

Decision ID:

PCCDJ

000631

2021

Decision title

Conditional Caution intervention for female offenders to address the underlying root causes of offending in a trauma informed way

Executive summary

Police and Crime Commissioner Donna Jones is committed to ensuring that justice is perceived to be fair and equitable and that there is more effective rehabilitation of offenders. In order to help achieve this, this decision record recommends that the Police and Crime Commissioner invests in a three year contract, which will ensure the availability of a bespoke intervention for female offenders who are eligible for a conditional Out of Court Disposal (OoCD). The intervention will seek to address the underlying root causes of the offending behaviour in a trauma informed way, offering a gender specific approach.

Conditional OoCDs provide rehabilitative opportunities for offenders to turn their life around at the earliest opportunity and avoid entering the Criminal Justice System and court process. They also allow victims to be more involved in decision making and condition setting, ensuring the victim's voice is heard and reparation is delivered.

Hampshire Constabulary is leading the way with the enhanced use of OoCDs and has dispensation from the Director of Public Prosecution (DPP) to use Conditional Cautions for restricted offences of Domestic Abuse and Hate Crime.

It is a priority for the Police and Crime Commissioner to reduce bureaucracy for Hampshire Constabulary and ensure that Police resources are targeted on operational policing. Ensuring Police Officers have access to a quick and effective means of dealing with less harmful offences, allows them to spend more time on tackling high harm perpetrators that pose the most significant risk to our communities. Due to the coronavirus pandemic, the Criminal Justice System is under significant pressure with severe Court backlogs. If those eligible for an OoCD were sentenced at Court, the majority would receive a fine and would not receive any intervention to modify their attitudes and beliefs.

The Office for Criminal Justice Reform reported in 2010 that it cost up to £1,400 to prosecute an offender, whereas it cost £450 to issue a Conditional Caution. This decision will therefore cascade savings to the

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rest of the Criminal Justice System, benefiting not just the Police but the Crown Prosecution Service, courts and Probation Service.

The Police and Crime Commissioner will invest up to £50,000 per annum for an Adult Out of Court intervention for up to 200 low-medium risk female offenders. The Police and Crime Commissioner currently grant funds a similar intervention specifically for females subject to a Conditional Caution to enable Hampshire Constabulary to refer individuals for a gender specific approach and to support their two tier-framework for OoCD. Further to a national scoping project, the Office of the Police and Crime Commissioner (OPCC) is aware of a number of different interventions specifically for females that are available as part of an OoCD nationally. It is therefore an appropriate time to test the market competitively for a quality assured gender specific intervention.

Research published by the Revolving Door agency looking at women in contact with the Criminal Justice System states that women entering the Criminal Justice System often have multiple and complex needs, including histories of abuse and victimisation, mental health difficulties, substance misuse and previous involvement with the care system.

The Ministry of Justice (MOJ) strategy for female offenders published in 2018 states that compared to men, women tend to have worse outcomes when in prison; the rate of self-harm, for example, is nearly five times as high in women's prisons than in men's. Women generally find prison highly disruptive to family life. The relatively small number of female prisons means that women are more likely to be imprisoned far from home, increasing the difficulty of maintaining family relationships, particularly with their children.

Evidence suggests that short custodial sentences for women are not the most effective means of reducing reoffending. The MOJ Female Offender Strategy quotes a female reoffending rate of 56.1% within a year of release, of which 71% had been serving a short (<12m) sentence. Developing the range and effectiveness of options for managing women in the community is a stated aim of the Female Offender Strategy. Through the Strategy, the MOJ states its commitment to reducing the number of women in prison, maximising the use of effective community-based alternative interventions, promoting early intervention and diversion, and supporting local systems to develop 'whole systems approaches' which suit their local needs and circumstances.

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Female offenders are less likely to commit serious offences and often pose a low risk of serious harm to the public. However, complex needs often mean female offenders and their dependents have repeated needs for services and a disrupted family life. This rehabilitative offer for low-medium risk female offenders (eligible for a Conditional Caution) will complement the range of out of court interventions available and the approach for high-risk females managed by the Probation Service and through initiatives such as One Small Things 'Hope Street'. Hope Street will be launched in Hampshire and will deliver the first non-custodial, intensive residential option for women that provides safe accommodation and holistic support in the community. Designed with women and children in mind and built on an understanding of the impact of trauma on women's lives.

Recommendation

The Police and Crime Commissioner approves the commencement of a procurement process and funding of **£150,000** comprising £50,000 per annum for three years for the Conditional Out of Court female offender intervention contract across Hampshire and the Isle of Wight from 1 April 2022 to 31 March 2025. In addition, the Commissioner approves the allocation of £5,000 from the Commissioner's Reserve budget for procurement costs for 2021-22 only. The approval of the £150,000 funding is based upon the following:

- An Annual Planning/Mid-Term Financial Strategy request has been submitted in order to secure funding for the Conditional Out of Court female offender intervention, the outcome of this is not anticipated until February 2022. If the request is approved the funding will be available for the term of the contract from the Police and Crime Commissioner's commissioning budget. If the request is not approved, the Police and Crime Commissioner will fund the intervention from the Commissioner's Reserve budget;
- The contract will be the subject of a competitive tender process, and the contract period will be for **up to** three years (until 31 March 2025) subject to annual reviews satisfying the Police and Crime Commissioner's Team that service delivery expectations have been met and continued strategic relevance of the service.

This decision request aims to reduce reoffending and address low level crime through an alternative means to the court process. OoCD provide

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rehabilitative opportunities for offenders to turn their lives around at the earliest opportunity. Conditional Cautions also cascade savings to the rest of the Criminal Justice System.

Statement on publication

This Decision Record and supporting Decision Request documentation is suitable for publication.

Police and Crime Commissioner approval

I hereby **approve** the recommendation above.

Signature:



Name:

Donna Jones

Police and Crime Commissioner for Hampshire

Date:

12-Oct-21

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Document version history:

Table 1 - Document version history

Version Number	Version date	Requester of change	Summary of changes
1.0	16-08-2021	Not applicable – First issue	Not applicable – First issue
1.1	17-08-2021	Principal Accountant – Operational Finance	Amendments to finance section to ensure procurement costs allocated against Commissioner’s reserve budget.
1.2	25-08-2021	OPCC Programme Office	Minor changes to format only.
1.3	13-09-2021	Deputy Monitoring Officer	Minor changes to clarify that that there is no commitment being made to award the contract and also details of the MOJ EIA in the equalities section of the report.
1.4	08-10-2021	Chief Finance Officer	Minor changes to remove the condition inserted under version 1.3 because the Commissioner has committed to fund from the reserve budget if MTFS application not approved.
1.5	12-Oct-2021	OPCC Programme Office	Addition of PCC’s signature following confirmation of approval.

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Conditional Caution intervention for female offenders to address the underlying root causes of offending in a trauma informed way

Requester details:

Requester: Lisa Allam

Role title: Commissioning and Contracts Manager, Commissioning and Partnerships Team

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1 Summary

Police and Crime Commissioner Donna Jones is committed to ensuring that justice is perceived to be fair and equitable and that there is more effective rehabilitation of offenders. In order to help achieve this, this decision record recommends that the Police and Crime Commissioner invests in a three year contract, which will ensure the availability of a bespoke intervention for female offenders who are eligible for a conditional Out of Court Disposal (OoCD). The intervention will seek to address the underlying root causes of the offending behaviour in a trauma informed way, offering a gender specific approach.

Conditional OoCDs provide rehabilitative opportunities for offenders to turn their life around at the earliest opportunity and avoid entering the Criminal Justice System and court process. They also allow victims to be more involved in decision making and condition setting, ensuring the victim's voice is heard and reparation is delivered.

Hampshire Constabulary is leading the way with the enhanced use of OoCDs and has dispensation from the Director of Public Prosecution (DPP) to use Conditional Cautions for restricted offences of Domestic Abuse and Hate Crime.

It is a priority for the Police and Crime Commissioner to reduce bureaucracy for Hampshire Constabulary and ensure that Police resources are targeted on operational policing. Ensuring Police Officers have access to a quick and effective means of dealing with less harmful offences, allows them to spend more time on tackling high harm perpetrators that pose the most significant risk to our communities. Due to the coronavirus pandemic, the Criminal Justice System is under significant pressure with severe Court backlogs. If those eligible for an OoCD were sentenced at Court, the majority would receive a fine and would not receive any intervention to modify their attitudes and beliefs.

The Office for Criminal Justice Reform reported in 2010 that it cost up to £1,400 to prosecute an offender, whereas it cost £450 to issue a Conditional Caution. This decision will therefore cascade savings to the rest of the Criminal Justice System, benefiting not just the Police but the Crown Prosecution Service, courts and Probation Service.

The Police and Crime Commissioner will invest up to £50,000 per annum for an Adult Out of Court intervention for up to 200 low-medium risk

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female offenders. The Police and Crime Commissioner currently grant funds a similar intervention specifically for females subject to a Conditional Caution to enable Hampshire Constabulary to refer individuals for a gender specific approach and to support their two tier-framework for OoCD. Further to a national scoping project, the OPCC is aware of a number of different interventions specifically for females that are available as part of an OoCD nationally. It is therefore an appropriate time to test the market competitively for a quality assured gender specific intervention.

Research published by the Revolving Door agency looking at women in contact with the Criminal Justice System states that women entering the Criminal Justice System often have multiple and complex needs, including histories of abuse and victimisation, mental health difficulties, substance misuse and previous involvement with the care system.

The Ministry of Justice (MOJ) strategy for female offenders published in 2018 states that compared to men, women tend to have worse outcomes when in prison; the rate of self-harm, for example, is nearly five times as high in women's prisons than in men's. Women generally find prison highly disruptive to family life. The relatively small number of female prisons means that women are more likely to be imprisoned far from home, increasing the difficulty of maintaining family relationships, particularly with their children.

Evidence suggests that short custodial sentences for women are not the most effective means of reducing reoffending. The MOJ Female Offender Strategy quotes a female reoffending rate of 56.1% within a year of release, of which 71% had been serving a short (<12m) sentence. Developing the range and effectiveness of options for managing women in the community is a stated aim of the Female Offender Strategy. Through the Strategy, the MOJ states its commitment to reducing the number of women in prison, maximising the use of effective community-based alternative interventions, promoting early intervention and diversion, and supporting local systems to develop 'whole systems approaches' which suit their local needs and circumstances.

Female offenders are less likely to commit serious offences and often pose a low risk of serious harm to the public. However, complex needs often mean female offenders and their dependents have repeated needs for services and a disrupted family life. This rehabilitative offer for low-medium risk female offenders (eligible for a Conditional Caution) will

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complement the range of out of court interventions available and the approach for high-risk females managed by the Probation Service and through initiatives such as One Small Things 'Hope Street'. Hope Street will be launched in Hampshire and will deliver the first non-custodial, intensive residential option for women that provides safe accommodation and holistic support in the community. Designed with women and children in mind and built on an understanding of the impact of trauma on women's lives.

2 Recommendation

The Police and Crime Commissioner approves the commencement of a procurement process and funding of **£150,000** comprising £50,000 per annum for three years for the Conditional Out of Court female offender intervention contract across Hampshire and the Isle of Wight from 1 April 2022 to 31 March 2025. In addition, the Commissioner approves the allocation of £5,000 from the Commissioner's Reserve budget for procurement costs for 2021-22 only. The approval of the £150,000 funding is based upon the following:

- An Annual Planning/Mid-Term Financial Strategy request has been submitted in order to secure funding for the Conditional Out of Court female offender intervention, the outcome of this is not anticipated until February 2022. If the request is approved the funding will be available for the term of the contract from the Police and Crime Commissioner's commissioning budget. If the request is not approved, the Police and Crime Commissioner will fund the intervention from the Commissioner's Reserve budget;
- The contract will be the subject of a competitive tender process, and the contract period will be for **up to** three years (until 31 March 2025) subject to annual reviews satisfying the Police and Crime Commissioner's Team that service delivery expectations have been met and continued strategic relevance of the service.

This decision request aims to reduce reoffending and address low level crime through an alternative means to the court process. OoCD provide rehabilitative opportunities for offenders to turn their lives around at the earliest opportunity. Conditional Cautions also cascade savings to the rest of the Criminal Justice System.

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3 Strategic context

Out of Court Disposals

OoCDs are designed to provide simple, swift and proportionate ways of responding to anti-social behaviour and low-medium risk offending. OoCDs are therefore aligned with the Police and Crime Commissioner's priority to ensure that that justice is perceived to be fair and equitable.

In October 2017, Hampshire Constabulary's Deputy Chief Constable Sara Glen proposed a National Strategy to the National Police Chiefs' Council (NPCC) which sought to move policing nationally from 6 OoCD options to a simplified Two-Tier Framework, Community Resolutions and Conditional Cautions. The strategy states that vulnerability cannot solely be addressed by way of prosecution and that a sophisticated and effective whole system approach is required. The Police Service must be trusted as professional decision makers who can access a range of services in partnership, from early intervention, OoCDs and where necessary, prosecution. It further states that austerity dictates that we need to examine who does what and why and who might be the best person to deliver an effective service.

The strategy proposed that the change would simplify what is a particularly complex, organically grown framework. The simplified framework will ensure clearer understanding amongst the public and practitioners, and will allow processes to be more efficient and streamlined. The framework will also provide wider national consistency and scrutiny. The strategy was agreed by the NPCC, however, it was made clear that Police Forces would move towards the proposed framework when it was operationally and financially viable for them to do so.

Hampshire Constabulary launched the two-tier framework locally in May 2018 and were in a position to do so earlier than many other police force areas. The two-tier system requires adequate diversions to be in place. The diversionary services are there to reduce reoffending and address low-level crime through alternative means rather than the costly court process. It is therefore important to ensure we have the relevant and necessary diversions available locally to support Hampshire Constabulary. This will, in turn, reduce reoffending and enable more focus on operational policing. By reducing reoffending, we are preventing future victims and keeping our communities safer.

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The strategy states that conditional OoCDs (Conditional Cautions) provide rehabilitative opportunities for offenders to turn their life around at the earliest opportunity and before they find themselves in the Criminal Justice System and court process. If the offender fails to comply with the conditions, they may be prosecuted for the original offence. The strategy recognises that nationally 'the profile of crime is changing and more serious offences are being reported. A simplified framework and conditional OoCDs provide efficient and effective processes for PIP1 investigators to deal with lower level offending whilst providing rehabilitative opportunities and reparation for victims, which allows PIP2 investigators to focus on serious and complex crime'.

The Police, Crime, Sentencing and Courts Bill is proposing a reform of the adult OoCD Framework. It acknowledges the recommendations in the national strategy and proposes to establish two OoCDs (Community Caution – lower tier and a Diversionary Caution – upper tier) in statute and remove the other disposals currently available to Police. The policy paper states that while all police forces agreed to move towards the two-tier model, as of April 2020 only 11 had fully adopted it. It further states that Government intervention is required because this creates a lack of consistency across forces and is overly complex and confusing for the public. It also means that in some forces there is an emphasis on disposals which are 'warnings' and simple cautions which do not provide opportunities for referring people into intervention services, which could help to address the underlying issues contributing to criminal behaviour.

The Government recognises that this legislative change would increase operational costs for Policing and that there would also be an increased cost of funding providers to deliver rehabilitative conditions. This additional cost is estimated to be £2.89m annually. The impact assessment states that currently services are funded by a mix of routine sources (e.g. NHS and local authority for mental health and drugs services), Police and Crime Commissioner's, offender funding (e.g. some forces charge a modest fee to cover the cost of a course) or use of pre-existing services provided by the voluntary sector. While the two-tier framework will see an increased cost/resource to policing by using the conditional OoCDs framework and funding interventions, it is expected that reductions will be seen in case file preparation and in demand if offenders receive appropriate diversion to prevent reoffending.

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Female Offenders

Women entering the Criminal Justice System often have multiple and complex needs, including histories of abuse and victimisation, mental health difficulties, substance misuse and previous involvement with the care systemⁱ.

Compared to men, women also tend to have worse outcomes when in prison; the rate of self-harm, for example, is nearly five times as high in women's prisons than in men'sⁱⁱ. Women generally find prison highly disruptive to family life. The relatively small number of female prisons means that women are more likely to be imprisoned far from home, increasing the difficulty of maintaining family relationships, particularly with their children.

Evidence suggests that short custodial sentences for women are not the most effective means of reducing reoffending. The Ministry of Justice Female Offender Strategy quotes a female reoffending rate of 56.1% within a year of release, of which 71% had been serving a short (<12m) sentenceⁱⁱⁱ. Although evidence suggests that custodial sentences (less than 12 months) are less effective in reducing female offending, the UK still has one of the highest rates of imprisonment in Western Europe. The majority of women who are convicted to short custodial sentences have committed non-violent, low-level but persistent offences. In 2018/19, 21% of the adults who engaged with custody liaison and diversion services were female (although female offenders only constitute 15% of offenders) – the majority used these services for drug and alcohol misuse, mental health issues and financial needs.

Developing the range and effectiveness of options for managing women in the community is a stated aim of the Female Offender Strategy. Through the Strategy, the Ministry of Justice states its commitment to reducing the number of women in prison, maximising the use of effective community-based alternative interventions, promoting early intervention and diversion, and supporting local systems to develop 'whole systems approaches' which suit their local needs and circumstances.

The Criminal Justice System recognises women as a vulnerable group. Therefore, they require a gender-specific approach that will benefit them, their family and the wider society.

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Female offenders in Hampshire and the Isle of Wight

The OPCC previously created a report for Hampshire's Local Criminal Justice Board with recommendations on how to achieve better outcomes for vulnerable females within the justice system. It provides the status of female offenders on a national and local level. It also covers the projects and initiatives that the Police and Crime Commissioner and other partners are delivering or plan to deliver to support vulnerable women in the Criminal Justice System. This includes:

- **The Hampton Trust** - The Police and Crime Commissioner has provided grant funding to The Hampton Trust since 2019 to enable them to pilot the Women and Desistance Engagement (WaDE) programme, offered as part of a Conditional Caution which is an alternative to prosecution. Unfortunately, due to the coronavirus pandemic the pilot and anticipated evaluation has been significantly affected. However, the University of Southampton were able to provide the OPCC with an interim evaluation report. Although it was not possible to draw statistically significant findings from the interim evaluation of WaDE, 87% of those who completed their Conditional Caution did not re-offend in the 12 months following the intervention, despite 44% having previous offending histories. The intervention also appears to have measurable impact on the participants' overall wellbeing and resilience. The greatest gains were seen in the domains of drug and alcohol use and mental health.
- **One Small Thing – 'Hope Street'** – Hope Street will deliver the first non-custodial, intensive residential option for women in Hampshire that provides safe accommodation and holistic support in the community. Designed with women and children in mind and built on an understanding of the impact of trauma on women's lives.
- **Probation Service** – prior to the Community Rehabilitation Company (CRC) and National Probation Service merging to create the Probation Service in June 2021, there was a dedicated CRC team that supported all female offenders, including those managed through Integrated Offender Management, those in custody and those on community orders. This ensured a gendered approach, more suited to the specific needs of female offenders. It is understood that the legacy CRC position has not changed at this time and that there is a working group looking at the delivery model

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and how that aligns with the Female Offender Strategy. It advocates for women's only spaces and/or reporting away from Probation premises. It also promotes the idea of 'Women's Concentrators' as a minimum, with women's teams where possible to allow for specialised posts which can be located in all areas of the business and will fit the rural spread of Hampshire and the Isle of Wight.

- **Advance Minerva Service** – helps women involved with the Criminal Justice System to move on with their lives. Funded by the Ministry of Justice, Advance's Minerva Service is now funded to work in Hampshire. The organisation's goal is to reduce re-offending amongst women by providing dedicated support services tailored to women's needs. The specialist advocates will work closely with the Probation Service, housing, health, Children's Services and other professionals to get women the help and advice they need.
- **Hampshire & Isle of Wight Criminal Justice Liaison & Diversion** – NHS England through their Liaison and Diversion Service have identified female leads and are devising their strategy and objectives to increase the awareness of women's needs and targeted support.

Out of Court Disposals and female offenders in Hampshire and the Isle of Wight

According to Police data, between 1 July 2020 and 31 July 2021, there was a total of 2,590 female offender occurrences involving an OoCD in Hampshire and Isle of Wight. The majority of OoCDs for women were Community Resolutions (1,705). This is followed by Conditional Cautions (376), Simple Cautions (137) and Cannabis Warnings (2). However, it is important to note that the number of Simple Cautions is inflated because Hampshire Constabulary reverted to using this disposal option during the first 6 months of the coronavirus pandemic because interventions were unavailable.

Young women aged 18 to 24 received the most OoCDs (505). The age group of 31-40 years closely follows with 457 and 318 for 25-30-year-old women. 488 of females given an OoCD were under the age of 18 years.

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Out of Court interventions for female offenders

The OPCC recently undertook a scoping project in order to provide a high-level summary of what type of interventions (that can be attached to OoCDs) are available across England and Wales. This included broad themes of the interventions offered and if there are specific disposals for vulnerable groups.

As of August 2021, there are 15 interventions running across Police and Crime Commissioner areas that specifically address female offending behaviour. These gender-specific interventions identify and aim to address criminogenic needs/risk factors that may cause a woman to commit a crime e.g. substance misuse, mental ill-health, dysfunctional familial relationships, emotional instability, *etc.*

Some examples of these interventions are below:

- **Dorset – Footprints Women’s Diversionary Scheme:** One to one support for vulnerable females to address their vulnerabilities. The scheme seeks support for women via specialist services/agencies etc. The Footprints support worker engages with the female for up to 16 weeks to ensure that she is accessing the support she needs.
- **Hampshire and Isle of Wight - Women and Desistance Engagement (WaDE):** intervention that provides support for female offenders within Hampshire and the Isle of Wight who are eligible for a Conditional Caution. WaDE provides an alternative to court and aims to tackle the source of women offending in a workshop setting.
- **London (MOPAC) - Adult Diversion Pilot for Women:** Eligible female offenders given police caution, with condition attached to attend trauma informed support services to address the underlying causes of their offending behaviour.
- **Merseyside – Tomorrow Women Wirral:** Women's turnaround hub offering a whole needs assessment and then work with women to tackle their issues.
- **North Wales – Women’s Pathfinder:** This intervention works with women who commit crime or who are at risk of doing so across North Wales and provides increased access to services for women to address the underlying causes of their offending and issues with

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regards to victimisation and abuse. The scheme aims to reduce arrests resulting in charge, reduce re-arrest and reduce reoffending. The Women's Pathfinder project will provide interventions to woman who has been diverted via the Custody based Checkpoint service as an alternative to being charged for low-level offence.

4 Options appraisal

Option 1 - *Do nothing*

The current gender specific intervention for female offenders subject to a Conditional Caution would continue until 31 March 2022. In the absence of future funding, this intervention would cease to be available as an option to Hampshire Constabulary/female offenders at this point. It is not considered appropriate for this intervention to be self-funded by female offenders due to the range of vulnerabilities presented by this cohort. Hampshire Constabulary do have the option to attach other conditions to the disposal such as a fine, victim awareness or substance misuse courses, however these would all incur a financial penalty.

Option 2 – *Do minimal*

The Police and Crime Commissioner could consider extending the current grant agreement. While that would resolve the immediate issue, it would not address the need for a stable and secure provision. There is no budget currently identified so the Safer Communities grant funding budget would need to be reduced if this option was considered. It would also not allow us to test the market to understand if a wider range of quality assured interventions for female offenders as part of an OoCD are available and to facilitate an open commissioning process.

Recommendation - Option 3 - *Do something*

It is recommended that the Police and Crime Commissioner approves this decision request and authorises a competitive tender process to be undertaken for a three year contract (subject to annual reviews satisfying the Commissioner's Team that the provider has met key performance indicators) for the provision of an Out of Court intervention specifically for female offenders. As previously mentioned, it would be inappropriate for this intervention to be self-funded due to the range of vulnerabilities presented by this cohort.

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Through approving this decision request, it demonstrates the Police and Crime Commissioner's support for an out of court female offender intervention, approval of the procurement process and allocation of funding.

Further to a national mapping exercise undertaken by the OPCC, it is understood that there are alternative interventions specifically for females available in other areas across the country. It is therefore important that we explore all options through an open commissioning process.

The OPCC will work with Hampshire Constabulary to ensure the outcomes based specification meets the needs locally. Although a three year contract is proposed, the specification will be developmental to enable it to remain strategically relevant and support wider development with the outcomes framework and changes to legislation. There will be break opportunities within the contract. If this decision record is approved, the Police and Crime Commissioner's Commissioning and Partnerships Team will undertake the contract management in partnership with Hampshire Constabulary.

This decision record supports the Police and Crime Commissioner's priorities to ensure that there is better rehabilitation for offenders and to reduce bureaucracy for Police Officers.

Although it was not possible to draw statistically significant findings from the interim evaluation of the current provision, 87% of those who completed their Conditional Caution did not re-offend in the 12 months following the intervention, despite 44% having previous offending histories. The intervention also appears to have measurable impact on the participants' overall wellbeing and resilience. The greatest gains were seen in the domains of drug and alcohol use and mental health.

5 Timescales

The current provision for a bespoke out of court intervention for female offenders is only grant funded until 31 March 2022. In order to prevent a gap in provision, the intention is that the new contract will be mobilised and ready to take referrals from the 1 April 2022. It is therefore necessary to start the procurement process in the autumn of 2021.

However, a budget must be identified before the procurement process can start and the outcome of the Annual Planning/Mid-Term Financial Strategy

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submission is not anticipated until February 2022, which would leave insufficient time for the procurement process to be completed without a gap in provision. The Police and Crime Commissioner will therefore commit to fund this intervention from the Commissioner's Reserve Budget if funding cannot be secured through the route mentioned above.

This decision record will be submitted to the Police and Crime Commissioner in October 2021, which will allow 4-6 weeks for the preparation of the procurement strategy, legal documents and specification so the tender is ready to launch November/December 2021.

6 Financial and resourcing implications

This decision request has financial implications of **£155,000** in total to be distributed over a period of three years. This equates to **£50,000 per annum for the intervention** and £5,000 procurement costs for the 2021/22 financial year.

The Police and Crime Commissioner is committed to ensuring that Police resources are focused on operational police matters rather than commissioning and performance monitoring of services. As a result, the Annual Planning/Mid-Term Financial Strategy submission request has been made by the Police and Crime Commissioner's Commissioning and Partnerships Team on behalf of Hampshire Constabulary. However, the Police and Crime Commissioner will commit to fund this intervention through the Commissioner's Reserve Budget, should the above submission request not be granted. The growth in the Police and Crime Commissioner's commissioning budget for this purpose will result in a sustainable funding source and long-term commissioning arrangement for a bespoke Out of Court intervention for female offenders. In addition, Hampshire Constabulary would continue to ensure that they have a diverse range of interventions in place to provide a tailored response to those who are to be diverted from the formal Criminal Justice process. A limited range of interventions available could leave Hampshire Constabulary under-prepared for anticipated legislative changes for OoCD as part of the Police, Crime and Sentencing Bill.

This decision request also includes a budget of £5,000 for the 2021/22 financial year only to enable the procurement process to be undertaken. Ongoing monitoring of the contract will be managed through existing resources within the Commissioning and Partnerships Team.

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Total cost

£155,000

Timeframe funding required for

1 October 2021 – 31 March 2025

Table 2 - Funding allocation in each financial year

	2021-22	2022-23	2023-24	2024-25
Capital	£0	£0	£0	£0
Revenue	£5,000	£50,000	£50,000	£50,000

Table 3 - Funding source - Capital and Revenue

	Capital (insert 'Yes' if applicable)	Revenue (insert 'Yes' if applicable)
Transformation reserve		
Commissioner's reserve		Yes - £5,000 for 2021-22 The intervention will be funded through reserves only if the MTFS submission request is not approved
Commissioning budget		Yes
Approved capital programme		
General fund		

7 Communications and engagement implications

The OPCC will work in partnership with Hampshire Constabulary's Criminal Justice department and Corporate Communications team to ensure that the range of interventions available are communicated effectively to frontline officers.

This would be a suitable decision request for wide publicity which would promote the Police and Crime Commissioner's priority to reduce bureaucracy for Hampshire Constabulary through ensuring that Police resources are targeted on operational policing and that Police Officers have access to a quick and effective means of dealing with less harmful offences, which allows them to spend more time on tackling high harm perpetrators that pose the most significant risk to our communities.

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Finally, this decision request highlights the Police and Crime Commissioner's commitment to maximise the use of effective community-based alternative interventions for female offenders, promoting early intervention and diversion as recommended by the Ministry of Justice Female Offender Strategy.

8 Legal implications

Under S.143 of the Anti-social Behaviour, Crime and Policing Act 2014, the Police and Crime Commissioner may provide or arrange for the provision of services to secure or contribute to securing crime and disorder reduction, or which help victims or witnesses of, or other persons affected by, offences and antisocial behaviour.

The procurement process will be compliant with The Public Contract Regulations 2015, as amended by The Public Procurement (Amendment etc.) (EU Exit) Regulations 2020.

9 Risks and mitigation

The current provision for a bespoke out of court intervention for female offenders is only funded until 31 March 2022. While alternative interventions are available, they only deal with the present offending behaviour and do not address underlying issues/past trauma which may ultimately lead to re-offending and involvement with the formal Criminal Justice System. This decision record has therefore been submitted with sufficient time to enable a fully compliant procurement process to be undertaken, with adequate mobilisation time, with the contract due to start on the 1 April 2022.

A budget must be identified before the procurement process can start; ideally, this would be November 2021 to enable a sufficient mobilisation period in the event of a new provider. However, the outcome of the Annual Planning/Mid-Term Financial Strategy submission is not anticipated until February 2022, which would leave insufficient time for the procurement process without a gap in provision. The Police and Crime Commissioner has therefore agreed to fund this intervention through the Commissioner's Reserve Budget should the submission request be unsuccessful.

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10 Strategic policing requirement

OoCDs are designed to provide simple, swift and proportionate ways of responding to anti-social behaviour and low-medium risk offending. As a result, it is extremely unlikely that this decision will have direct implications on national strategic policing requirements. However, indirectly these disposals give Police Officers a quick and effective means of dealing with less harmful offences, allowing them to spend more time on frontline duties and on tackling serious offending.

11 Equalities

Hampshire Constabulary arrest and issue OoCDs to a wide range of vulnerable offenders, many of whom have protected characteristics. The service will contribute towards the elimination of unlawful discrimination, the advancement of equality of opportunity for everyone, including those having a protected characteristic and the fostering of good relations between all including those having a protected characteristic.

The OPCC will work with procurement to ensure the advancement of equality of opportunity for everyone is promoted in all tender documentation related to this contract.

An equalities impact assessment (EIA) was completed as part of the preparation of the aforementioned Female Offender Strategy which advocates for a gender-specific approach. As part of the EIA, the MOJ considered whether the Female Offender Strategy would give rise to the possibility of a person being treated less favourably by reason of their protected characteristics and identified where the strategy can advance equality of opportunity for those who share protected characteristics.

They concluded that the gender-specific nature of the strategy and the projects within it, means there will be a positive effect on women and consider this to be justified based on the evidence which demonstrates that female offenders have needs which are different and often more complex in comparison to men and would be better addressed through a gender-specific approach.

The MOJ identified particular disadvantages suffered by the adult female offender population and assessed that the strategy was a proportionate means to achieving the aim of enabling and encouraging these offenders to minimise these disadvantages.

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The MOJ concluded that they did not believe that men would be treated less favourably than women because there is a sufficient range of support in place to meet the needs of male offenders.

12 Data Protection implications

There are no General Data Protection Regulations (GDPR) implications associated with this decision request. The OPCC will not hold any personal information of the offenders accessing diversionary courses as a result of this funding.

Quarterly performance monitoring reports submitted to the OPCC will only contain anonymised data.

The organisation that is procured to deliver this intervention will be required to adhere to GDPR regulations as part of their contract with the OPCC. The organisation will also be required to have appropriate data sharing agreements with Hampshire Constabulary (Data Processing Contract). Hampshire Constabulary's Joint Information Management Unit (JIMU) will request that a Data Privacy Impact Assessment is completed by Criminal Justice colleagues within Hampshire Constabulary in the preparation for the Data Processing Contract.

13 Publication status

This report is suitable for publication.

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14 Personnel consulted

The following personnel were consulted on the Decision Request.

Table 4 - Personnel consulted

Role	Organisation	Confirmation of consultation (insert 'Yes' if applicable)
Chief Executive (<i>vacant</i>)	OPCC	Not applicable
Acting Chief Executive / Criminal Justice Portfolio Lead	OPCC	Yes
Chief Finance Officer	OPCC (HCC)	Yes
Head of Strategic Commissioning and Partnerships	OPCC	Yes
Head of Communication and Engagement	OPCC	Yes
Head of Performance and Information	OPCC	Yes
Head of Standards and Compliance	OPCC	Yes
Head of Estate, Operations and Support (<i>vacant</i>)	OPCC	Not applicable
Acting Head of Estate, Operational and Support	OPCC	Yes
Programme Office Manager	OPCC	Yes
Accountant	OPCC (HCC)	Yes
Deputy Monitoring Officer	OPCC (HCC)	Yes
Head of Strategic Procurement	HCC	Yes
Commissioning and Partnerships Officer	OPCC	Yes

OPCC- Office of the Police and Crime Commissioner

HCC – Hampshire County Council

15 Appendices

None.

16 Background papers

Annual Planning/Mid-Term Financial Strategy submission.

ⁱ Revolving Doors Agency 'PCC Spotlight: Women in contact with the criminal justice system' available at <http://www.revolving-doors.org.uk/file/1839/download?token=3dYnDnMM>

ⁱⁱ 'Female Offender Strategy' MOJ June 2018

ⁱⁱⁱ Female Offender Strategy MOJ June 2018