

## DMPC Decision – PCD 1538

**Title: Sexual Violence Legal Advice Pilot – Variation UniGlasgow Soteria Grant**

### **Executive Summary:**

As outlined in the Mayor’s Tackling Violence Against Women and Girls (VAWG) Strategy 2022-2025, the Mayor has committed to exploring the feasibility of a pilot scheme in London to provide free, independent legal advice for victims on issues of privacy and data in relation to mobile phones and other devices, and in line with national recommendations in the London Rape Reviews.

In February 2023, MOPAC commissioned the University of Glasgow to commence an 18-month Legal Advocacy Pilot in London (CEOD 14-2022 refers). The agreement was made through a variation to the grant ‘Agreement for Operation Soteria Bluestone’ with an allocation of £70,000 to set up the pilot, with inclusion of the Women and Girls Network and Centre for Women’s Justice as subcontractors to the project.

The pilot experienced a number of setbacks, primarily as a result of challenges in recruiting and retaining lawyers to the project. Furthermore there were challenges faced with appropriate referrals into the pilot. In August 2023, following departure of the main lawyer, it was agreed that the pilot would pause and reflect, and consider how to improve the cost effectiveness of the pilot and build resilience into the workforce. A multi-agency partnership working group commenced and a proposed new model has been developed.

This decision is seeking approval to provide additional funding of £148,500 to the project and to extend up until 30<sup>th</sup> June 2025. The updated model will comprise of a single specialist hub made up of a small team in order to build specialist expertise in this new and niche area of law. The team will consist of two full-time lawyers, paralegal support, legal supervision and training, Counsel’s advice, and operational supervision and management. The pilot will provide support and representation for survivors, and also offer empirical testing of a) whether it is recommended for legal advice and representation to roll out nationally, and b) how any such advice and representation should be structured.

### **Recommendation:**

The Deputy Mayor for Policing and Crime is recommended to:

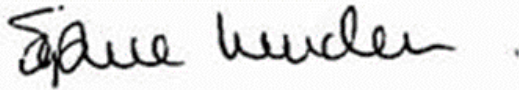
1. Note that the current budget for the Legal Advice Pilot is £70,000. This Grant funding has been issued through a variation to the Operation Soteria Bluestone’ Grant Agreement with Glasgow University.

2. Approve an additional £148,500 funding for the Legal Advice Pilot to Glasgow University in 2024/25 through a further variation to Grant. This will be funded from the 2023/24 VAWG Emerging Priorities budget.
3. Approve the carry forward of £148,500 from 2023/24 to 2024/25 to fund the grant expenditure in 2024/25.
4. Approve extending the pilot to run up until 30<sup>th</sup> June 2024.

**Deputy Mayor for Policing and Crime**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature 

Date 12/12/2023

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

### **1. Introduction and background**

- 1.1. Operation Soteria Bluestone identified that there is a significant problem in London with the MPS seeking wide-scale access to digital and third-party materials without clear consideration of necessity and proportionality, and without appropriate measures to inform and gain full consent of the complainant.
- 1.2. Operation Soteria Bluestone noted that research indicates that free and independent legal support for rape complainants can improve the victim experience, increase trust in the CJS, secure better health outcomes, and save time in police investigations. The academic team recommended a trial and evaluation of this approach in London, to test the optimal delivery model.
- 1.3. Research indicates that free and independent legal support for rape complainants can improve the victim experience, increase trust in the CJS, secure better health outcomes, and save time in police investigations (Illiadis, 2019). Smith & Daly (2020) also found that legal support empowered the police to challenge unreasonable CPS requests for digital and third-party materials, and promoted more relevant and proportionate lines of enquiry.
- 1.4. Addressing the highly detrimental effects of violence against women and girls is a priority of the Mayor, who recently called for action in the 2022 VAWG Strategy and committed to exploring the feasibility of a local pilot scheme to provide free, independent legal advice for victims on issues of privacy and data in relation to mobile phones and other devices, and in line with national recommendations in the London Rape Reviews.
- 1.5. In February 2023, MOPAC commissioned the University of Glasgow to commence an 18-month Legal Advocacy Pilot in London (CEOD 14-2022 refers), in partnership with the Centre for Women's Justice and the Women and Girls Network.
- 1.6. £70,000 was allocated to this project, with less than £10,000 of additional funding used from underspends identified in the MOPAC Commissioned London Survivors Gateway (led by the Women and Girls Network, a partner in the pilot), to support with recruitment.
- 1.7. The original iteration of the pilot ran into a number of challenges from the outset including recruitment and retention of lawyers, and challenges with referral pathways. The original budget did not include the infrastructure that would be needed around the lawyers, including specialist training, paralegal support, counsel advice, supervision and management support.
- 1.8. Following an agreed pause to the pilot in August 2023, MOPAC commenced a multi-agency task and finish working group with the existing partners, and MPS and CPS to agree a new model and partnership working. The proposed new model will create a single specialist hub made up of a small team, consisting of two full-time lawyers,

paralegal support, legal supervision and training, Counsel’s advice, operational supervision and management.

1.9. Proposals to address the recruitment challenges include offering secondment and sabbatical opportunities, or to target lawyers who are early on in their careers seeking to build experience. Recruitment would commence in January with the goal of lawyers being in post by April 2024.

1.10. It is proposed that the pilot run up until 30<sup>th</sup> June 2025. This will allow time for recruitment to commence in January 2024, and the specialist training provided to the new recruits by April/May 2024. This will be followed by 12 months of being fully operational, allowing adequate time for an informative evaluation.

1.11. The University of Loughborough will lead the evaluation of the Pilot using the following framework:

Research Questions	Outcomes	Measures
Is there demand for legal advice and/or representation? If so, in what types of CJS-related issues?	Provision of legal advice & information about criminal justice related legal issues to WGN’s ISVA clients	<ul style="list-style-type: none"> <li>• Number of clients supported</li> <li>• Nature of legal representation (e.g. number of clients advised on a) privacy rights on digital, b) privacy rights on TPM, c) VRR, d) complaints, e) CICA, and f) general enquiries about CJS.</li> </ul>
	Provision of legal representation (e.g. liaison with police / CPS inc. written submissions about privacy rights and VRRs) to WGN’s ISVA clients	<ul style="list-style-type: none"> <li>• Number of clients supported</li> <li>• Nature of legal representation (e.g. number of clients advised on a) privacy rights on digital, b) privacy rights on TPM, c) VRR, d) complaints, e) CICA, and f) general enquiries about CJS.</li> </ul>
Do legal advocates impact on the survivors’ experience of the criminal justice process?	Representation leads to improved service for victims in specific cases	Outcomes of legal representation e.g. reduced scope to data requests, withdrawal of data requests, submitted VRR, successful VRR, submitted complaint (& outcomes), referral for further legal representation e.g. judicial review via CWJ.

	Enhanced sense of procedural justice for victims in specific cases	Client feedback survey featuring key PJ measures e.g. voice, dignity & respect, accountability, fairness, safety
	Increased awareness / consideration of complainants' rights in general	Police & CPS feedback survey or focus groups
What makes an effective model of legal advocacy?	Factors to consider: Independence, specialism, supervision, training, embeddedness in trauma-informed services, legal background & previous experience of the lawyer	All other measures above, plus: <ul style="list-style-type: none"> <li>• Interview(s) with the lawyers</li> <li>• Interview(s) with CWJ supervisor</li> <li>• Interview(s) with WGN service leads</li> </ul>

1.12. The working group will continue to meet to support mobilisation, refine referral pathways and service level agreements. Following recruitment of lawyers, a strategic Steering Group will be set up so that there is partnership oversight of the delivery.

## 2. Issues for consideration

2.1. The UK's democratic model of 'policing by consent' is centred on having public trust and confidence ([Hanway & Hambly, 2023](#)); but the Crime Survey for England and Wales shows that trust is declining ([Office for National Statistics, 2023](#)). Meanwhile, a survey by the [Victims Commissioner \(2020\)](#) found that only 14% of rape survivors feel reporting to police provides a sense of justice. Recent high-profile cases and damning reviews of police cultures including the [Casey Review](#) only exacerbate this pressure. HM Chief Inspector of Constabulary, [Andy Cooke](#), warned there is a limited window of opportunity to repair trust, and called for change to start with Chief Constables and Police and Crime Commissioners.

2.2. Performance against rape and serious sexual offences is very poor in London and nationally, with victims being failed. The Mayor and DMPC are committed to taking action to deliver transformational change.

2.3. Legal advice and representation was previously piloted in Northumbria in 2018 – 2020 (see [Smith & Daly, 2020](#) for the evaluation report). The scheme was considered a success, but the lawyers were not specialised in the niche area of law and the hourly costs were higher than would be expected if using salaried posts instead. Adaptations to the model were therefore recommended for any future pilots or roll-outs.

- 2.4. After consideration of the learning from Northumbria Pilot and the initial months of the London pilot and the potential for identifying scalable models of legal advice and representation, a new model for London has been proposed.
- 2.5. Survivors will be offered direct access to a lawyer employed by the Women & Girls Network without needing to go via another Women and Girls Network service, subject to capacity of the lawyers. The scheme will be available only to women, as this is the Women & Girls Network service delivery model, but any future scaled versions would propose to be offered to all survivors. There are multiple proposed referral pathways which are in the final stages of finessing.
- 2.6. The proposed model comprises a small team in order to build specialist expertise in this new and niche area of law. There are very few lawyers currently providing legal advice from the victim's perspective in the CJS. Substantial training will therefore be required, as well as on the job development. The model of a single specialist hub is proposed because it will be the most scalable option for future recommendations of wider provision of legal advice to all survivors. The pilot will provide valuable information on the volume of work and nature of the legal issues that a wider rollout of legal advocacy could address. It will also provide data on outcomes and impacts on the survivor experience of the CJS, to determine whether this is a beneficial approach for improving criminal justice responses to RASSO.

**3. Financial Comments**

- 3.1. The current budget for the Legal Advice Pilot is £70,000. This Grant funding was issued through a variation to the Operation Soteria Bluestone' Grant Agreement with Glasgow University.
- 3.2. The grant uplift of £148,500 will be funded by the VAWG Emerging Priorities 2023/24 budget.
- 3.3. The grant expenditure will take place in 2024/25 and so this decision is requesting approval to carry forward £148,500 from 2023/24 to 2024/25.

**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 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 an express power for MOPAC, as a local policing body, to provide or commission

services “intended by the local policing body to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour.”

- 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 Part 2 Section 5, paragraph 5.12 of MOPAC’s Scheme of Consent and Delegation, the Chief Executive Officer has delegated authority to approve procurement strategies for revenue and capital contracts with a total value from £50,000 up to £499,999.
- 4.5. Under Part 2 Section 5, paragraph 5.13 of MOPAC’s Scheme of Consent and Delegation, the Chief Executive Officer has delegated authority to sign and award contracts from £50,000 up to £499,999.

## **5. Commercial Issues**

- 5.1. This report seeks to vary MOPAC’s existing ‘Operation Soteria Bluestone’ grant agreement with University of Glasgow.
- 5.2. In addition to the initial modification made to the Operation Soteria Bluestone Grant in February 2023, for £70k, a further £149k modification is now sought to extend the scope to increase the infrastructure and increase the duration by 4 months.
- 5.3. In liaison with the corporate Contracts Team, the modification should be processed with a suitable written agreement with the grant awardee.
- 5.4. In accordance with MOPAC’s Scheme of Delegation, all awards of grants must be approved by DMPC.
- 5.5. The actions identified in this report are provided for within MOPAC’s Contract Regulations, and the proposed actions can be completed in compliance with their content.

## **6. Public Health Approach**

- 6.1. Violence against women and girls is a public health issue. The refreshed Mayor’s VAWG Strategy 2022-2025 has adopted a public health approach to VAWG. The key principles guiding this approach are: we base our decisions on data and evidence; we prioritise early intervention and prevention; we place communities at the heart of

change; we develop long-term solutions with partners; and we evaluate our activities to understand what works.

6.2. The public health approach to violence prevention is being led by London's Violence Reduction Unit (VRU), which supports MOPAC's work through preventative programmes supporting young people.

6.3. Addressing the highly detrimental effects of violence against women and girls is a priority of the Mayor, who recently called for action in the 2022 VAWG Strategy and committed to exploring the feasibility of a local pilot scheme to provide free, independent legal advice for victims on issues of privacy and data in relation to mobile phones and other devices, and in line with national recommendations in the London Rape Reviews. This decision provides funding to deliver this recommendation, aimed to support victims to achieve better CJS outcomes and support to cope and recover.

## 7. **GDPR and Data Privacy**

7.1. MOPAC will adhere to the Data Protection Act (DPA) 2018 and ensure that any organisations who are commissioned to do work with or on behalf of MOPAC are fully compliant with the policy and understand their GDPR responsibilities. Responsibilities for data management will be included in the contractual arrangements for the delivery of this pilot project.

7.2. In order to enable the evaluation of the project, it is anticipated that a DPIA may need to be put in place between the Women and Girls' Network and the evaluating university. Alternatively, the evaluation will be designed as 'standard research' which means that no personal information is shared and therefore a DPIA will not be required.

## 8. **Equality Comments**

8.1. MOPAC is required to comply with the public sector equality duty set out in section 149(1) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations by reference to people with protected characteristics. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2. In accordance with the Baroness Casey Review report findings that the MPS is institutionally racist, misogynistic and homophobic, MOPAC will adopt an intersectional and culturally sensitive approach to the implementation and oversight of the pilot. The pilot has been developed cognoscente of the decline in trust with the police and that stark findings from the survey by the [Victims Commissioner \(2020\)](#) which found that only 14% of rape survivors feel reporting to police provides a sense



of justice. The pilot will contribute to the need to repair trust and improve outcomes for victims and survivors of sexual violence.

## **9. Background/supporting papers**

- CEOD 14-22 Operation Bluestone – Legal Advocacy Pilot – London
- [End to End Rape Review Report on Findings and Actions](#)
- [The London Rape Review 2019](#)
- [The London Rape Review Update 2021](#)
- [Victims Commissioner 2020: Survey finds rape victims have lost faith in the justice system](#)

**Public access to information**

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOIA) and will be made available on the MOPAC website following approval.

If immediate publication risks compromising the implementation of the decision it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

**Part 1 Deferral:**

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

If yes, for what reason:

Until what date: N/A

**Part 2 Confidentiality:** Only the facts or advice considered as likely to be exempt from disclosure under the FOIA should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a **Part 2** form - No

<b>ORIGINATING OFFICER DECLARATION</b>	<i>Tick to confirm statement (✓)</i>
<b>Financial Advice:</b> The Strategic Finance and Resource Management Team has been consulted on this proposal.	✓
<b>Legal Advice:</b> Legal advice is not required.	✓
<b>Commercial Issues</b> The Contracts and Procurement Management Team has been consulted on this proposal.	✓
<b>Equalities Advice:</b> Equality and diversity issues are covered in the body of the report.	✓
<b>Public Health Approach</b> Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence. This has been reviewed and supported by a senior manager within the VRU.	✓
<b>Commercial Issues</b> 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.	✓
<b>GDPR/Data Privacy</b> <ul style="list-style-type: none"> <li>• GDPR compliance issues are covered in the body of the report and the</li> <li>• A DPIA is not required.</li> </ul>	✓
<b>Drafting Officer</b> Lesley Weber drafted this report in accordance with MOPAC procedures.	✓
<b>Director/Head of Service:</b> The Head of Tackling VAWG Team, Jain Lemom, has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.



**Signature**

**Date** 04/12/2023