

DMPC Decision – PCD 593

Title: Feasibility Report for a Register of Serial Perpetrators

Executive Summary:

The Mayor, DMPC, Victims' Commissioner and the London Assembly have all lobbied for the introduction of a register for perpetrators of domestic abuse/serial perpetrators. This register is proposed to address the need to better manage the response to perpetrators of domestic abuse and serial stalkers (serial perpetrators) to further protect victims.

There is strong agreement amongst partners that an approach to address the management of serial perpetrators and the protection of victims is required.

To establish the impact and potential effectiveness of the introduction of a register, an evidence-based feasibility report is required. The report will establish how a register or alternative options impact on the management of serial perpetrators in London and how it can be effectively operationalised within the current criminal justice system. The report will explore to what extent it can achieve protection for the public, support for victims and enable effective interventions for perpetrators.

Recommendation:

The Deputy Mayor for Policing and Crime is recommended to:

- Approve the recommendation for up to a maximum £70,000 to be awarded to the College of Policing to complete an assessment into the feasibility and potential impact of the implementation of a register of serial perpetrators;
- Delegate authority to sign the associated grant agreement to the Chief Executive Officer.

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

Joseph Henderson

Date

3/7/19

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

1. Introduction and background

- 1.1. The Mayor, DMPC and the London Assembly have lobbied for a register for perpetrators of Domestic Abuse and stalking (serial perpetrators). In September 2017, the London Assembly unanimously agreed a motion urging the Mayor to write to the Home Secretary calling for the introduction of a register.
- 1.2. It is recognised that actions to tackle serial perpetrators should be better coordinated across agencies. All parties concerned agree that the approach needs to address the management of serial perpetrators and ensure the safety and protection of victims.
- 1.3. To establish a clear evidence-based position, a feasibility report is required into the impact of a register or alternative options to achieve the intended collective aims. This report will be focused on the application of this approach in London.

2. Issues for consideration

- 2.1. The College of Policing is in a unique position to access and critically evaluate the police response to the management of serial perpetrators. The commissioned work builds on existing work conducted by the College of Policing for the management of serial perpetrators. This existing work is not funded by MOPAC. The proposed grant to the College is intended to increase the remit of this existing work to include a spotlight on learning and recommendations specifically for London.
- 2.2. The College of Policing are a reputable independent organisation whose recommendations will be seriously considered for operational implementation.
- 2.3. The grant will facilitate a report to be produced by September 2019 and expedite results for London, aligning our ability to respond to the draft DA Bill with an additional and independent evidence base.
- 2.4. This report is a one-off requirement to inform policy with recommendations for further action. The recommendations of the report may indicate that in any future research undertaken, parameters need to be broadened or that further field-based work needs to take place. The report is required to be produced by 30th September 2019 to allow for findings to be incorporated in response to the draft DA Bill. However, the grant agreement will acknowledge that due to the scope of work needed to produce a comprehensible report, the original timeframe for completion may need to be adjusted by a maximum of 6 months.
- 2.5. This decision recommends providing a grant to the College of Policing to produce the feasibility report. The overall purpose of this report will include a comprehensive understanding of:
 - **Public Protection:** What can be achieved by a register for serial perpetrators including a realistic costing for its implementation, and the ongoing activity required to service it effectively.
 - **Victim Support:** How a register can result in a better offer for victims including improving their safety and overall recovery.
 - **Perpetrator Intervention:** A focus on how the register can prompt an approach of rehabilitation and/or methods to reduce risk of harm/reoffending

- The objectives of this report may include reference to:
 - How a register of serial perpetrators could be developed (this may include options for an independent list or a faculty incorporated within police systems).
 - Providing an informed response to the DA Bill about legislative changes required to support a better outcome for victims and for public protection.
 - Exploration of other methods through which the objectives of a register could be met with a view as to how to develop a better coordinated and effective partnership approach.
 - An appreciation of how the preferred approach can be adopted and used to its full potential by the MPS.

2.6. The College of Policing be required to be cognisant to the ICO checklist/guidance¹ and the MOPAC gangs matrix review² which include commentary on data protection, equalities considerations, compliance and transparency, and human rights.

2.7. A grant for the College of Policing is recommended from June 2019 to 30th September 2019. The agreement will recognise that investigation, research and drafting may exceed this timeframe, however the total maximum value of this grant to cover the overall report is £70,000.

3. Financial Comments

3.1 The total cost of this programme of work is up to a maximum value of £70,000.

3.2 The costs will be met from the 2019/20 MOPAC budget.

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." Section 143(3) specifically allows MOPAC to make grants in connection with such arrangements and any grant may be made subject to any conditions that MOPAC thinks appropriate.

4.3. The powers in section 143 were given to MOPAC following the Government's response to the consultation Getting it Right for Victims and Witnesses (2 July 2012) in which it set out a package of reforms to the way in which support services for victims of crime are to be provided.

4.4. The recommendations in this decision are in line with the legislation.

4.5. Under MOPAC's Scheme of Delegation, approval of the strategy for the award of individual grants and the award of all individual grants (for crime reduction or other purposes) is a matter generally reserved to the DMPC (paragraph 4.8). The release of funding in accordance with the proposals set

¹ <https://ico.org.uk/for-organisations/in-your-sector/police-justice/>

² <https://www.london.gov.uk/mopac-publications-0/review-mps-gangs-matrix>

out in this decision form is accordingly to be approved by the DMPC. The delegation of responsibility for the finalisation of planning and contractual/grant arrangements, including relevant terms and the signing of agreements, to the Chief Executive Officer for activities to the value of £499,000 or less, is in accordance with the general power of delegation in section 5.

- 4.6. Officers must ensure that the funding agreement is varied in accordance with the provisions of the same, executing all necessary documentation, before any commitment is made to the provision of the funding proposed.

5. Commercial Issues

- 5.1. Awarding a direct grant agreement to the College of Policing (provider) to conduct a feasibility report to determine the impact and effectiveness of a perpetrator register for London is commercially acceptable as they have the required knowledge and skill base to complete this piece of work. Officers must comply with the due diligence process of the MOPAC Contract Regulation and MOPAC scheme of Consent and Delegation in the award of this provision.
- 5.2. This decision represents funding to extend a national work programme currently being undertaken by the College of Policing and will provide clear outcomes for London.
- 5.3. The proposed direct grant agreement is considered by officers not to be substantial and within the meaning of the Public Contracts Regulations 2015, so can be awarded without further competition.

6. Public Health Approach

- 6.1. VAWG is a significant public health issue, costing the health care system £1.3 billion a year. Domestic abuse and stalking have significant and enduring impacts on individual's physical health and mental wellbeing. The feasibility study seeks to identify the most effective method to manage serial perpetrators, enabling services to intervene with perpetrators and provide support to victims (and their children).
- 6.2. It is intended that the recommendations of the report will assist in holding perpetrators accountable for their behaviour as well as increasing the visibility of perpetrator responses to these forms of VAWG. The response to the recommendations will have due regard to a collective approach with health, social care, criminal justice agencies and the voluntary sector to manage the risks posed by these individuals and seek to reduce repeat victimisation.

7. GDPR and Data Privacy

- 7.1. ~~The creation of the feasibility report does not include any personal identifiable information and therefore there are no GDPR concerns for this decision.~~
- 7.2. The feasibility report will need to consider compliance with GDPR and Data Protection Act (2018) when providing recommendations for action, particularly in relation to the use of data subject information.
- 7.3. The report will need to pay due regard to the ICO advice and checklist for 'Police, Justice and Surveillance' and undertake a Data Protection Impact Assessment on its recommendations.

8. Equality Comments

- 8.1. MOPAC is required to comply with the public-sector equality duty set out in section 149(2) of the Equality Act 2010. This requires MOPAC to have due regard to the need to eliminate discrimination, harassment and victimisation; 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. The Police and Crime Plan and associated commissioning plans are based on two principles:
- Victims First – putting victims at the heart of everything we do.
 - Reducing inequalities in communities – a focus on setting an agreed standard and addressing the disparities we see across the city.

To address the inequalities that exist in London, MOPAC has four targeted priorities directed at those people who are disproportionately affected by crime. The priorities aim to provide specialised services that safeguard the most vulnerable in society and reduce evident existing inequalities. These priorities are reflected in MOPAC's victims' commissioning plans over the next three years and are as follows:

- A better police service for London
 - A better Criminal Justice Service for London
 - Keeping Children and Young People Safe
 - Tackling Violence Against Women and Girls.
- 8.3. The feasibility study will be exploring the management of serial perpetrators with a particular focus on perpetrators of domestic abuse and stalking, both of which are more likely to be perpetrated by men against women.

8.3.1. The Crime Survey of England and Wales 2015 found that 4.9% of women and 2.4% of men reported experiencing stalking in the previous year. This equates to 734,000 women and 388,000 men showing a gender disparity in stalking victimisation.

8.3.2. Domestic abuse is a gendered crime and women experience higher rates of repeated victimisation and are much more likely to be seriously hurt (Walby, S. and Towers, J. May 2017 'Measuring violence to end violence: mainstreaming gender', Journal of Gender-Based Violence, vol. 1), or killed than male victims of domestic abuse (Office for National Statistics 2017 Domestic abuse in England and Wales: year ending March 2017. Published online). Further to that, women are more likely to experience higher levels of fear and are more likely to be subjected to coercive and controlling behaviours.

8.4. Under section 149 of the Equality Act 2010 (the Equality Act), as a public authority the Deputy Mayor/MOPAC must have due regard to the need to eliminate discrimination, harassment and victimisation, and any conduct that is prohibited by or under this Act, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status (the duty in respect of this last characteristic is to eliminate unlawful discrimination only).

8.5. Equality and diversity will be explored by the research for the study and any recommendations will be required to have due regard to this and consider the findings from the MOPAC Gangs Matrix Review in context of this report. The College of Policing will be required to conduct and include an equalities impact assessment on their recommendations.

9. Background/supporting papers

9.1. None

Public access to information

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

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

Part 1 Deferral:

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

If yes, for what reason:

Until what date:

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

Is there a **Part 2** form –NO

ORIGINATING OFFICER DECLARATION

Tick to confirm statement (✓)

Financial Advice

The Strategic Finance and Resource Management Team has been consulted on this proposal.

✓

Legal Advice

Legal advice is not required.

✓

Equalities Advice:

Equality and diversity issues are covered in the body of the report.

✓

Public Health Approach

Due diligence has been given to determine whether the programme sits within the Violence Reduction Unit's public approach to reducing violence.

✓

Commercial Issues

Commercial issues are not applicable.

✓

GDPR/Data Privacy

- GDPR compliance issues are covered in the body of the report and the Data Protection Officer has been consulted on the GDPR issues within this report.
- A DPIA is not required.

✓

Director/Head of Service

The Director of Contracts and Commissioning has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.

✓

Chief Executive Officer

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

Signature

R. Lawrence

Date

26/6/19