



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 – Reparation & Unpaid Work Services

Has an Equality Impact Assessment (EIA) been undertaken? Yes No

If YES, what EIA reference number has it been given? **2188**

Has appropriate consultation taken place? Yes No

Has a Climate Impact Assessment (CIA) been undertaken? Yes No

Does the report contain confidential or exempt information? Yes No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

*“The (**report/appendix**) is not for publication because it contains exempt information under Paragraph (**insert relevant paragraph number**) of Schedule 12A of the Local Government Act 1972 (as amended).”*

Purpose of Report:

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

Recommendations:

That the Education, Children and Families Policy Committee approves the commission of an external provider to deliver a Reparation and Unpaid Work Service as part of a joint commission with Rotherham and Barnsley Youth Justice Services, with an estimated value of £256,200 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	

PROPOSAL

The proposal is to commission an external provider to deliver a Reparation and Unpaid Work Service as part of a joint commission with Rotherham and Barnsley Youth Justice Services. The estimated cost of the commission is £256,200 over 4 years for the Council. The total value of the commission (including contributions from other local authorities) is £464,100.

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 This arrangement allows Sheffield City Council's Youth Justice Service (YJS) to work with a specialist Provider and regional partners to support children who are engaged with Sheffield, Rotherham, and Barnsley's Youth Justice Services. The partnership commissioning model ensures that resources are optimised, and learning is shared to achieve best practice and better outcomes for children across the region.
- 1.2 The Council runs the Youth Justice Service in line with its statutory duty, which comes with a range of requirements, including providing support to children who have committed an offence, rehabilitation and tackling the underlying causes of offending behaviour. The Youth Justice Service provides a range services and specialist interventions that give children the support they need to break the cycle of offending and build productive and fulfilling lives.
- 1.3 Sheffield's Youth Justice Plan 2022-2025 outlines a range of strategies to redress the multiple disadvantages children who encounter the criminal youth justice system face in order to reduce the likelihood of re-offending and improve life chances and understanding the consequences of offending is part of the Sheffield's approach.
- 1.4 'Making it Right' hours (formerly referred to as Reparation) is a practical way to pay back harm caused by the offence, either by directly repairing the harm or through constructive work to help the local community. This helps children understand the consequences of offending and take responsibility for their behaviour, in order to make amends for the harm caused by the offence. '
- 1.5 Reparation helps children to create anchors in their community and is seen as enrichment rather than punishment. Making it Right is a strength-based approach to a constructive use of time using trauma informed, child first approaches to engage children in activities from which the public can see and feel positive change.
- 1.6 'Making it Right' hours include a variety of enrichment activities to 'pay back' benefits to the community whilst also engaging the child in activities that are meaningful and productive. Children are provided with opportunities to access work experience and interests, sometimes supported by accreditation which could lead them away from offending behaviour. The commissioned Provider works with a range of external partners to deliver these placements including organisations that are not for profit, neighbourhood and community groups, registered charities, local authority departments, and companies limited by

guarantee. Individuals and communities have benefited enormously from these projects, a lot of time without publicity or praise.

- 1.7 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.
- 1.8 The current service provision is responsive to the changing needs of the children and the requirements of the Youth Justice Service. There is agreed flexibility in the service which allows for creativity and innovation from all parties to be implemented as part of a dynamic and responsive process which improves outcomes for young people and those affected by the crimes young people commit.
- 1.9 Overall, the current provision represents value for money and the Council is satisfied with what is being provided. 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:

'Making it Right' (Reparation) delivered 2022-23	Sheffield	Rotherham	Barnsley
Number of children requiring reparation	165	65	103
Hours of Reparation organised	1302.5	467	927
Hours attended	1026.5	413	786
Total number of hours used for 2022-23	1303.5 (81%)	410 (51%)	900.3 (112.5%)

- 1.10 The arrangement with the current Service Provider ends on 31st March 2024. It is therefore proposed that the Council commission an external provider to deliver a Reparation and Unpaid Work Service as part of a joint commission with Rotherham and Barnsley Youth Justice Services with an estimated value of £464,100 over 4 years. This service will be managed and monitored by Sheffield Children's Commissioning Service on behalf of the sub-region.
- 1.11 We currently do not have the capacity or resources to deliver this service in-house. Sheffield's share of this 4-year contract is £256,200 which would not give us sufficient management/staffing capacity but has a combined resource across the region we get economies of scale.
- 1.12 By adopting a sub-regional approach to tackling youth offending issues, learning and best practice can be applied across both Rotherham and Barnsley authorities and solutions can be adopted that ensure positive outcomes for children and victims impacted by the offence.
- 1.13 By this commission, the Council also hopes to achieve the following:

- To reduce offending and re-offending of children in Sheffield, Rotherham and Barnsley through several complementary services, strategies both locally and nationally, and in accordance with National Standards.
- To deliver a Reparation and Unpaid Work Service to children, within the requirements of the National Standards for Youth Justice Services 2019.
- Putting things right and healing relationships, thereby giving high satisfaction to victims, and reducing re-offending.
- Ensuring that those directly affected by crime are involved in the process and that their wishes are given careful consideration.
- Achieving positive outcomes for the victim, community, and the child.
- Reparation is an important part of the work Youth Justice Services undertake with a child and plays a leading role in their rehabilitation process.

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 moving through this service will be encouraged to improve and reach their full potential. A number will progress into education or employment. Many of the reparation placements that have previously been delivered, have resulted in some children being given apprenticeship opportunities.

2.2 Outcome and Sustainability

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

- Help to prevent/reduce the number of children who have committed an offence and are re-offending.
- Reduce the number of first-time entrants (FTEs) to the Youth Justice Services in Sheffield, Rotherham, and Barnsley.
- Confront children who have committed an offence with the consequences of their behaviour.
- Reduce the risks associated with youth crime.
- Encourage the participation of victims.
- Promote parental responsibility.
- Ensure prompt sentencing.
- Help ensure that children are dealt with proportionately.
- Increases the collective capacity to evaluate data across local authority boundaries.
- 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 Throughout the course of this contract the Service Provider have shared positive feedback from children, families, victims, and reparation placements much of which can be seen on their Twitter account, Feedback is also inspected during on-site contract compliance visits.
- 3.2 Feedback questions included “how was the placement today”, “what you enjoyed about it” “Were the tasks explained well” - majority of the children, felt that the Reparation sessions that they had completed was enjoyable and rewarding, fully explained and well worthwhile.
- 3.3 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 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	£64,050	= (1600 hours)
Rotherham	£19,950	= (500 hours)
Barnsley	£32,025	= (800 hours)

Total Annual Contract value = **£116,025** = **£ 464,100** (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 Reparation and Unpaid Work 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 three 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 reparation 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 restorative justice and unpaid work, and these are as set out within the contract.