

DMPC Decision – PCD 1307

Title: Criminal Justice System - 2023/24 2024/25 Commissioning Decisions

Executive Summary:

Reducing and preventing violence is a core priority within the Police and Crime Plan 2022-2025 and as a result 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 2025 of the following projects and services relating to the Criminal Justice System:

- Drug Testing in Police Custody – Funding for drug testing in Police custody
- MAPPA – funding contribution for London Executive Office of London MAPPA
- London Stalking Threat Assessment Centre (S-TAC) – funding for the victim advocacy and project management elements within S-TAC
- Drive – funding for tackling the behaviour of high harm perpetrators of domestic abuse

The financial commitment in 2023/24 for Drug testing, MAPPA, S-TAC and Drive will be £1,360,000. The financial commitment for 2024/25 for Drug testing, MAPPA, S-TAC and Drive will be £1,360,000. For a total financial commitment of £2,720,000.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

1. Approve the two-year funding of four Criminal Justice System projects in 2023/24 and 2024/25, at a total financial commitment of £2,270,000.
2. 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 25/10/2022

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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 Criminal Justice Team work to achieve outcomes against three PCP areas; Reducing and preventing violence - Re-offending is reduced in the most violent and risky cohorts. Protect people from exploitation or harm - Young and vulnerable people in the justice system are supported and safe. Tackling drug- related crime and harms- Build a stronger partnership between criminal justice and health agencies at the regional level to improve pathways into substance misuse treatment for those in contact with CJS.
- 1.3. In order to expedite the decision process and meet our commitment to give providers and commissioners 6 months' notice of funding for 2023/24, 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 2023 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 2025.
- 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 the 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 expand testing to include more violent offenders, and to review the equalities impact of drug testing in police custody.

- 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. **London’s Stalking Threat Assessment Centre (S-TAC)** – S-TAC is a unique multi-agency, pan-London, victim focussed response to stalking, looking at improving the identification of and response to stalking reports in London, across the criminal justice system and health sector through rehabilitative interventions for all types of stalkers. It is comprised of partnerships between the Metropolitan Police Service, Suzy Lamplugh Trust (SLT), Barnet, Enfield and Haringey Mental Health Trust, and the London Probation Service. This decision requests funding for the victim advocacy and project management elements through SLT as part of multi-agency contribution to support S-TAC.
- 2.5. **Drive** – Drive is an intensive, coordinated multi agency response to serial/repeat high harm domestic abuse perpetrators to change their behaviour with a crucial focus on increasing victim safety, working alongside and complimenting existing interventions. MOPAC will be considering development and enhancement opportunities into a pan-London delivery model.

3. Financial Comments

- 3.1. This decision requests approval to fund and extend service contracts or grants detailed in in section 2.2 to 2.6, at a total financial commitment of £2,270,000 from 1st April 2023 until 31st March 2025.
- 3.2. An overview of the individual allocations and their funding source is set out in the table below.

Service Name	23/24 Allocation	24/25 Allocation	Funding Source
Drug Testing in Police Custody	£470,000	£470,000	Police Grant
MAPPA	£40,000	£40,000	Police Grant
S-TAC	£175,000	£175,000	VAWG Strategy Fund
Drive	£675,000	£675,000	VAWG Strategy Fund
Total	£1,360,000	£1,360,000	

- 3.3. Payments will be made in line with current arrangements in the contract or grant, following satisfactory performance and contract or grant management meetings.
- 3.4. 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 2.6, 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 2.6 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 2.6.

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. MAPPA enables the effective management of high risk individuals in the community, and the gathering and sharing of intelligence to prevent further harm. The coordination of resources across agencies to reduce risk and prevent harm is consistent with a public health approach.

6.2. Drug testing in police custody enables the identification of individuals with substance misuse needs, and provides a vital referral pathway into treatment. Engagement in treatment has been shown to have a positive impact on both health outcomes and reoffending. Expanding this testing to more violent offenders will enable more people to be referred to treatment for their substance misuse needs, and improve our understanding of the link between substance misuse and violence to inform preventative work.

6.3. The grant awards for stalking and domestic abuse perpetrator interventions are informed by the Mayor's public health approach to VAWG. These programmes seek to intervene with perpetrators and provide support to victims (and their children) and will work in partnership with local agencies such as health, social care, criminal justice and the voluntary sector to manage the risks posed by these individuals and seek to reduce repeat victimisation.

7. GDPR and Data Privacy

7.1. The extension of the projects and services listed in 2.2 to 2.6 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 2.6.

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 2.6 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, however drug testing on arrest is not undertaken for children under 18 years old. There is particular crossover with mental ill health, where people may self-medicate with illegal substances. Testing will be undertaken for those who have committed a trigger offence regardless of any other protected characteristics, in line with national legislation, so the throughput is primarily determined by arrests made. Where Inspector's Authority is used (including for violent offences), there is clear guidance to mitigate against the introduction of disproportionality. The equalities impact of drug testing is being reviewed in line with new guidance from the Home Office.
- 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. Demographics statistics are kept on the MAPPA caseload and the executive office provides oversight, quality assurance and training to ensure interventions are applied solely on the basis of evidenced risk of serious harm.
- 8.6. **S-TAC & Drive** - These programmes receiving funding focus on the delivery of interventions for perpetrators of stalking and domestic abuse. Stalking and domestic abuse are gendered crimes which disproportionately affect women and girls. This is not to say that victims of these crimes cannot be male however women are more likely than men to be victims of stalking¹, and of every type of domestic abuse including being three times more likely to be the victim of a domestic homicide². In relation to reported domestic abuse in London; in 2022 MOPAC's Evidence and Insight team published a deep dive into crimes flagged as domestic abuse by the Metropolitan Police Service and found that 77% of victims were female and 78% of suspects were male³.

9. Background/supporting papers

- 9.1. PCD 1065 was signed in November 2021, and approved funding in 2022/23 for Drug testing in police custody and MAPPA.
- 9.2. PCD 1171 and PCD 1068 were signed in November 2021, and approved funding for 2022/23 for S-TAC and Drive.

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.

¹ Office for National Statistics [findings on stalking from the Crime Survey for England and Wales](#): March 2020 dataset

² Office for National Statistics - [Domestic abuse victim characteristics, England and Wales](#): year ending March 2020

³ MOPAC, [A Research Deep Dive into Domestic Abuse in London](#), 2022

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, for what reason:

Until what date:

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>
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. This has been reviewed and supported by a senior manager within the VRU.		✓.
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.		✓.
Drafting Officer Ruth Bloomfield has drafted this report in accordance with MOPAC procedures.		✓.
Director/Head of Service The Director of Commissioning & Partnerships 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 31/10/22

