

**Report of Youth Offending Service Manager**

**Report to the Director of Children & Families**

**Date: 25<sup>th</sup> May 2017**

**Subject: Appropriate Adults Service - Permission to Procure**



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. Local Authorities have a duty, under the Crime and Disorder Act 1998 (s.38), to make provision for Appropriate Adults for all children and young people. An Appropriate Adult (AA) is responsible for protecting (or 'safeguarding') the rights and welfare of a child/young person who is either detained by police or is interviewed under caution voluntarily. Appropriate Adults are also provided for vulnerable adults as identified by the police custody sergeant.
2. Joint inspections in 2016 by HM Inspectorate of Prisons / HM Inspectorate of Constabulary (in partnership with the Care Quality Commission) praised the force for the high priority it gives safeguarding however a number of recommendations around use of Appropriate Adults were made.
3. A multi-agency steering group was established to consider the recommendations from the inspections. The steering group has representatives from the OPCC (Office of Police & Crime Commissioner), West Yorkshire Police and all five of the West Yorkshire Local Authorities (Leeds, Wakefield, Bradford, Calderdale and Kirklees).
4. Following a detailed options appraisal the recommendation was to commission a volunteer service on behalf of all five Local Authorities. Leeds City Council Children's Services agreed to be lead commissioner for the new contract.
5. This report is seeking permission to procure, via a competitive tender, a West Yorkshire wide Appropriate Adults service. The tender will be seeking to commission

an organisation who will coordinate and provide a volunteer based service across the region.

6. The tender process will ask bidders to confirm how they will make provision to retain existing volunteers already working with the Local Authorities.
7. The contract will be for three years; commencing on 1<sup>st</sup> April 2018 and expiring on 31<sup>st</sup> March 2021. There will be two options to extend by 12 months.
8. The contract will be a fixed price; with bidders invited to bid their best price against a price cap. The maximum contract value will be £361k for the initial three years; or £607.7k if both extensions are taken up.

### **Recommendations**

9. The Director of Children & Families & is recommended to provide permission to procure a new Appropriate Adult service via competitive tender. The contract will be for three years; commencing on 1<sup>st</sup> April 2018, expiring on 31<sup>st</sup> March 2021. There will be two options to extend of 12 months. The maximum contract value will be £361k for the initial three years; or £607.7k if both extensions are taken up. The maximum spend for Leeds in relation to this contract will be £119k for the initial three years; or £200.5k if both extensions are taken up.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to request the approval from the Director of Children & Families to conduct a competitive procurement exercise to procure a new Appropriate Adult service.

## **2 Background information**

- 2.1 An Appropriate Adult (AA) is an individual person responsible for protecting (or 'safeguarding') the rights and welfare of a child or 'mentally vulnerable' adult who is either detained by police or is interviewed under caution voluntarily. The role was created alongside the Police and Criminal Evidence Act (1984). The police custody sergeant is responsible for identifying people who require an AA. Local authorities have a legal duty under the Crime and Disorder Act 1998 (s.38) to ensure provision of an AA for children via their Youth Offending Team (YOT). There is no legal duty on any agency to provide an AA for mentally vulnerable adults. However, it is part of the PACE code of practice.
- 2.2 Joint inspections in 2016 by HM Inspectorate of Prisons / HM Inspectorate of Constabulary (in partnership with the Care Quality Commission) praised the force for the high priority it gives safeguarding however a number of recommendations around use of Appropriate Adults were made.
- 2.3 A multi-agency steering group was established to consider the recommendations from the inspections. The steering group had representatives from the OPCC (Office of Police & Crime Commissioner), West Yorkshire Police and all five of the West Yorkshire Local Authorities (Leeds, Wakefield, Bradford, Calderdale and Kirklees).
- 2.4 Following consideration of the existing Appropriate Adult Schemes in West Yorkshire an options appraisal was undertaken and in September 2016 the West Yorkshire YOT Managers agreed a set of key principles;
- To externally commission an organisation to provide a West Yorkshire wide service.
  - The new service will be coordinated and delivered to both young people and vulnerable adults who require an Appropriate Adult.
  - The service to be primarily resourced and funded proportionally by the five Local Authorities according to levels of demand in each district.
  - For Police investigative practice to reduce the requirement for cell-based interviews e.g. to make greater use of voluntary attendance arrangements and to avoid late night/early hours arrests where possible
  - Following feedback from Young People there was an express desire that the service be primarily delivered by volunteers. Young People appreciated that the Appropriate Adults were there to support them in a voluntary capacity and not because they were being paid to do so; which is the case for many other adults supporting the young people.
- 2.5 Currently each of the five Local Authorities have separate Appropriate Adult schemes; all of the services are largely delivered by volunteers. Bidders for the

contract will be asked, as part of their tender submission, how they will retain the current volunteers and also how they will ensure that current best practice continues with the new service.

2.6 Information from the National Appropriate Adult Network indicates that there is a substantial market of providers to deliver this type of contract.

### **3 Main issues**

3.1 This report is seeking permission to procure a new contract to deliver an Appropriate Adult Scheme across West Yorkshire on behalf of the five West Yorkshire Local Authorities.

3.2 There is no capacity in house to deliver this service.

3.3 A bidders event is to be held in September. Bidders will be provided with information on the aims of the service and an opportunity will be provided for bidders to ask any questions about the tender/service.

3.4 The contract will be for three years; commencing on 1st April 2018, expiring on 31st March 2021. There will be two options to extend of 12 months.

3.5 The maximum spend for Leeds in relation to this contract will be £119k for the initial three years; or £200.5k if both extensions are taken up. The maximum contract value across all authorities will be £361k for the initial three years; or £607.7k if both extensions are taken up.

3.6 The tender will be evaluated on price and quality: 60% quality and 40% price.

3.7 The tender evaluation will comprise of:

- PQQ questions.
- Written tender questions.
- Interview & presentation.
- Young people's panel.

3.8 The evaluation panel will comprise of:

- Youth Offending Team Manager.
- Project Manager – Youth Offending Team.
- Commissioning Manager – Children's Services.
- West Yorkshire Police representative.
- Youth Offending Team Member.
- A panel of up to four young people will evaluate a presentation that will be specifically delivered to the young people's panel.
  
- The panel will incorporate representatives from at least three of the five West Yorkshire Local Authorities.

3.10 The five Local Authorities have been asked to advise whether they feel TUPE will apply to any staff currently working on Appropriate Adults services. The indication

is that TUPE will apply to one member of staff. Trade unions have been consulted and TUPE procurement protocols will be adhered to.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.3 A steering group has been established which includes representatives from:

- Youth Offending.
- West Yorkshire Police (WYP).
- Office of Police & Crime Commissioner (OPCC).
- Leeds City Council – Children & Families Commissioning & Market Management.
- Adult Social Care.
- National Appropriate Adult Network.

The group has representation from all Local Authorities; some are represented virtually via the Chair of the Steering Group.

4.1.4 A stakeholder consultation event was held in March 2017 to help in shaping the new service. The event was well attended and included representatives from all five Local Authorities, the OPCC, West Yorkshire Police and existing Appropriate Adult volunteers. A young person also attended to share their experience of receiving support from an Appropriate Adult.

4.1.5 Young people have been consulted on what is important to them about Appropriate Adults. The key feedback was their desire for a volunteer based service.

4.1.6 The Chief Executive from the National Appropriate Adult Network is a member of the steering group and brings a wealth of information on existing, and emerging, schemes around the country.

4.1.7 Consultation has taken place with Leeds City Council's Voice and Influence team and Youth Offending Participation Officer to scope how young people can be meaningfully involved in the tender evaluation.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 An equality impact screening form has been completed and is attached as appendix 1.

### **4.3 Council policies and Best Council Plan**

4.3.1 This contract will support the best council plan priorities of keeping people safe from harm.

4.3.2 This contract will support Children's Services commitment to:

- Ensure that the most vulnerable are protected.
- Reduce crime and anti-social behaviour.

#### **4.4 Resources and value for money**

4.5 The tender will be evaluated on price and quality: 60% quality and 40% price.

4.6 The maximum spend for Leeds in relation to this contract will be £119k for the initial three years; or £200.5k if both extensions are taken up. The total maximum contract value will be £361k for the initial three years; or £607.7k if both extensions are taken up.

4.7 The price element of the evaluation will be scored based on the overall contract value. The bidder with the lowest total cost will score the highest in the price evaluation. This approach will help to drive down the cost.

4.8 Having one contract across the West Yorkshire region aims to reduce duplication, ensure a consistent service and easier referral for WYP. The contract will also benefit from economies of scale in management costs.

#### **4.9 Legal Implications, Access to Information and Call In**

4.9.1 This contract is not subject to Call In under the provisions made in the Council Constitution.

#### **4.10 Risk Management**

4.10.1 A risk register is in place and managed by the steering group.

### **5 Conclusions**

5.1 Having considered the need for a West Yorkshire wide Appropriate Adults scheme and an appraisal of the options available to fulfil this need the Appropriate Adults steering group concludes that the best value option is to undertake a competitive tender to commission an external organisation to provide a volunteer based Appropriate Adult scheme.

### **6 Recommendations**

6.1 The Director of Children & Families is recommended to provide permission to procure a new Appropriate Adult service via competitive tender. The contract will be for three years; commencing on 1st April 2018, expiring on 31st March 2021. There will be two options to extend of 12 months. The maximum contract value will be £361k for the initial three years; or £607.7k if both extensions are taken up. The maximum spend for Leeds in relation to this contract will be £119k for the initial three years; or £200.5k if both extensions are taken up.

### **7 Background documents<sup>1</sup>**

7.1 N/A

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<sup>1</sup> The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.