

Decision ID: PCCDJ 000693

2023

Decision title

Continuation of Out of Court intervention for Domestic Abuse offences

Executive summary

There were 30,056 offences of Domestic Abuse reported to Hampshire and Isle of Wight Constabulary (HIOWC) between 1st April 2022 and 31st March 2023. 11,880 of those reports had a repeat domestic abuse flag, which is 39.5% of all domestic abuse reported to HIOWC. In addition, there were 2,679 reports of Rape, 41.8% of those reported had a domestic abuse flag. There were also 4,788 reports of other sexual offences, 12.1% with a domestic abuse flag.

In her Police and Crime Plan 'More Police Safer Streets', Donna Jones made a commitment to work to develop a greater understanding of the root causes of serious violent crime and to make better use of diversionary support services to prevent an escalation of offending. Success will be measured by fewer repeat offenders, particularly those who perpetrate violence, abuse, exploitation and domestic abuse.

The Police and Crime Commissioner's focus on embedding a trauma informed response to all individuals involved with the Criminal Justice System has already led to funding perpetrator programmes that work with offenders to support them in making better choices to reduce reoffending.

One of the interventions currently commissioned by the Police and Crime Commissioner is an Out of Court Disposal (OOCD) intervention for Domestic Abuse offences. Further to a competitive tender process in 2020, Hampton Trust were awarded a contract to deliver CARA across Hampshire and the Isle of Wight for perpetrators of intimate and nonintimate partner Domestic Abuse. The contract started on 1st April 2021 and is due to end on 31st March 2024.

CARA is a Domestic Abuse awareness course that can be added as a condition to a Conditional Caution for adult offenders. The CARA process is the only means of issuing a Conditional Caution for a Domestic Abuse case without consulting the Crown Prosecution Service (CPS). CARA is available for intimate and non-intimate Domestic Abuse cases, with the content of the course tailored to the nature of the relationship.

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Decision ID: **PCCDJ 000693 2023**

HIOWC were the first Police Force in the country to be given dispensation by the Director of Public Prosecution (DPP) to pilot CARA for standard and medium risk Domestic Abuse offences as part of a Conditional Caution (Out of Court Disposal), and there are strict eligibility criteria, all of which must be met in every case¹.

CARA is designed to raise awareness of Domestic Abusive behaviours and to support offenders to make better behaviour choices in their relationships. CARA is part educational and part designed to help offenders reflect on their choices. CARA is not a perpetrator behaviour change programme, cognitive behavioural therapy, anger management or a support group. CARA promotes safety of offender's family through a linked victim contact service offering safeguarding and support.

The Police, Crime, Sentencing and Courts (PCSC) Act received royal assent in 2022 and establishes a statutory two-tier framework for OOCDs. The two-tier framework was implemented across Hampshire and the Isle of Wight in 2017. Although the Act received royal assent last year, the commencement date for the two-tier framework and introduction of Diversionary and Community Cautions (which will replace Conditional Cautions) is still to be determined (anticipated April 2024). The Ministry of Justice are currently consulting on the draft codes of practice. The PCSC

Any intimate partner perpetrator intervention should be quality assured, be evidence based and have clear arrangements in place for on-going evaluation/assessment which are robust enough to contribute to national and local evidence bases on the impact of the intervention on frequency and harm of offending, and risk to the victim, until there is sufficient evidence to support its ongoing use and national roll out. Perpetrator interventions should contain the key elements used in Project CARA namely the principles and processes of motivational interviewing, peer support, peer challenge, victim focus, offender focus, rapport, non-shaming, listening and questioning.

For non-intimate partner relationships, consideration should be given to an appropriate rehabilitative diversion which, unlike intimate partner cases, could include anger management or other appropriate intervention.

For all incidents, forces should also consider the possibility of onward referral/signposting to other services (e.g. drugs, alcohol or financial support), in addition to specific domestic abuse focused rehabilitation. Conditions could also be restrictive or reparative. For intimate partner abuse, conditions must NOT include a punitive financial element.

In cases where there is no intimate-partner relationship, or history of such, and offences do not include violence, stalking, harassment or sexual offences, Restorative Justice (RJ) may be considered as part of a Conditional Caution if certain criteria are met'.

¹ Domestic Abuse – DPP Pre-Conditions

^{&#}x27;Forces must offer a range of conditions:

For cases of intimate partner abuse there must be a focus on rehabilitation of domestic abuse perpetrators and a perpetrator intervention must be available and used (this cannot be generic anger management, it must be a domestic abuse tailored intervention). It is however accepted that a perpetrator programme may not be the most appropriate intervention for a female offender, a women's diversion may be a more suitable option and can be considered on a case by case basis.

DECISION RECORD



Decision ID: PCC

CCDJ 000693 2023	CCDJ	000693	2023
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Act 2022 will also see the dispensation for standard risk Domestic Abuse offences and OOCDs extended to all Police force areas.

In addition to the absence of the implementation date and final codes of practice, there is still uncertainty as to whether those forces with dispensation to pilot an intervention for medium risk Domestic Abuse offences will be able to continue on a permanent basis. The DPP has permitted the pilot to continue pending the conclusion of a University of Southampton evaluation into CARA, which will hopefully provide sufficient evidence for all forces to use Diversionary Cautions for medium risk cases. The evaluation is expected to conclude in April 2024.

In order to maintain provision of a Domestic Abuse intervention for OOCDs from April 2024, the re-commissioning process would need to start early autumn 2023, however it is difficult to predict the level of budget required for this provision when it is unclear at this stage whether both standard and medium risk Domestic Abuse cases will be in scope. The service specification would also be based on draft codes of practice.

This decision request therefore recommends that the Police and Crime Commissioner authorises funding for a further 12 months and an extension to the existing contract under Regulation 72(1)(b) to enable Hampton Trust to continue delivering CARA across HIOWC force area from 1^{st} April 2024 – 31^{st} March 2025. This will maintain provision and ensure that the service is commissioned with the full information available.

The contract extension is only being considered and recommended due to the uncertainties in relation to the scope of the future contract. A disproportionate amount of time, resources and public funding would be required to facilitate a full open procurement for a 12 month contract. It would be challenging to mobilise a new contract for a short period of time and may require significant resource from HIOWC in terms of developing Information Sharing Agreements, vetting provider staff and establishing referral processes should a new provider be appointed, particularly when the intention is to openly procure a longer contract when the necessary information is available.

There is already provision in place and CARA is specifically referenced in the DPPs pre-conditions for forces due to the evidence base of the intervention. The Office of the Police and Crime Commissioner is aware of alternative interventions in other force areas and fully intends to facilitate



 Decision ID:
 PCCDJ
 000693
 2023

a full open procurement process for this provision from 1^{st} April 2025 onwards.

This decision request supports the commitments outlined in the Police and Crime Commissioner's Police and Crime Plan and Hampshire and Isle of Wight Constabulary's force priorities in relation to the relentless pursuit of perpetrators, exceptional local policing and putting victims first.

Recommendation(s)

The Police and Crime Commissioner approves the allocation of funding as outlined below to enable Hampshire and Isle of Wight Constabulary to continue to issue Conditional Out of Court Disposals as appropriate for Domestic Abuse offences:

1st April 2024 to 31st March 2025

• Hampton Trust - **£130,000**

Based on existing referral numbers, this funding would enable up to 500 individuals to access the intervention. CARA requires the offender to attend two workshops (five hours each held four weeks apart) run by the Hampton Trust, there is no cost to the offender. The breakdown is as follows:

- 46 cohorts (10 offenders per cohort) @ £2500 per cohort = £115,000
- 50 individuals completing CARA Telephone Intervention (when the individual is assessed as unsuitable for group work) @ £350 = £15,000

The pricing model is consistent with the other Police Force areas that commission Hampton Trust to deliver CARA.

If the Police and Crime Commissioner authorises the funding as outlined above, the Office of the Police and Crime Commissioners (OPCC) Commissioning Team will work with Legal and Procurement advisors to execute an extension under Regulation 72(1)(b) of the existing contract with the Hampton Trust.

Statement on publication



DECISION RECORD

Decision ID: **PCCDJ 000693 2023**

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: 24-Jul-23



Decision ID: **PCCDJ 000693 2023**

Decision title:

Continuation of Out of Court intervention for Domestic Abuse offences

Requester details:

Requester: Lisa Allam

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

1 Strategic context

'Domestic abuse and sexual offences should be considered as seriously as knife crime and homicide' (HM Government, 2nd December 2021).

In December 2021, the Government announced their intention to change the Serious Violence Duty to include domestic abuse. The Government stated that 'introducing a Serious Violence Duty (for domestic abuse and sexual offences) will improve wholesale understanding of the drivers of serious violence and help prevent future crime and tragedy. It will mean that police, government, and health bodies must collaborate locally, so that they can develop more holistic strategies to protect people from harm, including through early intervention'. The government has been clear that all responsible parts of the public sector must raise the bar in the handling of domestic abuse and sexual violence cases.

The Government published their 'Tackling Domestic Abuse plan' in March 2022 which states that domestic abuse is the most prevalent form of violence against women and girls, and its consequences are enormously harmful. It further states that one in five homicides are related to domestic abuse and highlighted the link between domestic abuse and suicide. The negative health, emotional, economic, and social impact victims and survivors face during and following domestic abuse is significant.



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

Hampshire and Isle of Wight Constabulary (HIOWC) data shows that between 1st April 2022 and 31st March 2023, there were 30,056 offences of Domestic Abuse reported to HIOWC. 11,880 of those reports had a repeat domestic abuse flag, which is 39.5% of all domestic abuse reported to HIOWC. In addition, there were 2,679 reports of Rape, 41.8% of those reported had a domestic abuse flag. There were also 4,788 reports of other sexual offences, 12.1% with a domestic abuse flag.

It is widely accepted that domestic abuse is a hidden crime, with significant underreporting, therefore the available data has limitations and the scale of abuse is likely to be significantly higher than the figures suggest.

Overview of CARA

CARA is a Domestic Abuse awareness course that can be added as a condition to a Conditional Caution (Out of Court Disposal) for adult offenders. The CARA process is the only means of issuing a Conditional Caution for a Domestic Abuse case without the Police consulting the Crown Prosecution Service (CPS). CARA is available for intimate and non-intimate (family members) Domestic Abuse cases, with the content of the course tailored to the nature of the relationship.

HIOWC were the first Police Force in the country to be given dispensation by the Director of Public Prosecution (DPP) to pilot CARA for standard and medium risk Domestic Abuse offences as part of a Conditional Caution (Out of Court Disposal), and there are strict eligibility criteria, all of which must be met in every case.

The Police, Crime, Sentencing and Courts Act 2022 saw this dispensation extended to all forces for standard risk, however there is uncertainty as to whether those forces with dispensation to pilot an intervention for medium risk Domestic Abuse offences will be able to continue on a permanent basis.

CARA requires the offender to attend two workshops (five hours each held four weeks apart) run by the Hampton Trust, there is no cost to the offender.



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

CARA is designed to raise awareness of Domestic Abusive behaviours and to support offenders to make better behaviour choices in their relationships. CARA is part educational and part designed to help offenders reflect on their choices. CARA is not a perpetrator behaviour change programme, cognitive behavioural therapy, anger management or a support group. CARA promotes safety of offender's family through a linked victim contact service offering safeguarding and support.

History of CARA

In 2011 Hampshire Constabulary and Hampton Trust collaboratively developed an intervention for lower risk, first time Domestic Abuse offenders.

From 2012 to 2014 Cambridge University led a Randomised Control Trial (RCT) for CARA, the first time a Domestic Abuse policing strategy had been trialled under experimental conditions. The resulting study indicated offenders who attended CARA were 35% less likely to be involved in Domestic Abuse re-offending when compared with the control group.

Since then, CARA has expanded to a number of police force regions in the UK: including West Midlands, Leicestershire, Cambridgeshire, Avon and Somerset, Dorset, West Yorkshire, Norfolk, and Thames Valley.

CARA has recently been evaluated by Birmingham University. The report highlights how CARA is effective as a targeted early intervention for Domestic Abuse offenders.

The DPP pre-conditions for Domestic Abuse interventions for Conditional Cautions does not prescribe that CARA must be used, however states that 'any intimate partner perpetrator intervention should be quality assured, be evidence based and have clear arrangements in place for on-going evaluation/assessment which are robust enough to contribute to national and local evidence bases on the impact of the intervention on frequency and harm of offending, and risk to the victim, until there is sufficient evidence to support its ongoing use and national roll out. Perpetrator interventions should contain the key elements used in Project CARA



Decision ID: **PCCDJ 000693 2023**

namely the principles and processes of motivational interviewing, peer support, peer challenge, victim focus, offender focus, rapport, nonshaming, listening and questioning'.

As a result there are alternative programmes to CARA available nationally.

Commissioning arrangements

Further to a competitive tender process, Hampton Trust were awarded a three year contract to deliver CARA across HIOWC from 1^{st} April 2021 to 31^{st} March 2024.

<u>CARA - Key outputs 1st April 2022 – 31st March 2023</u>

Intimate Partner Abuse

- 415 intimate partner abuse referrals 303 male and 102 female (420 referrals in 2021-22)
- 13% aged 18-24; 34% 25-34; 26% 35-44; 16% 45-54; 11% over 55 years
- 398 cases closed during the reporting period (slight decrease from 2021-22)
- 322 successfully completed their intervention 80% compliance (males 78% and females 86%). Compliance was 87% in 2021-22 and will be monitored in 2023/24
- 68% completed feedback forms
- 84% said the workshop had some or a lot of impact on their Domestic Abuse awareness
- 81% said the workshop had some or a lot of impact on their personal/family relationships
- 79% said the workshop had some or a lot of impact on how offenders view their own behaviour
- 80% said the workshop had some or a lot of impact on the offenders motivation to change aspects of their behaviour

Non-Intimate Partner Abuse (female non-intimate cases complete JUNO which is permitted by DPP pre-conditions)



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

- 97 non-intimate partner abuse referrals received 71 male and 26 female (47% increase on 2021-22)
- 34% aged 18-24; 27% 25-34; 23% 35-44; 7% 45-54; 9% over 55 years
- 85 cases closed during 2022/23
- 54 successfully completed their intervention 64% compliance (48% compliance in 2021-22)
- 46% completed feedback forms
- 88% said the workshop had some or a lot of impact on their Domestic Abuse awareness
- 80% said the workshop had some or a lot of impact on their personal/family relationships
- 84% said the workshop had some or a lot of impact on how offenders view their own behaviour
- 84% said the workshop had some or a lot of impact on the offenders motivation to change aspects of their behaviour

Compliance of the non-intimate cohort has improved, however monitoring this is still an area of focus for the Commissioning lead, the Police and provider. Hampton Trust believe that compliance is reflective of the younger cohort (34% under the age of 25) and also because individuals committing offences against family members may struggle with domestic abuse labelling and terminology.

Proposal for future provision

The Police, Crime, Sentencing and Courts (PCSC) Act received royal assent in 2022 and establishes a statutory two-tier framework for OOCDs. The two-tier framework was implemented across Hampshire and the Isle of Wight in 2017. Although the Act received royal assent last year, the commencement date for the two-tier framework and introduction of Diversionary and Community Cautions (which will replace Conditional Cautions) is still to be determined (anticipated April 2024). The Ministry of Justice are currently consulting on the draft codes of practice. The PCSC Act 2022 will also see the dispensation for standard risk Domestic Abuse offences and OOCDs extended to all Police force areas.



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

In addition to the absence of the implementation date and final codes of practice, there is still uncertainty as to whether those forces with dispensation to pilot an intervention for medium risk Domestic Abuse offences will be able to continue on a permanent basis. The DPP has permitted the pilot to continue pending the conclusion of a University of Southampton evaluation into CARA, which will hopefully provide sufficient evidence for all forces to use Diversionary Cautions for medium risk cases. The evaluation is expected to conclude in April 2024.

In order to maintain provision from April 2024, the re-commissioning process would need to start early autumn 2023, however it is difficult to predict the level of budget required for this provision when it is unclear at this stage whether both standard and medium risk Domestic Abuse cases will be in scope. The service specification would also be based on draft codes of practice.

This decision request therefore recommends that the Police and Crime Commissioner authorises funding for a further 12 months and an extension to the existing contract under Regulation 72(1)(b) to enable Hampton Trust to continue delivering CARA across HIOWC force area from 1^{st} April 2024 – 31^{st} March 2025. This will maintain provision and ensure that the service is commissioned with the full information available.

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There is already provision in place and CARA is specifically referenced in the DPPs pre-conditions for forces due to the evidence base of the intervention. The Office of the Police and Crime Commissioner is aware of alternative interventions in other force areas and fully intends to facilitate



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

a full open procurement process for this provision from 1st April 2025 onwards.

The recommendations and proposal contained within this decision request is aligned with the Police and Crime Commissioner's strategic approach to commissioning and partnerships with regards to domestic abuse. In her Police and Crime Plan, 'More Police Safer Streets', the Police and Crime Commissioner states that domestic abuse, rape and serious sexual offences will remain one of the top five priorities and she commits to:

- Work with offenders to support them in making better choices to reduce reoffending.
- Fund new perpetrator programmes to break the cycle of reoffending.

This proposal is also aligned with the new Chief Constables priorities around the relentless pursuit of perpetrators, putting victims first and localised policing models.

2 **Options appraisal**

Do nothing - If this decision request is not supported, HIOWC would be unable to use Conditional Cautions for Domestic Abuse offences. These individuals would either be charged and summonsed to appear in Court (adding demand issues to the Courts) or they would be issued with a Simple Caution with no conditions attached. This would not address the offending behaviour and may impact on public trust and confidence. To be eligible to receive a Conditional Caution, the individual must admit the offence and the victim should be consulted on their views regarding the proposed action of the Police. Without the CARA intervention available, options for victims would be limited, particularly for those who intend to stay in the relationship.

Do something – CARA has been available as part of a Conditional Caution for HIOWC since 2012. CARA has a solid evidence base and the DPP preconditions state that any intervention offered must be evidence based and adhere to the principles of CARA. The OPCC are considering a contract



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

extension for 12 months only and would seek to undertake a full open procurement for 1^{st} April 2025 onwards.

As outlined throughout this report, the commencement date for the twotier framework and introduction of Diversionary and Community Cautions is still to be determined (anticipated April 2024). The codes of practice are still in draft format and there is uncertainty as to whether dispensation for medium risk Domestic Abuse offences will continue after the evaluation is published.

The contract extension is only being considered and recommended due to the uncertainties in relation to the scope of the future contract. A disproportionate amount of time, resources and public funding would be required to facilitate a full open procurement for a 12 month contract. It would be challenging to mobilise a new contract for a short period of time and may require significant resource from HIOWC in terms of developing Information Sharing Agreements, vetting provider staff and establishing referral processes should a new provider be appointed, particularly when the intention is to openly procure a longer contract when the necessary information is available.

3 Timescales

The Police and Crime Commissioner provisionally agreed the funding and approach at the Commissioning Board held on the 21st June 2023. The current contract is due to end on the 31st March 2024, therefore leaving sufficient time for Legal and Procurement processes to be undertaken. Once the Police and Crime Commissioner has authorised the funding request, the intention can be communicated to the incumbent provider, offering them reassurance as to the future in light of the current uncertainties.

4 Financial and resourcing implications

This decision request has financial implications of **£130,000** in total to be distributed over a period of 12 months.



DECISION REQUEST

Decision ID: **PCCDJ 000693 2023**

The funding will be allocated as outlined below to enable CARA to continue across Hampshire and the Isle of Wight:

1st April 2024 to 31st March 2025

• Hampton Trust - **£130,000**

The Office of the Police and Crime Commissioner (OPCC) will raise a purchase order at the beginning of the financial year and Hampton Trust will issue an invoice on a quarterly basis to the OPCC.

The funding will come from the Police and Crime Commissioner's commissioning budget.

Total cost	£130,000
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Timetrame funding required for April 2024 – March 2025	Timeframe funding required for	April 2024 – March 2025
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Table 1 - Funding allocation in each financial year

	2023-24	2024-25	2025-26
Capital	£0	£0	£0
Revenue	£0	£130,000	£0

Table 2 - Funding source - Capital and Revenue

	Capital (insert 'Yes' if applicable)	Revenue (insert 'Yes' if applicable)
Transformation reserve		
Commissioner's reserve		
Commissioning budget		Yes
Approved capital programme		
General fund		
Other (please provide details)		



Decision ID: **PCCDJ 000693 2023**

5 Communications and engagement implications

Any publicity will make clear that funding has been made available by the Police and Crime Commissioner to enable CARA to continue across the whole of Hampshire and the Isle of Wight.

The Commissioning Team will work closely with OPCC communications colleagues to identify opportunities to further promote this project and the impact that it is having.

6 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.

Legal and procurement advice has been obtained in relation to the procurement of this intervention and their advice will be communicated to the Police and Crime Commissioner at the Commissioning Board held on the 24th July 2023.

Hampshire OPCC will then work with Legal representatives to prepare the contract extension.

7 Risks and mitigation

The incumbent provider Hampton Trust will continue to provide this intervention and, as a result, there is a risk of challenge from other providers. However, this risk is mitigated by the circumstances set out above and the fact that a full, open procurement will be undertaken once the detail has been published as set out further above.

There is also a risk that HIOWC will be told to stop the pilot for medium risk Domestic Abuse offences when the evaluation is published. Legal



Decision ID: **PCCDJ 000693 2023**

Services will be asked to reflect that the level of funding is dependent on continuation of DPP dispensation for medium risk offences.

8 Strategic policing requirement

The updated Strategic Policing Requirement (SPR) was published in February 2023, for the first time VAWG (Violence against Women and Girls) was included as a national threat. This decision request therefore enables HIOWC to deliver against the SPR, particularly in relation to connectivity with partners.

9 Equalities

CARA will support vulnerable people, many of whom have protected characteristics. The service will contribute towards the elimination of unlawful discrimination, harassment and victimisation; the advancement of equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and the fostering of good relations between persons who share a relevant protected characteristic and persons who share it.

The providers will monitor demographic information so that we can ensure that the CARA cohort are representative of the local population.

10 Data Protection implications

The Police and Crime Commissioner's Office will not hold personal data of the individuals identified by HIOWC or those subsequently referred to Hampton Trust to complete CARA. The provider will be required to adhere to data protection legislation as part of their contractual arrangements.

Quarterly performance monitoring reports submitted to the Police and Crime Commissioner's Office will only contain anonymised data.

11 Publication status

This report is suitable for publication.



Decision ID: **PCCDJ 000693 2023**

12 Personnel consulted

The following personnel were consulted on the Decision Request.

Table 3 - Personnel consulted

Role	Organisation	Confirmation of consultation
		(insert 'Yes' if applicable)
Deputy Police and Crime Commissioner	OPCC	Yes
Chief Executive	OPCC	Yes
Chief Finance Officer	OPCC (HCC)	Yes
OPCC/Hampshire Constabulary liaison	OPCC / HC	Yes
Head of Criminal Justice, Commissioning & Partnerships	OPCC	Yes
Head of Business	OPCC	
Head of Estate	OPCC	Yes
Accountant	OPCC (HCC)	Yes
Deputy Monitoring Officer	OPCC (HCC)	Yes
Head of Strategic Procurement	HCC	Yes
Commissioning and Grants Business Manager	OPCC	Yes
Data Protection Officer	OPCC	Yes
[others as appropriate]		

OPCC - Office of the Police and Crime Commissioner

HCC - Hampshire County Council

HC - Hampshire Constabulary

13 Appendices

None

14 Background papers

Decision PCCML-000576-2020.pdf