

REQUEST FOR DMPC DECISION – PCD 196

Title: MPS Drug Testing & Drug Intervention Programmes Review

Executive Summary:

DMPC Decision 2013-96 approved provisional funding for drug testing in police custody suites (2014/15 – 2016/17) as part of the wider London Crime Prevention Fund programme. In light of the increasing budgetary pressures MOPAC and the MPS have reviewed MPS expenditure on drug testing for 2017/18 and 2018/19 and have identified budgetary savings that, due to a review of staff funding arrangements and organisational restructure in this area and other changes to operational arrangements in police custody, will not impact upon the current level of service delivery.

Seventeen London boroughs have drug intervention programmes (DIP) to tackle substance misusing offending with the majority funded via the LCPF. DIP programmes were launched in 2003. These programmes rely, for the majority of clients, on drug testing on arrest. MOPAC commit within the Police and Crime Plan to review the effectiveness of DIP and MPS in addressing substance misuse related offending.

This DMPC Decision confirms the funding allocation for drug testing to the MPS (2017/18 – 2018/19) and requests approval to award a funding to commission a DIP review of up to the value of £100,000.

Recommendation:

The DMPC is asked to agree:

- (a) To implement a phased approach to savings to the MPS drug testing budget which will enable the MPS to implement savings without impacting delivery and award a budget of up to £1,250,000 in 2017/18 and of up to £650,000 in 2018/19. The future drug testing spend will be informed by the review of DIP and drug testing in arrest arrangements.
- (b) To award additional funding of up to £100,000 for the delivery of a review of the DIP and Drug testing on arrest arrangements to inform future funding decisions on funding (LCPF and drug testing on arrest).
- (c) To delegate responsibility for the finalisation of planning and contractual/grant arrangements related to review described below, including relevant terms and the signing of agreements, to the Chief Executive Officer, 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

Spence Under

Date

10/7/17

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

Decision required – supporting report

1. Introduction and background

- 1.1 In 2003, the Home Office introduced the Drug Interventions Programme (DIP) to get offenders who misuse class A drugs into treatment and other support. Part of which involved Police Forces drug testing arrested adults for Class A drugs.
- 1.2 DMPC Decision 2013-96 approved provisional funding for drug testing in police custody suites (2014/15 – 2016/17) as part of the wider London Crime Prevention Fund programme.
- 1.3 Home Office funding for DIP programmes and drug testing ceased in 2013. These programmes have since been funded by Local Authorities, health and the London Crime Prevention Fund.
- 1.4 Seventeen London boroughs have included programmes to tackle substance misusing offenders in bids to the London Crime Prevention Fund for 2017/18 – 2018/19.
- 1.5 The Police and Crime Plan committed to reviewing the provision of drug testing on arrest and how police can refer arrested persons found to be using drugs to services to help them address these issues – which, if successful, may help to reduce reoffending.

MPS drug testing

- 1.6 London Borough drug intervention programmes to tackle substance misusing offending rely, for the majority of clients, on drug testing on arrest.
- 1.7 Home office funding for drug testing on arrest ceased in 2013 and is has since been allocated from the main policing grant. Due to budgetary pressures, MOPAC and the MPS have worked together to review expenditure including the MPS drug testing budget. Due to a review of staff funding arrangements and organisational restructure in in this area and other changes to operational arrangements in police custody, savings to MOPAC have been identified which can be implemented in a phased approach without impacting on delivery.
- 1.8 This will ensure that by 2018/19 MOPAC funds the additionality provided by the central DIP team, drug testing equipment and contested orders, and that costs relating to police officer or police staff i.e. Dedicated Detention Officers are covered by the MPS staffing budget.
- 1.9 The resulting yearly funding allocations to the MPS are as follows:

	2017/18	2018/19
MPS Drug Testing	£1,250,000.00	£650,000

DIP Review

- 1.10 Drug use is not only a health risk but a powerful driver of criminal behaviour. However, offender need and demand in London may have changed since DIP Programmes were first introduced in 2003 and there is little evidence that they continue to be effective.
- 1.11 The Police and Crime Plan commits to review the effectiveness of Drug Intervention Programmes in London and how police can refer arrested persons found to be using drugs to services to help them address these issues.
- 1.12 MOPAC has allocated up to £100,000 to commission a pan-London DIP review which will consider the effectiveness of DIP programmes and drug testing in police custody.
- 1.13 The DIP review findings will be scheduled to report in March 2018.

2. Issues for Consideration

- 2.1 Links to Police and Crime Plan commitments and MOPAC priorities:
 - There is a Mayoral/MOPAC priority to tackle reoffending.
 - MOPAC's approach to health and justice commissioning is set out on page 77 of the Police and Crime Plan:
 - Review the effectiveness of police custody healthcare arrangements to ensure the most effective model of provision and clinical governance.
 - The Police and Crime Plan pledges to review DIP and drug testing in police custody, set out on page 77 and 99 of the Police and Crime Plan.
 - Review the effectiveness of Drug Intervention Programmes in London and that of the current arrangements for drug testing in police custody to ensure the most effective use of current funds invested in reducing the impact of substance misuse on offending in London.
 - Evaluate the effectiveness of current Drug Interventions Programmes in order to inform future investment decisions on services to intervene with those adults and young people abusing substances and support them to break their addictions
- 2.2 The MPS drug testing budget was developed in full consultation with the MPS and the MPS have not identified any risks to reducing budget provided by MOPAC for this. MOPAC will provide oversight of the phased changes and ensure that, in conjunction with the MPS, mitigating actions are taken should any further risks be identified or develop.
- 2.3 The MPS and London Boroughs will be fully engaged in the review of the effectiveness of DIP and drug testing on arrest.

3. Financial Comments

- 3.1 The funding allocations indicating within paragraph 1.9 have been incorporated within the approved MOPAC's budget and future financial plans and therefore there is no risk to the financial position to MOPAC's budgets. Due to termination of the Drug Intervention Grant by central government, MOPAC has set aside its own reserves to support the MPS Drug Testing Programme and resources have been confirmed for 2017/18 and allocated as part of the 2018/19 plans.

- 3.2 The maximum value of the conditional contract or grant for the DIP review will be £100,000 over a twelve month period. The deliverables and outcomes will be set out in the contract or grant agreement and delivery against these will be monitored through the contract management process. Monitoring of the expenditure against the allocation will also be carried out through the monthly budget monitoring process.
- 3.3 As part of the 2017/18 Offenders Budget proposals the funding for the DIP Review was incorporated within the DPMC's New Priorities initiatives and is funded through the planned drawdown of MOPAC's reserves, resulting in no net impact on the 17/18 budgets.

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. 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 reserved to the DMPC. 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 Executive Officer is in accordance with the general power of delegation in paragraph 1.7.
- 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 Further to section 143 of the Anti-Social Behaviour, Crime and Policing Act 2014 MOPAC can also provide services that secure, or contribute to securing, crime and disorder reduction in the body's area, which can be by means of a grant.
- 4.5 Should MOPAC require any services required for the delivery of the activity in respect of which the DMPC's approval is sought officers must ensure that such services are procured in accordance with MOPAC's Contract Regulations and appropriate contract documentation is put in place between and executed by MOPAC and the service provider prior to commencement of the same.

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. Savings to MOPAC's drug testing budget have been identified which can be implemented in a phased approach without impacting on delivery. MOPAC will fund the additionality provided by the central DIP team, drug testing equipment and contested orders, and costs relating to police officer or police staff i.e. Dedicated Detention Officers will be covered by the MPS staffing budget.

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? YES

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 Head of Services has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: Legal considerations are covered in the body of the report.	✓
Financial Advice: The Strategic Finance and Resource Management Team have been consulted on this proposal.	✓
Equalities Advice: The Workforce Development Officer has been consulted on the equalities and diversity issues within this 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

10/7/17

