

Report of Youth Offending Service Manager

Report to Deputy Director, Children & Families

Date: 10/11/17

Subject: Appropriate Adult Service for West Yorkshire – Award Report



Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	X No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	X No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	X No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: 10.4 (3) Appendix number: 2	X Yes	No

Summary of main issues

1. This report seeks approval to award a contract to The Appropriate Adult Service Limited (TAAS Ltd) for the provision of an Appropriate Adult Service for West Yorkshire.
2. This award follows a competitive tendering exercise. Permission to procure was approved on 28th June 2017.
3. Leeds City Council has led the tender process on behalf of Wakefield, Kirklees, Bradford and Calderdale Local Authorities. The Office of the Police and Crime Commissioner (OPCC) and West Yorkshire Police (WYP) have been members of the steering group.
4. The value of the contract is £106,261 p.a. The value of spend for Leeds is a maximum of £39,708 p.a. The contract will be for three years so the maximum contract value over the life of the contract will be £318,783. There are two 12 month options to extend the contract.
5. The award criteria for this contract were based on price and quality: price 40% and quality 60%. This model was agreed by the Head of Commissioning and Market Management prior to the issue of the tender documents.
6. TAAS Ltd were the only bidder for the contract but met all minimum quality thresholds within the tender.

7. Awarding this contract will:

7.1. Support the best council plan priorities of keeping people safe from harm.

7.2. This contract will support Children's Services commitment to:

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

7.3. Ensure that the Local Authorities continue to meet their statutory duty of provision of an Appropriate Adult service.

8. Recommendations

9. The Deputy Director, Children & Families is recommended to approve the award of a contract to TAAS Ltd consortium for the provision of an Appropriate Adult Scheme for West Yorkshire. The contract will be for 3 years; commencing on 1st April 2018, expiring on 31st March 2021. The value of the contract is £106,261 p.a. The value of spend for Leeds is a maximum of £39,708 p.a. The contract will be for three years so the maximum contract value over the life of the contract will be £318,783. There are two 12 months options to extend the contract.

1 Purpose of this report

- 1.1 The purpose of the report is to request the award of a contract to TAAS Ltd for the provision of an Appropriate Adult Scheme for West Yorkshire. The contract will be for 3 years; commencing on 1st April 2018, expiring on 31st March 2021. The value of the contract is £106,261 p.a. The value of spend for Leeds is a maximum of £39,708 p.a. The contract will be for three years so the maximum contract value over the life of the contract will be £318,783. There are two 12 months options to extend the contract.

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. The service will be funded by Children's and Adults Services; the proportion of spend will be agreed locally within each Local Authority. Each LA has confirmed their total contribution to Leeds City Council.
 - 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 were 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 The request to award a contract to TAAS Ltd is made following a competitive procurement process and is based on a fair and transparent evaluation of price and quality.
- 2.7 A competitive procurement exercise commenced in August 2017.
- 2.8 The tender evaluation comprised of:
- Selection questions.
 - Written tender questions.
 - Interview & Presentation.
 - Young people's panel.
- 2.9 The evaluation panel comprised of:
- Youth Offending Team Manager.
 - Project Manager – Youth Offending.
 - Commissioning Manager – Children's Services.
 - West Yorkshire Police representative.
 - Operations Manager - Youth Offending.
 - A young person's panel representative from Leeds City Council Care Leavers Council.
 - The panel incorporated representatives from at least three of the five West Yorkshire Local Authorities.
- 2.10 Bidders were required to answer two selection questions and seven tender questions. The selection questions and four of the tender questions carried a minimum quality threshold of 60%.
- 2.11 Bidders were then invited to attend a presentation which formed:
- A presentation to the full tender panel – the presentation carried a minimum quality threshold of 60%.
 - Two interview questions.
 - A presentation to young people.
- 2.12 Tender documents were prepared using standard procurement documentation. The award criteria were based on a split of 60% for the quality of the submission

and 40% for the price submitted. This quality/price evaluation split was agreed by the Project Team and was approved by the Head of Commissioning and Market Management.

- 2.13 TAAS Ltd were the only bidder for the tender. However, they scored above average (of the points available) and met all of the minimum quality thresholds.

3 Main issues

- 3.1 There are no specific implications or impact on a specific ward or wards as the provision is for the full West Yorkshire region.
- 3.2 The Lead Member for Children's Services has been briefed on the re-commissioning of this service and will be updated on the outcome.
- 3.3 The recommendation contained in this report will have positive implications for young people and vulnerable adults across West Yorkshire. It will also support the recommendations noted in the joint inspections in 2016 by HM Inspectorate of Prisons / HM Inspectorate of Constabulary (in partnership with the Care Quality Commission).
- 3.4 The provider will be informed of the decision as soon as possible. The Appropriate Adult Steering Group, which includes a representative from Leeds City Council's Commissioning and Market Management Team, will work with the provider to manage the transition to the new contract.
- 3.5 This tender has resulted in a change of provider. There is one member of staff that will be subject to Transfer of Undertakings (Protection of Employment) (TUPE) implications. The member of staff and their Trade Union represented have been fully consulted. Bidders were asked to submit a TUPE process plan as part of their bid. The steering group will work with the provider, the member of staff and their line manager to ensure a smooth transition in line with the TUPE process plan.
- 3.6 Following a detailed options appraisal delivering the service internally was not a feasible option for any of the Local Authorities.

4 Corporate Considerations

4.7 Consultation and Engagement

- 4.7.3 A steering group was 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.

- 4.7.4 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.
- 4.7.5 Young people were consulted on what is important to them about Appropriate Adults. The key feedback was their desire for a volunteer based service.
- 4.7.6 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.
- 4.7.7 Consultation took place with Leeds Care Leavers Council (CLC) to inform the evaluation criteria for a Young People's Panel (YPP). The YPP was formed by members of Leeds CLC.
- 4.7.8 All interested bidders were invited to attend a bidders event on 11th September 2017. The event was attended by a small number of providers and attendees were invited to ask questions about the contract. Detailed notes from the event were posted on Yortender for the benefit of those bidders not in attendance.
- 4.7.9 One member of staff is subject to TUPE as part of this tender. The member of staff concerned and their Trade Union representatives have been consulted throughout.

4.8 Equality and Diversity / Cohesion and Integration

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

4.9 Council policies and Best Council Plan

- 4.9.11 This contract will support the best council plan priorities of keeping people safe from harm.
- 4.9.12 This contract will support Children's Services commitment to:
- Ensure that the most vulnerable are protected.
 - Reduce crime and anti-social behaviour.
- 4.9.13 Provision of this contract will also support the recommendations noted in the joint inspections in 2016 by HM Inspectorate of Prisons / HM Inspectorate of Constabulary (in partnership with the Care Quality Commission).

4.10 Resources and value for money

- 4.10.1 The tender was evaluated on price and quality: 60% quality and 40% price.
- 4.10.2 The value of the contract is £106,261 p.a. The value of spend for Leeds is a maximum of £39,708 p.a. The contract will be for three years so the maximum

contract value over the life of the contract will be £318,783. There are two 12 months options to extend the contract.

- 4.10.3 The price element of the evaluation was scored against a maximum contract value. This approach has contributed to driving down the cost of provision.
- 4.10.4 Having a contract for a number of Local Authorities has enabled us to achieve economies of scale in management overheads and achieve best value.
- 4.10.5 Robust contract monitoring has been written into the service specification and will be monitored by Children's Services Commissioning, Contracting & Market Management team to ensure the contract delivers value for money. Joint contract management meetings will be conducted throughout the life of the contract with representatives from the five West Yorkshire Local Authorities, the OPCC and WYP.

4.11 Legal Implications, Access to Information and Call In

- 4.11.1 Appendix 2 to this report has been marked as confidential under Access to Information Procedure Rules 10.4 (3) on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) which, if disclosed to the public, would, or would be likely to prejudice the commercial interests of that person or of the Council.
- 4.11.2 The value of this contract is £106,261 p.a. and is therefore a significant operational decision. The decision is not subject to call in.

4.12 Risk Management

- 4.12.1 If this recommendation is not approved, an alternative solution would be required to ensure Local Authorities continue to delivery their statutory duty to make provision for an Appropriate Adult service.
- 4.12.2 A risk register is in place and has been maintained throughout the project.
- 4.12.3 All contracts issued include break clauses of 3 months should financial and planning considerations require change in the conditions for this contract.

5 Conclusions

- 5.1 The recommendations contained within this report will help ensure that there is consistent delivery and access to an Appropriate Adult Service across West Yorkshire for young people and vulnerable adults. The contract award follows a fair and transparent competitive tendering exercise which involved meaningful consultation with stakeholders.

6 Recommendations

- 6.1 The Deputy Director, Children & Families is recommended to approve the award of a contract to TAAS Ltd consortium for the provision of an Appropriate Adult Scheme for West Yorkshire. The contract will be for 3 years; commencing on 1st April 2018, expiring on 31st March 2021. The value of the contract is £106,261

p.a. The value of spend for Leeds is a maximum of £39,708 p.a. The contract will be for three years so the maximum contract value over the life of the contract will be £318,783. There are two 12 months options to extend the contract.

7 Background documents¹

7.1 None

¹ 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.