

Contract Extension – The Appropriate Adult Service (DN529349)

Date: 12th September 2022

Report of: Commissioning Officer, Children & Families

Report to: Director of Children & Families

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

- Children & Families currently hold a contract (DN529349) with The Appropriate Adult Service Limited. The contract is due to expire on 31st March 2023.
- This report seeks to invoke the final extension period remaining of 12 months, in its Entirety. The provision to extend for a further extension is built into the agreement, which will allow the Council to extend the contracts in a compliant manner and on the same terms and conditions.

Recommendations

- a) The Director, Children & Families is recommended to approve the extension of the contract reference DN529349, The Appropriate Adult Service with The Appropriate Adult Service Limited and agreed to take up the full new extension period. The new extension period is for 12 months from 1st April 2023 to 31st March 2024 at a value of £207,769. The contract is on behalf of the West Yorkshire Local Authorities and the Leeds financial contribution is £55,659 p.a.

What is this report about?

- 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 A steering group was established in 2016 to plan for the commission of a regional Appropriate Adult service. The steering group is still in place and maintains oversight of the contract in collaboration with the Commissioning Manager, LCC who has contract management responsibility for the contract. The steering group has representatives from a range of partners including Youth Offending, Adult Social Care, West Yorkshire Police, The Office of Police and Crime Commissioner and Commissioning. All of the Local Authorities are represented either in person as part of membership of the group or virtually via the Chair.
- 3 Demand for services has continued to increase year upon year. It is unlikely to be able to recover any savings from this provision currently. Any new tender will require, as a minimum, maintenance at the current level of funding, if not higher. This is a result of the ongoing issues associated with high fuel costs etc.
- 4 The contract is currently due to expire on 31st March 2023. This report seeks to invoke the final extension period remaining of 12 months, in its entirety.
- 5 Allowing for this extended contract will enable us to undertake a full & detailed commissioning review when the landscape in which we are commissioning is much clearer and we are more able to see & understand the gaps in provision. It is considered that this will deliver best value to the council by taking this approach, as commissioning decisions relating to this area of work will be much better informed.
- 6 Performance and quality of the service is closely monitored, with quarterly reporting and contract management meetings and a contract steering group. All partners are satisfied with the quality of provision and the service consistently meets/exceeds output targets and evidences positive impact.

What impact will this proposal have?

- 7 Local Authorities have a statutory duty to make provision for an Appropriate Adults Service for young people. The PACE code of practice also makes recommendations that Appropriate Adults provision should be provided for vulnerable adults. Therefore, there is an ongoing requirement to ensure arrangements are in place for an Appropriate Adult provision.
- 8 There is no impact on Equality, Diversity, Cohesion and Integration resulting from this decision as it proposes a continuation of existing provision. The impact assessment completed in relation to the decision to award the contract still applies.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing

Inclusive Growth

Zero Carbon

- 9 This proposal does not directly contribute to the Health and Wellbeing pillar of the Best City Ambition. However, the service to be extended has a positive impact on health & wellbeing by ensuring that the most vulnerable are protected and supporting young people to make good

choices and minimising risk-taking behaviours. This directly contributes to Child Friendly Leeds priorities.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

10 PACS have been consulted to confirm this approach is permissible in line with contract procedure rules.

11 All local authority partners agree to extend the current provision. Wider consultation on the impact of this service takes place on an ongoing basis with stakeholders as part of contract management.

What are the resource implications?

12 The new extension period is for 12 months from 1st April 2023 to 31st March 2024 at a value of £207,769. The contract is on behalf of the West Yorkshire Local Authorities and the Leeds financial contribution is £55,659 p.a. Finance have confirmed funds are available for this decision/contract. The proposal to extend the contracts is judged to be value for money and an effective use of Council resources, thereby demonstrating Best Value.

13 As this will be the final extension available of this contract, the extended period will allow commissioning to undertake a review of the service which will inform any new tender activity undertaken associated with the Appropriate Adult provision.

14 The steering group believe a contract extension is the best course of action for the benefit of young people and vulnerable adults requiring an Appropriate Adult and for the benefit of all stakeholders associated with the provision of Appropriate Adults. It represents the most efficient use of officer time and resource.

15 The decision to extend the Appropriate Adults contract represents essential spend due to the statutory nature of the service. It is also the preferred option of the stakeholders associated with the contract, given there remains the option to extend, and it is unlikely that tendering the contract at this time would bring better value. The service could not be delivered 'in-house' for the same level of funding.

What are the key risks and how are they being managed?

16 The primary risk for this provision, is if the contract is allowed to expire without an extension in place. This would see the council fail in its statutory obligations and would also leave children and young people in vulnerable situations without an Appropriate Adult to support them in custody.

What are the legal implications?

17 This contract extension will ensure the council remains compliant with existing legislation to provide a statutory function associated with the provision of an Appropriate Adult service.

18 The decision to extend this contract is a Significant Operational decision, as it is a direct consequence of the original Key Decision D52256 when the authority was given to set up this

contract, and therefore is not subject to call-in. There are no grounds for keeping the contents of this report confidential under the Access to Information Rules.

19 The recommendations within this report are in accordance with Contracts Procedure Rules 21.1 which allow for a contract to be extended before its expiry date where it is in accordance with its terms and proves to deliver Best Value. Although there is no overriding legal obstacle preventing the extension of these contracts (assuming the contracts are extended on the same terms and conditions), the contents of this report should be noted. In making their final decision, the decision maker should be satisfied that the course of action chosen represents Best Value for the Council (CPR21.2).

Options, timescales and measuring success

What other options were considered?

20 Going out to tender was briefly considered by the steering group. However, as there was an available contract extension and all stakeholders are currently satisfied with the provider's performance, there was complete agreement to proceed with an extension. This option also represents the best value for money currently.

How will success be measured?

21 The continued compliance with statutory legislation.

22 This contract will continue to be monitored and evidenced through robust contract management by the Children & Families commissioning team.

What is the timetable and who will be responsible for implementation?

23 It is envisaged that once approval is received, the contract extension will be implemented as quickly as possible, to ensure a continued Appropriate Adult service.

Appendices

- None

Background papers

- None