



Report to Policy Committee

Author/Lead Officer of Report:

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Report of: Joe Horobin, Director of Integrated Commissioning / Mark Storf, Assistant Director

Report to: Education, Children and Families Policy Committee

Date of Decision: 27 September 2023

Subject: Youth Justice Service – Appropriate Adult Service

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? 2196				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-				
<p><i>“The (report/appendix) is not for publication because it contains exempt information under Paragraph (insert relevant paragraph number) of Schedule 12A of the Local Government Act 1972 (as amended).”</i></p>				

Purpose of Report:

To set out the statutory duties, provide an overview and seek approval for the recommission of the sub-regional Appropriate Adult Service for Sheffield, Rotherham, Barnsley, and Doncaster Youth Justice Services. This service will be managed and monitored by Sheffield Children’s Commissioning Services on behalf of the sub-region.

The service is currently being delivered by a Service Provider since April 2021 which ends 31st March 2024. The current service provider provides the service for Sheffield, Rotherham, Barnsley, and Doncaster Youth Justice Services.

Recommendations:

That the Education, Children and Families Policy Committee approves the commission of a external provider to deliver an Appropriate Adult Service as part of a joint commission with Rotherham, Barnsley, and Doncaster Youth Justice Services with an estimated cost of £351,540 to Sheffield City Council over a period of 4 years, as set out in this report.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: Kayleigh Inman Commercial Services: Glen Swaby
		Legal: <i>Richard Marik, Janusz Siodmiak</i>
		Equalities & Consultation: Bashir Khan
		Climate: Jessica Rick
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	SLB member who approved submission:	<i>Meredith Dixon-Teasdale</i>
3	Committee Chair consulted:	<i>Dawn Dale</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>Mark Storf</i>	Job Title: <i>Assistant Director, Children & Families</i>
	Date: 7 September 2023	

1 PROPOSAL

The proposal is to commission an external provider to deliver an Appropriate Adult Service as part of a joint commission with Rotherham, Barnsley, and Doncaster Youth Justice Services. The estimated cost of the commission is £351,540 to Sheffield City Council over a period of 4 years. The total value of the commission (including contributions from other local authorities) is £610,680.

It is proposed that the Council will act as lead partner of the arrangement and shall manage and monitor the service on behalf of the local authorities.

Introduction and background

- 1.1 Sheffield Youth Justice Service currently jointly commissions the Appropriate Adult Service with Rotherham Metropolitan Borough Council, Barnsley Metropolitan Council and the City of Doncaster Council across South Yorkshire to children and vulnerable adults.
- 1.2 This arrangement allows Sheffield City Council's Youth Justice Service to work alongside partners, to work together to support children and vulnerable adults engaged by Sheffield, Rotherham, Barnsley, and Doncaster's Youth Justice Services.
- 1.3 Sheffield's Youth Justice Plan 2022-2025 outlines a range of strategies to redress the multiple disadvantages children who encounter the criminal justice system face to reduce the likelihood of re-offending and improve life chances. The plan also defines the necessary actions to meet statutory duties as below.
- 1.4 The Police and Criminal Evidence Act 1984 requires that children aged 10 – 17 years (inclusive) and vulnerable adults aged 18 years and over, must have an 'Appropriate Adult' with them (unless exceptional circumstances apply) when they are interviewed by Police Officers about their suspected involvement in a criminal offence.
- 1.5 The Council runs Youth Justice Services in line with its statutory duty, which comes with a range of requirements, including to provide support to a child aged 10-17 years (inclusive) or 'mentally vulnerable' adult (aged 18 years and over) who is being detained by police or is being interviewed voluntarily. 'Mental vulnerability' includes conditions such as mental illness, autistic spectrum disorders and learning disabilities. Decisions are made on a case-by-case basis and all custody officers in South Yorkshire have received training to use screening tools to identify the need for an Appropriate Adult.
- 1.6 The role of an Appropriate Adult is to ensure that the child or vulnerable adult understands their rights and what is happening to them, and to help

with communication between them, the police and others involved in custody proceedings.

- 1.7 Most of the time, a family member, friend, or other supporter will act as an Appropriate Adult. However, sometimes there is nobody suitable who can do this, and in this situation an Independent Appropriate Adult will be called in.
- 1.8 In South Yorkshire our independent Appropriate Adults are all volunteers who have been recruited, trained, and supported by the current Service Provider in delivering this service to youth justice services.
- 1.9 This Service has been provided by the current Service Provider since April 2021. The current Service Provider is one of the lead organisations in the country in delivery of this service to youth justice services and their own quality assurance procedures, the quarterly contract review meetings and the monthly meetings between the manager and the senior managers within the Youth Justice Service to ensure that high standards of performance and quality assurance are maintained.
- 1.10 As of 1st April 2023, there are currently 39 Volunteers. Volunteer recruitment packs with application forms are regularly dispatched throughout the year. Interviews are held and if successful, the volunteers attend preparatory training courses. The training sessions are held regularly at different locations throughout the country.
- 1.11 Overall, the current provision represents value for money and the Council is satisfied with what is being provided.
- 1.12 During financial year (2022-2023) the following data was collected for the sub-regional Authorities, data for the previous year during the Covid pandemic has not been included as it will not give us a true reflection:

<u>SHEFFIELD</u>	Young People	Vulnerable Adults	Total
Number of Requests	440	828	1268
Cancelled before volunteer arrived	21	41	62
Cancelled after volunteer arrived	9	31	40
Total accepted (No. requested minus NVAs)	440	826	1266
Accepted within 45 minutes	436	820	1256

<u>ROTHERHAM</u>	Young People	Vulnerable Adults	Total
Number of Requests	118	240	358
Cancelled before volunteer arrived	4	7	11
Cancelled after volunteer arrived	2	6	8
Total accepted (No. requested minus NVAs)	118	240	358
Accepted within 45 minutes	118	239	357

<u>BARN斯LEY</u>	Young People	Vulnerable Adults	Total
Number of Requests	111	277	388
Cancelled before volunteer arrived	4	3	7
Cancelled after volunteer arrived	1	7	8
Total accepted (No. requested minus NVAs)	110	276	386
Accepted within 45 minutes	110	276	386

<u>DONCASTER</u>	Young People	Vulnerable Adults	Total
Number of Requests	249	432	681
Cancelled before volunteer arrived	5	13	18
Cancelled after volunteer arrived	7	15	22
Total accepted (No. requested minus NVAs)	248	431	679
Accepted within 45 minutes	246	426	672

- 1.13 The contract with the current Service Provider ends on 31st March 2024. It is therefore proposed that the Council commission an external provider to deliver an Appropriate Adult Service as part of a joint commission with Rotherham, Barnsley and Doncaster Youth Justice Services with an estimated value of £610,680 over 4 years. The Council's contribution for this commission will be £351,540. This contract will be managed and monitored by Sheffield Children's Commissioning Services on behalf of the sub-region.
- 1.14 We currently do not have the capacity or resources to deliver this service in-house, Sheffield's share of this is £351,540 which would not give us sufficient management/staffing capacity but has a combined resource across the region we get economies of scale.
- 1.15 By adopting a sub-regional approach to tackling youth offending issues, learning and best practice can be applied across all four authorities and solutions can be adopted that ensure positive outcomes for children and victims impacted by the offence.
- 1.16 By this commission, the Council also hopes to achieve the following:
- To reduce offending and re-offending of children and vulnerable adults in Sheffield, Rotherham, Barnsley, and Doncaster through several complementary services, strategies both locally and nationally, and in accordance with National Standards.
 - To deliver an Appropriate Adult Service to children and vulnerable adults, within the requirements of the National Standards for Youth Justice Services 2019.
 - To ensure that each Police Station in Sheffield, Rotherham, Barnsley, and Doncaster has access to a pool of trained Appropriate Adults with the ability to meet the diverse needs of all

- To ensure that the Appropriate Adults are identified and able to attend within a maximum of one hour of being requested by the Police to attend.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 This service will link into several elements of the corporate plan.

Communities and Neighbourhoods

The expected reduction in offending will go towards ensuring that people feel safer in their own homes and within the neighbourhood. Less vandalism will make local amenities feel safer to visit and encourage services to invest in the area.

Education, health and care

We want all people in Sheffield to feel safe, happy, healthy and independent: to love living here. We want them to have access to a wide range of educational opportunities to achieve their full potential.

Children and vulnerable adults moving through this service will be encouraged to improve and reach their full potential. A number will progress into education or employment.

2.2 Outcome and Sustainability

Anticipated outcomes from the Service that will be funded will be:

- Ensure children and vulnerable adults are treated fairly with respect for their rights and entitlements.
- Support, advise and assist children and vulnerable adults when they are asked to provide information or participate in any procedure relating to their detention.
- Ensure that children and vulnerable adults can participate effectively in procedures and processes related to their detention and investigation.
- Ensure the well-being of children and vulnerable adults is promoted including mental health, emotional wellbeing, personal dignity and freedom from abusive practices.
- Ensure evidence gathering is more consistent and efficient with a better quality of evidence leading to less failed investigations and miscarriage of justice for children and vulnerable adults.

- Work in partnership with Youth Justice Services in Rotherham, Barnsley, and Doncaster to ensure the following minimum Youth Justice Service Targets are achieved:
- This project will assist in helping children to make amends for their actions, directly to the people and the communities their offence has affected.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 There is no direct provision in place to gather the childrens or vulnerable adults' views specifically when they have accessed the AA service. It has been unsuccessfully attempted in the past with the main reason that the children and vulnerable adults were resistant to spend any more time than they already had in the custody environment to engage in any activity of this nature.
- 3.2 However, each Youth Justice Service undertake activity to ascertain the child's views at the beginning, middle and end of each order of intervention and could adapt this to include feedback on their specific experience of the AA service they received.
- 3.3 The positive aspect of this would be that it would be at a more emotionally appropriate time, be in a more conducive environment, would allow the child time to reflect on their experience, be conducted with people that they knew and had formed a relationship with and be undertaken by the YJS so would offer a degree of independence from the provider collating their own feedback.
- 3.4 It is our intention when revising the new service to include a specific requirement for any Appropriate Adult service provider to always attempt to ascertain the views of children and vulnerable adults accessing their service.
- 3.5 The responses would then be collated including instances and where possible reasons where a child or vulnerable adult refused to contribute and will inform any changes to variations and service delivery of the contract outcomes.
- 3.6 There has been no direct consultation with the market and potential providers as this is a very small specialist market, the delivery is directed by statutory requirements.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 Ethnic minority children are over-represented in all stages of the YJS compared to the general population. The 2017 Lammy Review highlights

that some ethnic minority groups have less trust in the police and/or the criminal justice system and emphasises the significant role this has in driving their over-representation later in the system.

- 4.1.2 HM Inspectorate of Probation's October 2021 thematic report on the experiences of Black and mixed heritage boys in the YJS, released in October 2021, states that "[YOTs] must be careful to ensure that concerns about building trust with Black and mixed heritage boys do not become a barrier or an explanation for engagement difficulties."

- 4.1.3 An Equalities Impact Assessment has been undertaken (EIA ref. no. 2196 refers) and approved by our Equalities Officer and will be maintained throughout the life of any Contract.

4.2 Financial and Commercial Implications

4.2.1 Financial

Annual funding has been agreed by each Authority in which Sheffield will lead the project:

Sheffield	£87,885
Rotherham	£18,060
Barnsley	£19,635
Doncaster	£27,090

Total Annual Contract value is **£152,670** = **£ 610,680** (4 years)

- 4.2.2 Funding for Sheffield's annual contribution to the contract is included within the current budget. However, in the event of a loss of funding there is a break clause built into the contract at the end of each year.

4.3 Legal Implications

- 4.3.1 Under section 40 of the Crime and Disorder Act 1998 and Schedule 2 of the Children Act 1989 the Council has a statutory duty to take reasonable steps designed to encourage children not to commit offences. The provision of an Appropriate Adult Service will contribute towards meeting that duty.

- 4.3.2 The Council have the power to cooperate with other local authorities under s27 Children Act 1989.

- 4.3.3 The contracting arrangements proposed in this report are facilitated by the Local Government (Contract) Act 1997.

4.4 Climate Implications

- 4.4.1 Where a service will be delivered by external partners and providers, we will aim to work with providers who align with our ambition to be a Net Zero

city by 2030, through the procurement process. We will encourage providers to think about the climate impacts of delivering the service, such as use of office space, staff and client travel, energy and resource use, and opportunities to increase awareness of positive climate action, and take appropriate steps to reduce their impacts in the delivery of the service.

4.5 TUPE

4.5.1 TUPE implications shall be assessed, and the incumbent provider has been asked to advise on any potentially TUPE affected staff. This dynamic shall be taken into consideration through the procurement process. Any TUPE implications should only affect the incumbent existing and new provider, and because the service is not being brought back in-house there are no TUPE implications upon the Council other than ensuring that the Provider's comply with their obligations.

4.5.2 The current Service Provider has been advised to take their own legal advice on this dynamic and will be required to provide information on the Workers they believe are eligible for TUPE in the event they are unsuccessful in continuing to provide the service. This information will be made available to prospective Tenderers to allow them to accurately price their tender submission.

4.6 Other Implications

4.6.1 There are no other implications known.

5. ALTERNATIVE OPTIONS CONSIDERED

5.1 Do nothing - which we cannot as the provision of this Service is a statutory duty, therefore, we have to deliver it.

5.2 Deliver the service in-house – we currently do not have the expertise or capacity to deliver the service in-house, for the reasons stated above it is not economically viable for us to get the same resource level if we deliver the service in-house.

5.3 Do our own tender - which would be a collective collaboratively procured approach on the open market, through an open tender, as this would maximise the interest and competition and thereby return the most economically advantageous tender.

6. REASONS FOR RECOMMENDATIONS

6.1 To support the development of a consistent service delivery and key services across the sub-region that supports the statutory requirements of the youth justice teams. By the four regional youth justices services joining together in a single contract (as joint contracting parties each being solely

responsible for their respective service areas) for the appropriate adult service we are ensuring best value for money and cost effectiveness, and will be better able to achieve a higher standard of service throughout the region which is consistent with each YJS regions delivery plan as well as the South Yorkshire Police and Crime Plan. There is a statutory requirement set out within the national standards for the delivery of youth justice services which are subject to an inspection and audit regime for the provision of an Appropriate Adult Service, and these are as set out within the contract.