

REQUEST FOR DMPC DECISION – PCD 409

Title: Female Offender Diversion Pilot

Executive Summary:

Female offenders are low volume but present with higher levels of need among the offender population. More than half of female offenders have themselves been victims of serious crime. The outcomes for women given custodial sentences are poor and their imprisonment has significant inter-generational impact. There is a clear need to develop new tailored approaches to addressing female offending.

Diverting those who have committed low-level offending away from the criminal justice system and providing proportionate, informed and timely interventions designed to meet the needs of women, can reduce reoffending and the escalation of offending providing cost effective positive outcomes for women, their families and their communities.

Police officers in London have limited adult diversion options at their disposal. Changes introduced by the National Police Chiefs Council (NPCC) to the out of court disposal framework present opportunities to test new ways of working with the aim of getting vulnerable women into support services at the earliest opportunity. By seeking to address the underlying drivers of offending these support services aim to end the cycle of offending, reducing overall demand on the police and criminal justice system.

In recognition of this opportunity, the Mayor in his Police and Crime Plan committed to “seek to divert low-risk women from the formal criminal justice processes. We will achieve this by working with the Metropolitan Police Service (MPS) to design and pilot a police-led triage service that, where appropriate will divert these women into specialist support services.”

In Summer 2017, the Mayor’s Office for Policing And Crime (MOPAC) set up a multi-agency group to support the development of a pilot to deliver against this commitment. The model for the pilot has been agreed and this decision commits the resources necessary to enable and evaluate the pilot. The outcome of the pilot is expected to be transformative beyond the female offender policy area as it will inform the future approach of the MPS to out of court disposals and vulnerable cohorts.

Recommendation:

That the Deputy Mayor for Policing and Crime (DMPC):

- Approve the allocation of up to £500,000 for the delivery of this pilot;
- Approve officers to begin a competitive tender process, which will end in the appointment of a successful provider to deliver the pilot; and

- Approve the delegation of authority to the Chief Executive Officer to award the grant agreements necessary to enable the pilot.

Deputy Mayor for Policing and Crime

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

The above request has my approval.

Signature

Spence Henderson

Date 18/7/18

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

Decision required – supporting report

1. Introduction and background

- 1.1 Over 17% of all the women arrested in England and Wales are arrested by the MPS. While the harm caused in majority of these cases was low, the offenders involved were often some of the most vulnerable with many presenting with multiple and complex needs. Prosecuting these women does little to address the underlying drivers of their offending and will (in some cases) exacerbate their needs and greatly impact upon the lives of their dependents.
- 1.2 It is well established that women's contact with criminal justice services is often the result of significant underlying difficulties and multiple needs and that many of the solutions to women's offending lie outside the criminal justice system. There is a growing body of research showing that proportionate, informed and timely interventions designed to meet the needs of women, at entry into the criminal justice system, can prevent reoffending by redirecting those who have committed low-level offending away from formal prosecution. For example, a pilot early intervention and diversionary offer for women in police custody provided by Lancashire Women's Centres launched in 2015 saw reoffending rates reduced to just 3.5%.¹
- 1.3 The MPS has limited number of formal diversion options available to officers, none of which involve a referral pathway specifically for female offenders as part of the case disposal. A problem-solving approach at the point of arrest would more effectively address the needs of these vulnerable offenders ending the cycle of reoffending before they do lasting damage to themselves, their children, and their community.
- 1.4 This pilot will drive multi-agency working between the police, Voluntary Community Sector (VCS) service providers and other statutory partners as part of a wider programme of work to develop a whole system approach to identifying and addressing the needs of female offenders in London. Aligning and integrating with local public services will improve the outcomes for these women and reduce demand across the social care and criminal justice system.
- 1.5 This proposal will build on a recent pilot for a pre-conviction female offender diversion scheme in the London borough of Lambeth and the Female Offender Service which support offenders post-conviction. These services and the programme of work to develop mature commissioning/funding arrangements with other statutory and non-statutory partners are the pillars of the whole system approach to female offending which is being developed in London.
- 1.6 In March, MOPAC, Ministry of Justice and London Councils signed a Memorandum of Understanding on devolution which sets out a common ambition to improve the criminal justice outcomes for female offenders. Our shared longer-term ambition is to implement a whole system approach to female offenders in London, whereby agencies align to invest in prevention and community based alternatives custody for female offenders.
- 1.7 This proposal supports the development and implementation of a whole system approach to female offending as it promotes a wider shift towards prevention and diversion as set out in the Mayor's Police and Crime Plan and the MoU. Developing these new working relationships and agreeing common objectives across statutory and non-statutory partners will help realise wider public-sector reform opportunities.

Overview of the pilot

¹ Thomas Guiney and Jenny Earle, 'Fair Cop? Improving outcomes for women at the point of arrest' (London: Prison Reform Trust, 2017).

- 1.8 This pilot seeks to test a large-scale adult diversion model for London. The purpose of developing and testing a new diversion pilot is to understand whether London can replicate the outcomes that are being achieved elsewhere in the country. This pilot will integrate a holistic package of support with an out of court disposal (OoCD), to improve outcomes for the offender and offer officers and the CPS a robust alternative pathway as opposed to prosecution through the courts.
- 1.9 The expected benefits of this pilot include:
- Testing OoCD for female offenders;
 - Reducing demand on police and wider partners;
 - Improving referral pathways for vulnerable women;
 - Enhancing the police's problem-solving capabilities; and
 - Developing new and existing partnership arrangements.
- 1.10 The outcomes include:
- Reducing reoffending or escalation of reoffending
 - Reducing the volume of women who enter the criminal justice system;
 - Reducing the number of women who are sentenced to short-term prison sentences;
 - Improving the life chances of the women who enter the diversion scheme and those of their children; and
 - Reducing demand across the police and social care and criminal justice systems.
- 1.11 The multi-agency Task and Finish group organized by MOPAC agreed the following parameters for the pilot:

Scope

- The target cohort is adult women who have committed an offence which is suitable for an OoCD in the pilot area.
- The pilot area is to be between 1 and 3 Borough Command Units.
- The pilot will run for at least two years, starting Autumn 2018, to ensure it can achieve suitable volumes to meaningfully assess impact.

Referral mechanism

- The cohort will all receive either a Community Resolution (CR) or Conditional Caution (CC).
- A rehabilitative condition attached to all CRs or CCs for this cohort will be engagement with services provided by a local women's centre.
- The referral to the women's centre is made by the police officer, in consultation with Drug Intervention Programme and Liaison and Diversion practitioners, as part of the out of court disposal.
- Offenders referred as part of a CC will have their levels of engagement reported to the officer who made the referral within one month of the disposal to decide if any further action is required.

Support offer

- The support offer will be trauma informed gender-specific interventions offered in a friendly space by specialist keyworkers and the support offer would be tiered based on need (not risk or offence); however, offenders who have received a conditional caution will take priority for their initial assessment and access to subsequent services.

Potential volumes

- Table 1 below is the estimated referral and engagement volumes for the pilot areas over one year. The estimates are based on the number of cautions for non-domestic offences received over the course of the calendar year 2016. The estimates below attempt to take account of: differing

prosecution practices in boroughs; borough offence profiles; and the time lag to embed new ways of working.

Table 1: Indicative volume of offenders engaging in diversion pathway

Tranche	Borough*	Jul-18	Jan-19	Jul-19	Jan-20	Jul-20	Total
1	Ealing	2	24	48	71	94	94
	Hillingdon	2	22	43	65	86	86
	Hounslow	3	38	74	110	146	146
2	Lambeth	0	16	47	77	108	108
	Southwark	0	14	40	66	92	92
3	Hammersmith and Fulham	0	0	2	22	44	44
	Kensington and Chelsea	0	0	2	23	46	46
	Westminster	0	0	3	44	86	86
Grand Total		7	115	259	478	701	701

*boroughs subject to change.

- 1.12 The MPS's Chief Officers Group gave their approval to initiate this pilot in February 2018. This began the design phase wherein MOPAC and the MPS are establishing the project governance structure and are in the process of refining the specification for the pilot.
- 1.13 The next stage is for MOPAC to commission the support offer and then for that support offer to mobilise. Existing service providers may not have the capacity to accept all the additional referrals this pilot is expected to produce, it may require additional keyworkers and scaling up capacity of existing interventions, workshops, and diversionary activities. There will also be management costs associated with line managing the additional keyworkers and supporting the project management of the pilot. Table 2 below provides an overview of estimated costs for the keyworker support and Table 3 covers the additional costs of the service.

Table 2: Estimated costs for the keyworker support

	Jul-18	Jan-19	Jul-19	Jan-20	Jul-20	Total
Rolling total engaged users	7	115	259	478	701	701
Total of actively engaged users	7	87	110	165	167	167
Number of keyworkers	1	3	4	5	5	5
Active caseloads	7	29	27	33	33	33
Monthly cost	£2,667	£8,000	£10,667	£13,333	£13,333	£13,333
Rolling cost	£2,667	£34,667	£96,000	£170,667	£250,667	£250,667
Management cost						10%
Grand Total						£275,733

Table 3: Additional costs

	Cost over each six-month period				Total
	Jul-18	Jan-19	Jul-19	Jan-20	
Additional interventions	£6,000	£12,000	£18,000	£18,000	£54,000
Contribution to running costs	£5,000	£10,000	£15,000	£15,000	£45,000

Project management	£10,000	£10,000	£10,000	£10,000	£40,000
Evaluation	£20,000	£20,000	£20,000	£20,000	£80,000
Total	£41,000	£52,000	£63,000	£63,000	£219,000

The combined total cost is therefore estimated to be in the region of £500,000.

- 1.14 MOPAC will invite proposals to deliver holistic package of support for the female offenders referred as part of this pilot. The invitation to tender will include the estimated costs above for reference. The proposals will be reviewed as part of a competitive process to ensure value of for money is achieved.
- 1.15 There were two success bids to the Co-Commissioning Fund that plan to enhance and expand existing provisions of female offender services in London. Wherever possible MOPAC's existing commissioning arrangements will be built upon and flexed to facilitate the service offer necessary to enable this pilot. This will ensure value for money across commissioned services.
- 1.16 The rollout of the pilot will be staged to ensure adequate referral levels are achieved before expanding the pilot area, this will minimise wasted resources. The value for money of the interventions commissioned by MOPAC will be closely monitored through a contract performance management framework.
- 1.17 The pilot will be commissioned through a competitive process.

2 Issues for consideration

- 2.1 The National Police Chiefs Council (NPCC) has developed guidelines on OoCDs intended to rationalise the current framework. The NPCC draft strategy proposes the use of only two types of OoCDs, Community Resolutions and Conditional Cautions, instead of the seven that currently exist. Each disposal would have rehabilitative, reparative or punitive conditions attached to it. This pilot is also an opportunity to test the application of the NPCC's new guidelines in London.
- 2.2 Integration with MPS governance boards and structures is essential for alignment with other change programmes and to ensure there is appropriate oversight for the way in which the OoCDs are used. A multi-agency project board chaired by the MPS's Head of Prosecutions has been established to oversee the delivery of this pilot. This project board then reports into the MPS's Transforming Investigations and Prosecutions Board.
- 2.3 There is a risk that this pilot does not adequately meet the needs of victims. A letter explaining the rationale and inviting the victims' views will be sent out for each referral. The views of the victim will be sought to form part of the evaluation.

3 Financial Comments

- 3.1 This decision commits a maximum of £500,000 over two years to the female offender diversion pilot, which can be met by the existing MOPAC budget.
- 3.2 The provider will be awarded through a competitive process.

4 Legal Comments

- 4.1 The MPS's Department for Legal Services will be consulted on any identified risks throughout the life of the project. There are no known legal risks that need to be addressed before initiating this project.

5 Equality Comments

- 5.1 Under s149 of the Equality Act 2010 (the Equality Act), as a public authority the Deputy Mayor/MOPAC must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under this Act; and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).
- 5.2 Female offending is an area of priority focus due to the unique needs of the cohort and the positive impact tailored intervention can have. More than half of female offenders have themselves been victims of serious crime. The outcomes for women given custodial sentences are poor and their imprisonment has significant inter-generational impact. There is a clear need to develop new tailored approaches to addressing female offending.
- 5.3 To ensure maximum impact and value for money a targeted approach of the use of funding is required. The learning from this female diversion scheme will influence future arrangements for future adult diversion schemes, both male and female.
- 5.4 The pilot will include diversity monitoring to ascertain who is being referred, whether any disproportionality is evident and if services can be further tailored to need.

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

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

Is there a **Part 2** form – NO

ORIGINATING OFFICER DECLARATION

	<i>Tick to confirm statement (✓)</i>
Head of Unit: The Director of Criminal Justice 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 Head of SFRM has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**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

R. Lawrence

Date

21/06/18