

DMPC Decision – PCD 938

Title: Disproportionality in Youth Justice Challenge Fund**Executive Summary:**

The Tackling Ethnic Disproportionality in Youth Justice Action Plan is due to be published in the coming weeks. BAME young people are over-represented at every stage of the criminal justice service – from first contact with policing via stop and search to detention in the secure estate. While the overall number of young people offending, reoffending and being sent to custody has decreased over the past ten years, the proportion of young people from ethnic minority backgrounds has risen significantly in each of these areas.

The drivers for disproportionality in youth justice are complex, and many lie outside of the criminal justice service. The youth justice system alone cannot solve the problem, but this action plan is intended to focus minds and drive improvement across the criminal justice service in London. A key theme within the action plan is scrutiny, in line with the conclusion in David Lammy's review conclusion that "subjecting decision-making to scrutiny is the best way to deliver fair outcomes

To support the implementation of the Action Plan, a **Disproportionality in Youth Justice Challenge Fund will be established** to fund activity to support the specific commitments with the plan as well to develop and trial innovative approaches for tackling disproportionality in youth justice. This decision requests a commitment of £700,000 in 2021/22 to launch this fund.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the budget of £700,000 for the Challenge Fund for 2021/22 funded from Mayoral Growth funds
- Delegate approval to the Chief Executive Officer to agree the dissemination of these funds, once suitable projects have been identified.

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 12/03/2021

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

1. Introduction and background

- 1.1. London's Tackling Ethnic Disproportionality in Youth Justice Action Plan, is due to be launched in March 2021. The action plan has been developed in consultation with young people, communities, VCS organisations and practitioners. The final version features a significant number of actions covering the full spectrum of a young person's interaction with the youth justice system.
- 1.2. While the overall number of young people offending, reoffending and being sent to custody has decreased over the past ten years, the proportion of young people from ethnic minority backgrounds has risen significantly in each of these areas. The proportion of BAME young people offending for the first time rose from 49% in the year ending March 2009 to 55% in the year ending March 2019. In 2019, the proportion of minority ethnic young people in Young Offender Institutions across England and Wales reached 51%. The figure was 25% in 2009.
- 1.3. For the young people, their families and communities, they represent wasted potential and lives derailed. For services, they represent missed opportunities to intervene in a young person's life before crisis point. The consequences of entering the criminal justice service as a child can be long-lasting. Criminal records obtained during childhood often limit job prospects later in life, not to mention the impact on a young person's mental health and self-image.
- 1.4. The drivers for disproportionality in youth justice are complex, and many lie outside of the criminal justice service. The youth justice system alone cannot solve the problem, but the policy-makers and practitioners within it have a responsibility to do everything they can to tackle disproportionality and ensure all young people are treated equally, no matter their background.
- 1.5. Alongside the action plan, MOPAC will announce plans to bring forward a Disproportionality Challenge Fund. Throughout the development of the action plan, it was clear that there is appetite amongst partners to develop ambitious and innovative responses to disproportionality but there is currently not the funding to match this.
- 1.6. MOPAC will launch the Challenge Fund to contribute funding to such initiatives. The value of the fund is £700,000 with the intention for spend in 2021/2022 and 2022/2023. There is an expectation that successful proposals would also receive an element of match funding from partners.

2. Issues for consideration

- 2.1. The Disproportionality in Youth Justice Challenge Fund was developed to support the disproportionality in youth justice action plan. Organisations, both CJS partners and community groups will be able to bid into the fund to trial innovative approaches for tackling disproportionality in youth justice. This could include tailored interventions for BAME children or funding for specialist VCS organisations. Ideas which have been floated for the fund include a deferred prosecutions pilot for young people in east London, BAME-specialist interventions within Feltham and Cookham Wood and a cross-CJS training programme for leaders on race and disproportionality.

- 2.2. We have committed to develop proposals for the operation of the Fund, as with the Action Plan itself, with partners and young people themselves.
- 2.3. Further thought needs to be given to how the Fund will be managed, two options being a co-commissioning round similar to LCPF, or delegate fund management to a Fund Manager working on MOPAC's behalf.

3. Financial Comments

- 3.1. This decision requests approval to allocate budget for the new Disproportionality in Youth Justice Challenge Fund at a total financial commitment of £700,000, from 1st April 2021 until 31st March 2022.
- 3.2. An overview of the individual allocations and their funding source is set out in the table below.

Service Name	2021/22 Allocation (£)	Funding Source	Original decision number
Disproportionality in Youth Justice Challenge Fund	£600,000 (+£100,000 carry over)	2021/22 Mayoral Growth	No existing decision
Total	£700,000		

- 3.3. This planned expenditure is budgeted from MOPAC core allocations and Mayoral growth funding allocations, as outlined above.

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. 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.

5. Commercial Issues

- 5.1. This decision requests to allocate budget to new projects and services, as laid out in 3.1.
- 5.2. Where budgets are allocated to new projects and services, further formal decisions will be requested relating to open tender or single action tender for awards of grants or contracts.
- 5.3. MOPAC makes no commitment to fund the projects and services listed in 3.1 until grant or contract variation letters have been signed by both parties. These will detail the new service schedule requirement including performance and payment schedules, in line with previous arrangements.
- 5.4. Authorisation of Grants or Contracts will be compliant with the MOPAC Scheme of Consent and Delegation.

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. The proposals in relation to deferred sentencing are consistent with the VRU priority to give every young person a chance to succeed. The proposals also include use of VCS organisations that are culturally competent, which supports the VRU's public health approach.

7. GDPR and Data Privacy

- 7.1. A full Data Protection Impact Assessment will be completed by all providers if required as part of the mobilisation of any services, to ensure that all delivery is fully compliant with the requirements of the GDPR.

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 of the projects and services listed in 3.1 will be required to have due regard to the protected characteristics of the people and communities relevant to this piece of work.

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

Legal advice is not required.

✓

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



Date 24/02/2021