

DMPC Decision – PCD 1002

Title: Provision of professional support to the GLA in the discharge of their statutory duty under the Domestic Abuse Act 2021

Executive Summary:

Part 4 of the Domestic Abuse Act 2021 (“the Act”), includes a new duty on the Greater London Authority (GLA), to assess the need for, or make arrangements for the assessment of the need for, accommodation-based support ie. the support provided to victims of domestic abuse, or their children, who reside in relevant accommodation; produce a strategy for the provision of such support; monitor and evaluate the effectiveness of the strategy; give effect to such strategy; and appoint a domestic abuse local partnership board. As at the date of this decision, the relevant provisions of the Act are not in force and this duty will come into force following publication of statutory guidance and regulations.

The GLA recognises that MOPAC has the appropriate expertise and experience in order to provide the professional services required by the GLA to enable the GLA to deliver the duties in the Act or until the relevant provisions come into force, in the Memorandum of Understanding (“MoU”) agreed between the GLA and Ministry of Housing, Communities and Local Government (“MHCLG”). It is therefore proposed that MOPAC enters into a Shared Services Agreement (“SSA”) with the GLA under section 401A of the Greater London Authority Act 1999 (“the 1999 Act”) whereby MOPAC will provide the GLA with the required professional support. Mayoral decision [MD2788](#) authorised the GLA’s Executive Director for Housing and Land to consider and take into account the views of the Assembly and having done so enter into the SSA with MOPAC under section 401A.

This Decision seeks approval from the Deputy Mayor of Policing and Crime for MOPAC to enter into the SSA and to delegate to the Director of Commissioning and Partnerships the authority to finalise the terms of the proposed arrangements and sign the SSA on MOPAC’s behalf.

Recommendation:

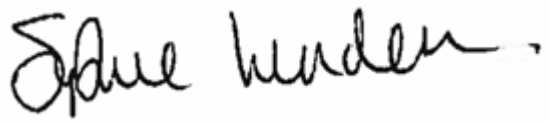
The Deputy Mayor for Policing and Crime is recommended to:

1. approve MOPAC’s entering into a Shared Services Agreement (SSA) with the GLA for the provision of professional services to assist the GLA to discharge its responsibilities under the new duty or the MoU; and
2. delegate to the Director of Commissioning and Partnerships the authority to finalise the terms of the proposed SSA and sign the SSA on MOPAC’s behalf.

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.

SignatureA handwritten signature in black ink, appearing to read "Spue Warden", written over a light gray rectangular background.**Date****11/10/2021**

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

1. Introduction and background

- 1.1 Part 4 of the Act, includes a new duty on the GLA, to assess the need for, or make arrangements for the assessment of the need for, accommodation-based support i.e. the support provided to victims of domestic abuse, or their children, who reside in relevant accommodation; produce a strategy for the provision of such support; monitor and evaluate the effectiveness of the strategy; give effect to such strategy; and appoint a domestic abuse local partnership board. The duties will commence following consultation on and publication of statutory guidance, and publication of new regulations. The Government is currently consulting on these documents. Part 4 of the 2021 Act has not yet come into force and will only do so once the statutory guidance and new regulations have been published.
- 1.2 As the Act is not currently in force, the GLA and the MHCLG have entered into a MoU which sets out the activities that it expects the GLA to take until the date that the new legislation is in force. These activities are the same as those set out in the Act.
- 1.3 The duties of the GLA within the Act (and the MoU) (and other relevant local authorities in England) include the following:
 - To appoint and run a domestic abuse local multi-agency partnership board, to give advice on the exercise by the GLA of the following and to be consulted on the draft strategy (the 2021 Act and statutory guidance sets out the key agencies and interests that must be represented on the partnership board).
 - To assess, or make arrangements for the assessment of, the need for domestic abuse support in London.
 - To prepare, publish and keep under review a strategy for the provision of such support in London.
 - To monitor and evaluate the effectiveness of the strategy.
 - To give effect to the strategy in carrying out its functions through commissioning and decommissioning decisions.
 - After the end of each Financial Year, to submit an annual report to the Secretary of State in relation to the exercise of the GLA's duties during the year.
- 1.4 The GLA recognises that MOPAC has the appropriate expertise and experience in order to provide the professional services required by the GLA to enable the GLA to deliver the activities which are both set out in the Act and the MoU. It is therefore proposed that MOPAC enters into a Shared Services Agreement (SSA) with the GLA under section 401A of the 1999 Act whereby MOPAC will provide the GLA with the required professional support to assist the GLA to discharge its duties (set out either in the Act or in the MoU). Mayoral Decision [MD2788](#) authorises the GLA's Executive Director for Housing and Land to consider and take into account the views of the Assembly and having done so enter into the shared services arrangement with MOPAC under section 401A .

2. Issues for consideration

- 2.1. The SSA sets out the roles and responsibilities of each party and how they shall work together to deliver the statutory duty set out in the Act and the activities within the MoU. This SSA also sets out the decision-making and governance arrangements.
- 2.2. This Decision seeks approval from the DMPC for MOPAC to enter into this SSA with the GLA and to delegate to the Director of Commissioning and Partnerships the authority to finalise the terms of the proposed arrangements and sign the SSA on MOPAC's behalf.
- 2.3. Further recommendations will be made to the DMPC for future decisions on funding and resources in relation to the provision of professional services to the GLA.

3. Financial Comments

- 3.1. The report requests approval for MOPAC to enter into a Shared Services Agreement (SSA) with the GLA. This arrangement will directly allow MOPAC to provide the required professional support for the delivery of duties set out in the Domestic Abuse Act and the MoU.
- 3.2. MHCLG grant funding for the new duty is held by the GLA and due to be transferred to MOPAC subject to the SSA.
- 3.3. Payment for the Specified Services within the Delivery Plan will be provided by the GLA on a cost recovery basis.
- 3.4. There will be no additional cost to MOPAC as a result of the SSA. MOPAC's operational costs associated with delivering the new duty is noted within the overall MHCLG grant allocation.

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."

- 4.3. Part 4 of the Domestic Abuse Act 2021 sets out the new duties on the GLA and London Borough councils and defines the GLA as a relevant local authority responsible for the new duties set out in the Act. Section 57 sets out the duties to assess the need for domestic abuse support in London and to prepare and publish a strategy. Section 58 makes provision for the appointment of a domestic abuse local partnership board and sets out its membership. Section 61 defines the GLA as the relevant local authority responsible for the new duties in sections 57 and 58.
- 4.4. The Act has received Royal Assent although the key provisions above are not yet in force. The GLA and the MHCLG have entered into a MoU which sets out the activities to be delivered, and this will remain in place until the key provisions in the legislation come into force.
- 4.5. Until the relevant provisions come into force, the GLA will be acting in accordance with its general powers in section 30 of the Greater London Authority Act 1999 (the GLA Act). The activities as set out in the MoU will further the promotion of social development within Greater London. These powers are restricted by section 31 (1) of the GLA Act which provides that the GLA shall not incur expenditure which may be done by MOPAC (and other functional bodies). It is also restricted by section 31 (3) which provides that the GLA cannot incur expenditure in providing any education services, and social services, or any health services, in any case where the provision in question may be made by a London Borough council. Section 31 (6) enables the GLA to incur expenditure in co-operating with, or facilitating or co-ordinating the activities of MOPAC and London borough councils.
- 4.6. Should the new legislation not come into force for an extended period of time, the activities to be carried out by the GLA must be consistent with section 31 of the GLA Act, and the funding to MOPAC will be provided in accordance with section 401A and will be sufficient to only cover the costs incurred during this period. When the new legislation is in force, additional funding to MOPAC for its professional services can be provided.
- 4.7. Section 401A of the GLA Act provides that the GLA can enter into arrangements with MOPAC for the provision of administrative, professional or technical services by MOPAC to the GLA, whether for consideration or otherwise. Any professional services provided by MOPAC need to be of the type that fall within this power.
- 4.8. The standard shared services documentation covers issues such as the professional services that MOPAC will provide to the GLA for delivery of the proposed duty (or activities in the MoU), staffing, reporting and governance arrangements, and review and termination arrangements and liabilities. It is proposed that the finalisation of the terms of the proposed arrangements will be delegated by the Deputy Mayor to the Director of Commissioning and Partnerships, pursuant to paragraph 5.2 of the Scheme of Delegation and Consent.

- 4.9. Paragraph 4.8 of the MOPAC Scheme of Delegation and Consent provides that the Deputy Mayor for Policing and Crime (DMPC) has delegated authority to quote for the provision of services to other organisations, including other GLA functional bodies, for £500,000 or above.

5. Commercial Issues

- 5.1. The shared services documentation covers issues such as the funding for the professional services that MOPAC will provide to the GLA for delivery of the proposed duty, staffing, reporting and governance arrangements, outcomes and targets and review and termination arrangements and liabilities.
- 5.2. The proposed arrangement is compliant with public procurement regulations; a competitive process is not required for co-operative arrangements in the public interest where one provides services to the other on a not for profit basis.

6. Public Health Approach

- 6.1. The VRU will be consulted where appropriate on work undertaken under this SSA to ensure alignment with VRU activity and wider public health approach to tackling violence in London.

7. GDPR and Data Privacy

- 7.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities.

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. Domestic Abuse is a form of violence against women and girls. It is prolific across the U.K. and London with an estimated 4.2% of men and 7.9 % of women reporting domestic abuse in the UK during 2018. Women are more likely to be victims with those aged 16 – 24 more likely to be victimised, rising significantly to 1 in 3 for women with a disability. Women from BME backgrounds continue to be disproportionality represented in domestic abuse and related victimisation figures (Source: [The London Rape Review](#), July 2019).

- 8.3. Given the above, the proposals in this paper are likely to have positive impacts on a number of groups with protected characteristics. Specifically, the work outlined above will focus on arrangements to facilitate improvements in accommodation and support for victims of domestic abuse (who are more likely than the general population to be women and to have mental health support needs). The equalities implications will be kept under ongoing review throughout this programme of work including in relation to the commissioning of support.

9. Background/supporting papers

- 9.1. [MD2788](#)

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 – NO

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice:

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice:

The TfL legal team has been consulted on the proposal.

✓

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.

✓

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

- GDPR compliance issues are covered in the body of the report.
- A DPIA is not required.

✓

Director/Head of Service:

The Head of Policy and Commissioning 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

Sanakucherd.

Date 13/07/2021