longer term viability of the use of the AAMR in London, MOPAC successfully secured an additional £500,000 for the FY 2016/17 via the Home Office Police Innovation Fund (PIF), to test innovation and refine processes, with a focus on maximising the impact of the AAMR, improving value for money and developing a full AAMR operating model that is sustainable post

2016/17. This programme of work will run in parallel to the pan-London roll out, and is funded via the PIF funding for which this DMPCD seeks approval.

- 1.13 It is anticipated that this programme and the allocated 500K funding will support five core components as agreed as part of the Bid for the PIF funding from the Home Office.

Testing impact on other offence types including DV

- 1.14 This will include a victim/survivor and frontline worker centric feasibility study into the testing of the AAMR on domestic abuse offences (where alcohol is shown to be a factor within the offence). This will deliver on the engagement of specialist and expert organisations in the development of processes to test the use of the AAMR on DA offenders which supports and provides safeguarding for both the victim/survivors and perpetrators.
- 1.15 Developing processes and guidelines for managing risks and safeguarding in relation to using the AAMR for DA cases.
- 1.16 Controlled testing of the use of the AAMR on DA offenders on a small cohort to be agreed during the feasibility study (attached is a draft specification for this work).

Testing new processes to support efficiency savings

- 1.17 Exploring options and redesigning current arrangements to speed up the current processes in the delivery of the AAMR.
- 1.18 Testing the tagging of an offender at source immediately after sentence. Developing and exploring with partners as to how this can be managed. This could include exploring:
- Options for tagging within the courts (or a close to courts a possible, i.e. local probation Office) and the required processes for facilitating tagging at source.
 - The resources required to facilitate tagging at source.
 - If any modification required to the monitoring equipment to support this ambition, including the addition of a GPS functionality.

Identification and testing opportunities for new innovative processes

- 1.20 Targeted work with wider partners including Health, MPS, HMCTs & Local Authorities identifying and testing opportunities for new innovative processes;
- 1.21 Exploring opportunities with health partners for adapting processes to support wider health benefits;
- 1.22 Testing and incorporation of processes within the MPS to enable the AAMR to target those most prolific reoffenders of alcohol related crime;
- 1.23 Testing more effective processes within the MPS for flagging potential cases which currently only happens in 2% of cases where the AAMR is imposed.

Research and Evaluation – This will include four specific elements:

- 1.24 Literature review and analysis of what has and hasn't worked in terms of mandated sobriety;
- 1.25 Wider impact analysis of the London Sobriety Pilot – expanding on the initial evaluation;
- 1.26 Costs benefit analysis of the London Sobriety Pilot;

- 1.27 Evaluation and research to support the innovation elements including: tagging at source, DV and maximising opportunity for policing and health benefits.

Development of a full AAMR Operating model

- 1.28 Development of a full operating model for Sobriety in London, which will support partners regionally and inform the delivery of AAMR in London beyond March 2017 – this will include a range of products: e.g. Ambitions, partner roles definitions, longer term funding requirements, specifications.
- 1.29 Identification of any required changes to the current functional and technical specification when moving from a 'pilot phase' to a potential roll out phase post 2017/18.
- 1.30 A further £550,000 was also secured from the (PIF) for FY2017/18 to support the implementation of the full operating model and implementation of outcomes and recommendations following the 2016/17 pan-London pilot. This funding will be considered as part of future funding agreements for the continued use of AAMR post 2016/17. A separate decision will be drafted in early 2017 for this spend.

2. Issues for consideration

2.1 Development of a full operating model

- There is a risk regarding the development and delivery of a full operating model for Sobriety in London, time wise there may be a challenge in demonstrating the full impact of this delivery model in time for the end of the 2018 FY. A full impact assessment will be completed once all the required data is available.

2.2 Ongoing stakeholder engagement

- Ensuring robust and effective stakeholder engagement throughout the delivery of this project will be a key priority. As part of the development of the pilot, there were concerns over domestic abuse cases being made subject to an AAMR, before the AAMR has 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 behaviour.
- Now the proof of concept pilot has been completed and we understand more about the AAMR and how it can be used as part of a package of sanctions, MOPAC want to explore and understand the benefits and dis-benefits of using an AAMR on DA perpetrators and victims.
- It is clear that the development of this work needs to be carried out sensitively. The victim's safety and wellbeing will need to be at the forefront of our approach and effective stakeholder engagement and risk management will be a core thread throughout the process.
- As part of this programme of work, MOPAC want to explore and understand the risks and opportunities of using an AAMR on Domestic Abuse perpetrators and required safeguarding measures for victims. It is clear that the development of this work needs to be carried out sensitively. The victim's safety and wellbeing will be at the forefront of our approach and effective stakeholder engagement and risk management will be a core thread throughout the process.
- It should be noted, the AAMR is currently already available for courts in London to impose on DA offenders; the advice from MOPAC has been for courts to abstain from imposing the AAMR on DA

offenders until the completion of this feasibility study and further testing. To date this request has been largely adhered to.

- 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. 20 -40).

2.3 External commissioning to assist capacity

- This is a vast programme of work which needs to be delivered by the end of the financial year, and as such will put a strain on current resources. To support this, external commissioning will take place, including additional E&I and Project management resources to support the evaluation and delivery of the pilot. A tender is also due to go out to 3rd sector organisations to commission a feasibility study into the use of the AAMR as a mandated requirement for Domestic Abuse offences. The feasibility study is an opportunity for stakeholders to help ensure the AAMR is used appropriately and safely on DA offenders, opportunities include developing effective safeguarding processes around the use of the AAMR on DA offenders, to ensure the safety of victims, provide support to the perpetrator and help to ensure the most effective use of the AAMR. (Draft specification for tender attached).
- A programme of work has also been developed to support this, including robust multi-agency governance arrangements.

2.4 Operational tagging in court considerations.

- The Tagging at source element of this programme will pose particular challenges as MOPAC will be entirely reliant on the will of the courts and probation services require extensive consultation and negotiation.
- A review is being undertaken at this time to identify the most appropriate area(s) in which to implement tagging at source.
- The funding total includes an additional £50K per funding year on the condition that the recipient (MOPAC) works closely with Humberside Police on the rollout of their scheme. This was only confirmed once the Grant Agreement had been received and as such MOPAC have not yet been in contact with Humberside Police to agree on collaboration. This will need to be agreed and approved over the next few months.

3. Financial Comments

- 3.1. For 2016-2018, a total £1,050,000, has been granted to MOPAC further to an application to the Home Office Police Innovation Fund.
- 3.2. This consists of £500,000 in resource costs for 2016/17 and £450,000 in resource cost and £100,000 capital costs in 2017/18.
- 3.3. Pending successful delivery of the £500,000 2016/17 funding, a separate DMPCD will be drafted for the £550K 2017/18 spend to support the longer delivery during 2017/18. This decision will be dependent on MOPACs ongoing commitments to the sobriety pilot which will need to be agreed. Please note, this DMPCD relates to year one 16/17 funding only.
- 3.4. The Home Office will reimburse MOPAC in two payments – November 2016 and June 2017 for expenditure incurred up to the value of the approved amount.

¹ The funding total includes an additional £50K per funding year on the condition that the recipient works closely with Humberside Police on the rollout of their scheme.

4. Legal Comments

- 4.1. MOPAC's general powers are set out in the Police Reform and Social Responsibility Act 2011 (the 2011 Act). Section 3(6) of the 2011 Act provides that MOPAC must "secure the maintenance of the metropolitan police service and secure that the metropolitan police service is efficient and effective." Under Schedule 3, paragraph 7 MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.2. 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) specifically allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate.
- 4.3. MOPAC has statutory duties to hold the MPS Commissioner to account for the exercise of child safeguarding duties under sections 10 and 11 of the Children Act 2004 as well as to discharge its own functions having regard to the need to safeguard and promote the welfare of children, as outlined in the same legislation. Child safeguarding runs through almost every strand of MOPAC's work, including gangs, Violence Against Women and Girls, Counter-terrorism, Victims and Justice and we will continue to provide strategic oversight of the MPS's work in this area and to work with agencies across London to ensure that we do everything we can to protect children in the capital.
- 4.4. Under MOPAC's Scheme of Delegation, 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 5.6). The release of funding in accordance with the proposals set out in this decision form is accordingly to be approved by the DMPC. The delegation of responsibility for the finalisation of planning and contractual/grant arrangements, including relevant terms and the signing of agreements, to the Chief Operating Officer is in accordance with the general power of delegation in paragraph 1.7.

5. Equality Comments

- 5.1. 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.
- 5.2. AMS Ltd were asked to provide details of their Equalities processes as part of their tender; these were deemed to be acceptable by the evaluation panel.
- 5.3. An EIA for the AAMR can be found [here](#)

6. Background/supporting papers

- 1) South London AAMR pilot full evaluation
- 2) AAMR Functional specification
- 3) HO grant agreement for Police Innovation Fund
- 4) Draft Domestic Abuse feasibility study specification (PART 2)

Public access to information

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

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

Part 1 Deferral:

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

If yes, for what reason:

Until what date: N/A

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

Is there a **Part 2** form – Yes

ORIGINATING OFFICER DECLARATION:

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

OFFICER APPROVAL**Chief Operating 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 27/07/2016

