

DMPC Decision – PCD 1065

Title: Criminal Justice System - 2022/23 Commissioning Decisions

Executive Summary:

Recognising that repeat offenders are responsible for a disproportionate level crime and violence, the Mayor has committed to funding key programmes designed to break the cycle of re-offending, address violence, and improve the effectiveness of the Criminal Justice System in London. This decision requests confirmation of funding until the end of March 2023 (and March 2025 in respect of the Wraparound service for female offenders) of the following projects and services relating to the Criminal Justice System:

- Drug Testing in Police Custody – funding for drug testing in Police custody
- MAPPAs – funding contribution for London Executive Office of the MAPPAs
- GPS Tagging – funding use of GPS tags for violent and weapon offenders released back to London from prison
- Female offender wrap around services – funding to co-commission services with HMPPS for women in touch with the criminal justice in London.

The financial commitment in 2022/23 for Drug testing, MAPPAs and GPS tagging will be £1,410,000 for a year, and for Female offender wrap around services is £2,330,000 between 2022-2025. For a total financial commitment of £3,740,000.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the one-year funding of three Criminal Justice System projects in 2022/23, at a total financial commitment of £1,410,000.
2. Approve a three-year budget for the Female Offenders wraparound service from 2022/23 -2024/25 at a total financial commitment of £2,330,000
3. Delegate responsibility for agreeing the specific terms and amounts relating to individual grants, contracts or extensions to the Director of Commissioning and Partnerships.

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 26-11-21

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

1. Introduction and background

- 1.1. Reducing and preventing violence in London is the Mayor's top priority. This means continuing the combination of police enforcement, effective interventions to help offenders leave crime behind and better support for victims alongside the public health approach to prevention being led by London's Violence Reduction Unit (VRU) to identify the underlying causes of violence and work with communities, young people and partners to intervene early. The Mayor's, 'tough on crime, tough on the causes of crime' approach recognises that protecting Londoners is not just about policing.
- 1.2. The COVID-19 pandemic has had a wide-reaching impact on MOPAC, the MPS and commissioned services, requiring delivery models to significantly adapt and flex. The funding outlined below takes into consideration the compounding effects of the COVID-19 pandemic has had.
- 1.3. In order to expedite the decision process and meet our commitment to give providers and commissioners 6 months' notice of funding for 2022/23, the projects and services for which extension is requested have been grouped into themes. This decision relates to projects in the area of the Criminal Justice System.

2. Issues for consideration

- 2.1. All funding arrangements for projects and services which are due to expire in March 2022 have been considered under their own merits; how these contribute towards the Mayor's aims of reducing violent offending, reducing re-offending, and improving the effectiveness of the criminal justice system; and to ensure that they have demonstrated satisfactory performance and value for money. The work encompassed within this decision focuses on addressing violent offending, substance misuse and the specific needs of women in the criminal justice system. The projects and services below are requested for extension to the end of March 2023, and to the end of March 2025 in respect of the Women's service (to support longer term co-commissioning with probation).
- 2.2. Drug Testing in Police Custody – The Metropolitan Police Service deliver drug testing in Police custody and procure drug testing equipment and laboratory services for contested orders. MOPAC funding supports three job roles within the MPS: A Strategic Drug and DIP lead, A Drug Testing Co-ordinator and an Offender Management Co-ordinator. This funding underpins the delivery of Drug Intervention Programme in London, which is a core element of reducing reoffending by drug using offenders through engaging them in treatment at the earliest possible stage. Work is also underway to review this programme and develop a more consistent approach across London.

- 2.3. MAPPA – Multi Agency Public Protection Arrangements (MAPPA) is the framework which co-ordinates agencies to manage offenders who pose a high or very high risk of serious harm to the public. MOPAC funding supports the London MAPPA Executive Office, which provides vital public protection work and plays an important role in leadership, training and quality assurance in the work of MAPPA in London.
- 2.4. GPS Tagging – The GPS Tagging pilots have led the way on testing the use of GPS tagging for knife crime offenders, and more recently domestic abuse offenders, after their release from prison. This explores and evaluates the benefits of GPS monitoring for risk management, enforcement and deterrence from harmful offending. Extended MOPAC funding will allow the benefits of GPS to be continued for knife crime and domestic abuse offenders as well as potential expansion to more violent offenders, providing greater public protection.
- 2.5. Wrap around services for female offenders – Since 2018 MOPAC have been commissioning services for London women in touch with the criminal justice system as part of an innovative, holistic service to reduce reoffending. From June this year these services have been co-commissioned across London with HMPPS and London Probation as part of the new probation model, also including women not on probation but with complex needs and at risk of offending.

3. Financial Comments

- 3.1. This decision requests approval to fund and extend service contracts or grants detailed in in section 2.2 to 2.4, at a total financial commitment of £1,410,000 from 1st April 2022 until 31st March 2023.
- 3.2. This decision also requests approval to fund and jointly co-commission the Female Offender’s Wrap around service (set out on 2.5), with HMPPS and London Probation. MOPAC’s total financial commitment to the co-commissioned service is set at £2,330,000 until March 2025. MOPAC funding is dependent on MoJ funding commitments to this service.
- 3.3. An overview of the individual allocations and their funding source is set out in the table below.

Service Name	22/23 Allocation	Funding Source
Drug Testing in Police Custody	£470,000	Police Grant
MAPPA	£40,000	Police Grant
GPS Tagging	£900,000	Core funding
Total	£1,410,000	

Service Name/Allocations	22/23	23/24	24/25	Funding Source
Women’s wrap around service	£920,000	£760,000	£650,000	Police Grant

- 3.4. Payments will be made in line with current arrangements in the contract or grant, following satisfactory performance and contract or grant management meetings.
- 3.5. Funding sources are provisional only and subject to change. Confirmation of funding sources will be finalised as part of the final budget submission.

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 (1) MOPAC has wide incidental powers to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Office." Paragraph 7(2) (a) provides that this includes entering into contracts and other agreements.
- 4.2. Section 143 (1) (b) of the Anti-Social, Behaviour Crime and Policing Act 2014 provides for MOPAC to provide or commission services "intended by the local policing body to 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. There are further relevant powers set out in the Crime and Disorder Act 1998 at sections 17(1) (a) to (c) which place MOPAC under a duty to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it can to prevent, crime and disorder (including anti-social and other behaviour adversely affecting the local environment), reoffending in its area, and the misuse of drugs, alcohol and other substances in its area. The proposed arrangements are consistent with MOPAC's duties in the Crime and Disorder Act 1998.
- 4.4. Under MOPAC's Scheme of Delegation, the approval of business cases for revenue or capital expenditure of £500,000 and above, are for the DMPC. The strategy for grant giving, the award of individual grants, all offers made and the award of grant funding are also for the DMPC. The decisions in this report can be approved by the DMPC.
- 4.5. Officers must ensure the Financial Regulations and Contract Regulations are complied with.
- 4.6. Officers should ensure that the funding agreements are put in place with and executed by MOPAC and each of the providers before any commitment to fund is made.
- 4.7. Officers confirm that sufficient assurance has been carried out to this decision to determine that the DMPC has legal authority to agree the recommendations on funding and the extension of grants and contracts.

5. Commercial Issues

- 5.1. This decision requests to extend existing grants and contracts, as laid out in 2.2 to 2.5, or create new grants where needed.
- 5.2. There are no procurement issues with this decision, as where contracts are in place, the value of these contracts is not being increased by more than 50% of the current value, and is in line with the terms and conditions of the contract variations, framework and grant agreement amendments, as relates to extensions.

- 5.3. MOPAC makes no commitment to fund the organisations listed in 2.2 to 2.5 above until grant amendment or contract variation letters been signed by both parties. These will detail the new performance and payment schedules, in line with previous arrangements.
- 5.4. The modification request to the grant agreement/contract will comply with the MOPAC Scheme of Consent and Delegation.
- 5.5. Further details on the commercial issues for each project or service can be found in this decision referenced in 2.2 to 2.5.
- 5.6. For the GPS tagging pilot continuation, we will extend the current contract which was procured using the government Digital Marketplace. This extension will be in line with the Digital Marketplace framework and the current contract provisions. This procurement takes into account and complies with the GLA Group's Responsible Procurement (RP) Policy. The GPS tags will be rented from the supplier, not purchased, to increase the environmental sustainability of the pilot.
- 5.7. For the continuation of the Female Offender wrap around service this will be co-commissioned with the London Probation Service using the Ministry of Justice's Dynamic Framework. This is an approved framework that allows criminal justice partners to procure services from pre-approved suppliers and the collaboration in this area is underpinned by a Memorandum of Understanding between MOPAC, London Probation Service and the Ministry of Justice. As part of this arrangement MOPAC will provide grant funding to the Ministry of Justice for the amounts specified above, so that the combined funding can be used through the Dynamic Framework to appoint a provider.

6. Public Health Approach

- 6.1. A common ambition of most of these projects is to ensure that offenders and those at risk of offending have their needs met in the community. MAPPAs and GPS Tagging projects are particularly linked to the public health approach to tackling the causes of violent crime in London. They enable the effective management of potentially harmful offenders, and the gathering and sharing of intelligence to prevent further harm. Drug testing in police custody also provides a pathway for those with substance misuse needs to be referred into treatment. The Female Offender wrap around service is a holistic intervention to reduce reoffending and violence, promote the well-being of service users and address their victimisation. It also acknowledges the social relationships and care responsibilities of these service users, and as such promotes a public health approach to reducing offending and violence.

7. GDPR and Data Privacy

- 7.1. The extension of the projects and services listed in 2.2 to 2.5 will not alter the data protection measures in place for each. Where required, DPIAs will be updated to reflect the extension of the corresponding project or service.
- 7.2. Further details on the data protection considerations for each project or service can be found in this decision referenced in 2.2 to 2.5.

8. Equality Comments

- 8.1. 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).
- 8.2. The providers listed in 2.2 to 2.5 will be required to have due regard to the protected characteristics of the people and communities relevant to this piece of work.
- 8.3. As part of the quarterly performance monitoring of each service we collect demographics information, which helps us to understand who is accessing each service and how any barriers to accessing may be overcome.
- 8.4. Drug Testing - Substance misuse impacts people across all demographics, but there is particular crossover with mental ill health, where people may self-medicate with illegal substances. Drug testing on arrest is not undertaken for children under 18 years old. Testing will be undertaken for those who have committed a trigger offence regardless of any other protected characteristics, so the throughput is determined by arrests made. Where Inspector's Authority is used, there is clear guidance to mitigate against the introduction of disproportionality.
- 8.5. MAPPA- MAPPA is a framework which co-ordinates agencies to manage offenders who pose a high or very high risk of serious harm to the public. This framework is used for all offenders who meet a threshold of risk dependant on their offending and behaviour regardless of any protected characteristic.
- 8.6. GPS- Inclusion in the pilot and the length and exact nature of the enforceable licence conditions depends on the already existing process for deciding licence conditions, which are proposed by probation staff, based on individualised risk assessments, and considered for approval by prison Governors. Equality Impact Assessments are in place to assess the impact of the programme on all protected characteristics.
- 8.7. Female offender wrap around- Although the proportion of women in the criminal justice system is small – approximately 5% of the prison population and 15% of offenders in the community – the positive impact of addressing their needs is significant. The Equality Act 2010 allows women only or women-specific services where the circumstances and needs of women and men are different in order to achieve equitable outcomes.

9. Background/supporting papers

- 9.1. PCD 849 was signed in October 2020, and approved funding in 2021/22 for all of the services continued within this decision.
- 9.2. PCD 948 was signed on the [Pan-London Female Offender Co-Commissioned service 2021/22](#) in March 2021.

9.3. PCD 498 for the [GPS pilots 2021/22 contract award | London City Hall](#) was signed in March 2021.

<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>If yes, for what reason:</p> <p>Until what date:</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>
<p>Financial Advice</p> <p>The Strategic Finance and Resource Management Team has been consulted on this proposal.</p>	✓.
<p>Legal Advice</p> <p>Legal advice is not required.</p>	✓.
<p>Equalities Advice:</p> <p>Equality and diversity issues are covered in the body of the report.</p>	✓.
<p>Public Health Approach</p> <p>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.</p>	✓.
<p>Commercial Issues</p> <p>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.</p>	✓.
<p>GDPR/Data Privacy</p> <ul style="list-style-type: none"> • GDPR compliance issues are covered in the body of the report. • A DPIA is not required. 	✓.
<p>Drafting Officer</p> <p>Ruth Bloomfield has drafted this report in accordance with MOPAC procedures.</p>	✓.
<p>Director/Head of Service</p> <p>The Director of Commissioning & Partnerships has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.</p>	✓.

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 26-11-21

A handwritten signature in dark ink, appearing to read "Hannah Kuchford". The signature is written in a cursive style with a large initial 'H'.