

DMPC Decision – PCD 849**Title: Criminal Justice System 2021/22 Commissioning Decisions****Executive Summary:**

Under the Police and Crime Plan and Mayoral priorities funding is provided to key programmes designed to reduce re-offending and improve the effectiveness of the Criminal Justice System in London. In order to provide funding certainty at this time of crisis, and realign commissioning with the postponed Mayoral election and new administration, this decision requests confirmation of funding until the end of March 2022 of the following projects and services relating to the Criminal Justice System:

- **Triage for Female Offenders** – funding for interventions to address root causes of offending for women given a Conditional Caution in police custody.
- **Drug Testing in Police Custody** – funding for drug testing in Police custody
- **MAPPA** – funding contribution for London Executive Office of the MAPPA
- **GPS Tagging**- funding use of GPS tags for knife crime offenders released back to London from prison
- **London Resettlement Partnership** – funding for an evaluation of the LRP which aims to improve resettlement outcomes for young people leaving the secure estate and returning to London

Cookham Wood Pilot – funding a new pilot to put in place victim services for young offenders within Cookham Wood YOI and on release. The total financial commitment will be £1,367,400 in 2021/22.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the funding of projects relating to the Criminal Justice System in 2021/22, at a total financial commitment of £1,367,400.
- Delegate responsibility for agreeing the specific terms relating to individual grants and, or contracts 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

Spue Under

Date

22/10/2020

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

1. Introduction and background

- 1.1. The COVID-19 pandemic has had a wide-reaching impact on MOPAC, the MPS and commissioned services. At this time of crisis, it is more important than ever for commissioners and providers to have certainty of funding.
- 1.2. A large proportion of MOPAC's commissioned services and grants, along with funding streams for developing programmes of work are due to expire on 31st March 2021. This aligned with the original dates for the Mayoral election and production of the new Police and Crime Plan, however as a result of the pandemic the election has now been postponed until May 2021. This means that these services face a cliff-edge of funding at the end of this financial year.
- 1.3. In order to realign commissioning with the postponed Mayoral election and production of the new Police and Crime Plan, this decision sets out those projects and services which are due to end in March 2021, where performance has been at least satisfactory, and requests that they be extended for a year until the end of March 2022.
- 1.4. In order to expedite the decision process and meet our commitment to give providers and commissioners 6 months' notice of funding for 2021/22, 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 projects, services, and funding streams which are due to expire in March 2021 have been considered under their own merits, to ensure that they have demonstrated satisfactory performance and value for money. They have also been considered as part of MOPAC's wider commissioning, budgets and priorities.
- 2.2. The projects and services below are requested for extension to the end of March 2022:
 - **Triage for Female Offenders** – The Adult Female Diversion Pilot, provides gender specific community support when a women is given a conditional caution from being brought into police custody for a minor offence. This pilot aims to reducing repeat offending by addressing the specific complex needs of women offenders, that if left untreated are known as risk factors in causing offending. It forms a key part of the Deputy Mayor's strategy to address women offending and reduce women's imprisonment. It also features prominently in the Blueprint for Women in Contact with the Criminal Justice System and forms part of the development for a Whole Systems Approach.
 - **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.

- **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.
- **GPS Tagging** – The GPS Tagging pilot has led the way on testing the use of GPS tagging for knife crime offenders released from prison. This explores and evaluates the benefits of GPS monitoring for risk management, enforcement and deterrence from weapon related offending. Continued MOPAC funding will allow the benefits of GPS to be tested and evaluated for domestic abuse perpetrators released from prison, as well as on a priority group of moped-enabled offenders.

2.3 In addition to the grant/ contract extensions listed above, there has been significant partnership work undertaken in developing the following two projects. These have now reached the stage where a funding commitment is required to continue this activity. In both cases, the allocated budget will provide match funding in support of work being led by partner agencies. the following two projects are to support the continuation of partnership activity, and require the commitment of funding in 21/22 to do so:

- **London Resettlement Partnership** – The London Resettlement Partnership aims to improve resettlement outcomes for young people leaving the secure estate and returning to London. Resettlement has been identified as a major area for improvement within the youth justice system as outcomes have been poor in recent years, including high reoffending rates and high numbers of young people registered missing persons on release. A programme of work is being established to improve casework between the secure estate and multiple areas such as community services, the use of ROTL, access to accommodation, education and training pathways and continuity of healthcare. MOPAC will support with the evaluation of this work by funding a dedicated analyst or independent researcher. The partnership will also improve strategic co-ordination between youth justice agencies and is funded cross the MoJ, YJB and ALDCS.
- **Addressing victimisation of young offenders - HMYOI Cookham Wood pilot** This new pilot will be delivered in partnership with the Ministry of Justice and Kent PCC to test a new approach to addressing young offenders' past experiences of victimisation to prevent future offending. The pilot will include through-the-gate support and provide access to victims' services for young offenders within Cookham Wood YOI and on release. Procurement and mobilisation will

commence in 2020/21, with delivery in 2021/22. This funding is subject to receiving matched investment from the Ministry of Justice and Kent.

3. Financial Comments

- 3.1. This decision requests approval to extend the contracts or grants already in place for the projects and services outlined below, and to allocate budget for two new projects and services (London Resettlement Partnership, and the Cookham Wood Pilot), at a total financial commitment of £1,367,400, 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
Triage for Female Offenders	£207,400	Carry forward from 2020/21	PCD 409
Drug Testing in Police Custody	£470,000	Police Grant Core	PCD 628
MAPPA	£40,000	Police Grant Core	DD 17/20
GPS Tagging	£550,000	2021/22 Mayoral Growth	PCD 761
London Resettlement Partnership	£50,000	Carry forward from 2020/21	No existing decision
Addressing victimisation of young offenders - HMYOI Cookham Wood pilot	£50,000	Funding from MOPAC Core Budget to be carried forward from 2020/21	No existing decision
Total	£1,367,400		

- 3.3. These planned expenditures are budgeted from MOPAC core allocations and Mayoral growth funding allocations, as outlined above.
- 3.4. Where existing contracts or grants are being extended, payments will be made in line with current arrangements in the contract or grant, following satisfactory performance and contract or grant management meetings. For new projects and services, suitable arrangements will be agreed and subject to future decisions on grant or contract awards.

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/ contracts.

5. Commercial Issues

- 5.1. This decision requests to extend existing grants and contracts, and to allocate budget to new projects and services, as laid out in 3.1.
- 5.2. Where budget is allocated to new projects and services, further formal decisions will be made relating to tender and grant or contract award, following usual processes.
- 5.3. For the GPS tagging pilot continuation we will use the government Digital Marketplace to identify the successful provider and finalise the contract terms. This procurement will take into account and comply 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. A separate decision will be sought to appoint the provider in line with the finalised value of the contract.

- 5.4. Aside from the above, 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 or is in line with the terms of the contract relating to extension.
- 5.5. 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 performance and payment schedules, in line with previous arrangements.
- 5.6. The modification request to the grant agreement/contract will comply with the MOPAC Scheme of Delegation and Consent.

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 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.

7. GDPR and Data Privacy

- 7.1. The extension of the projects and services listed in 2.3 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.

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. For those projects being extended, due regard has been paid to potential impacts on equality and this is detailed in the previous decisions as recorded in 3.2, and continue to apply. Providers will continue to be required to have due regard to the protected characteristics of the people and communities relevant to their work.
- 8.3. MOPAC are not the sole decision-makers for the pieces of partnership work which are being contributed to, however the lead partners will be held to account to ensure that

due regard to protected characteristics is paid, and that impact on equalities is considered during design and implementation. Both pieces of work have been identified as necessary due to poor outcomes for young people, which the projects aim to address.

- 8.4. The extension of these projects and services will ensure that, at this time of crisis, vulnerable Londoners do not face a reduction in support.

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:

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

Sanakuchford

Date 7/10/2020