

## Recommissioning of Appropriate Adult (PACE) Service and Reparation Services across Cambridgeshire and Peterborough

To: Children and Young People's Committee

Meeting Date: 14 September 2021

From: Children and Families Commissioning Manager, Helen Andrews

Electoral division(s): All

Key decision: Yes

Forward Plan ref: KD2021/035

Outcome: The recommissioning of Appropriate Adult services will safeguard the rights and welfare of children, young people and vulnerable adults detained in Police custody.

The recommissioning of reparation services will prevent further offending by enabling young people to realise the consequences of their behaviour and make amends for what they have done to either the victim(s) and/ or community.

Recommendation: The Children and Young People's Committee is asked to:

- a) Agree the recommissioning and procurement of Appropriate Adult (Police and Crime Evidence) services and Reparation Services across Cambridgeshire and Peterborough; and
- b) Delegate authority to the Executive Director: People and Communities to commit funding at the time of the award of the contract.

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# 1. Background

- 1.1 This paper deals with two services to be procured and awarded contracts through a single procurement process. The two services are: The Appropriate Adult (Police and Crime Evidence Act) Services and Reparation Services.
- 1.2 The Appropriate Adult service ensures that every young person and vulnerable adult in detention at a police station has their rights and welfare safeguarded when no parent, guardian or other adult carer is available to fulfil this role. Under section 38 of the Crime and Disorder Act 1998, the Youth Offending Service (YOS) has a statutory duty to provide appropriate adults for children (aged 10 to 14) and young people (aged 15 to 17).
- 1.3 This duty does not apply to vulnerable adults. However, the Police and Criminal Evidence Act 1984 (PACE) Codes of Practice states that vulnerable people, including those who have a mental illness, learning disability, brain injury or autism spectrum condition should have an appropriate adult present to prevent miscarriages of justice.
- 1.4 Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) Youth Offending Service and Adult Social Care, and Cambridgeshire Constabulary are co-commissioners and funders of the Appropriate Adult service. The Office of the Police Crime Commissioner (OPCC) supports the re-commissioning process too.
- 1.5 Reparation is an integral part of the restorative justice process. Reparation is included in the Youth Justice Reforms introduced under the Crime and Disorder Act 1998 and the Youth Justice and Criminal Evidence Act 1999. Reparation is a structured way of making amends for the offence and the harm done. This service will provide a wide range of reparation activities and opportunities for young people to learn new skills and offers qualifications that help a young person towards a career.
- 1.6 CCC and PCC Youth Offending Service (YOS) are the commissioners and funders of the Reparation Service. The annual budget for Reparation services is £90,000.
- 1.7 The Appropriate Adult Services contract and the Reparation Services contract are both currently delivered by YMCA Trinity Group across Cambridgeshire and Peterborough. These contracts will end on the 31st of July 2022. The re-commissioning of both services will ensure the seamless continuity of services.

## The Re-commissioning and Procurement Process

- 1.8 The re-commissioning of the Appropriate Adults Services and Reparation Services is to enter a contractual arrangement for an initial three years with an option to extend for a further two-year period. PCC and Cambridgeshire Constabulary have delegated their commissioning responsibility and delivery of this function for this contract to Cambridgeshire County Council. Funding will transfer to CCC accordingly. CCC is therefore acting as lead commissioner for both contracts and will enter into contractual arrangements on the Councils' and Constabulary's behalf.

- 1.9 The total value of the Appropriate Adult five-year contract will be in excess of the £500,000 procurement threshold and is a key decision. The Children and Young People's Committee is asked to delegate authority to the Executive Director: People and Communities to award funding at the point of award which will be in May 2022.
- 1.10 The recommissioning of both services has offered the opportunity for market engagement to seek the views of a wide range of stakeholders, such as Liaison and Diversion services who also work with detainees, as well as local and national providers. Commissioners have contacted other local authorities to benchmark and compare services, budgets and service delivery models. Young people known to the Youth Offending Service have been consulted on their experiences too. All of this is informing the drafting of service specifications for both contracts.
- 1.11 The final service specification will be ready by October 2021, for an open tender process with a tender going live in November 2021. The contract will be awarded in late February 2022 followed by three months for mobilisation. The new service will start 1 August 2022. The Council's Procurement Category Manager will provide specialist advice and ensure the Council obtains best value for money through a thorough procurement process. The Category Manager will also ensure compliance with UK and European legislation which governs the procurement of services. LGSS will provide Legal Services, for example drawing up Terms and Conditions for this contract.
- 1.12 Procuring both the Appropriate Adult Services and the Reparation services through a single tender process, offers providers an opportunity to bid for one or both services. This approach rationalises the procurement process as providers often have the expertise to deliver both services.

## 2. Main Issues

- 2.1 During the first Covid 19 lockdown, appropriate adults were required to continue to meet detainees face to face. From April and June 2020, 14 YMCA Trinity Group (YMCA) volunteers, YMCA staff and staff redeployed from Reparation services supported, in person, 184 young people and 267 vulnerable adults detained at five police stations across Cambridgeshire and Peterborough. Normally, 52 volunteers would do this level of work but many of these volunteers were either shielding or self-isolating. The ongoing Covid restrictions further highlighted the weakness of a volunteer model as YMCA experienced an 80% reduction in the volunteers available to deliver this service. Sessional staff had to be employed which increased service costs. Other appropriate adult providers told us they too have moved away from working with volunteers and now use employed staff only.
- 2.2 The provider market that can deliver Appropriate Adult services is very small. Nationally, two thirds of service provision are delivered by two organisations. The remainder, like Cambridgeshire and Peterborough have a local provider delivering the Appropriate Adult services. All the providers that took part in our market testing independently priced their models based on our data. All quoted prices of over £200,000 per annum and double the current available budget.

- 2.3 Following discussions and enquiries with other local authorities, market testing, and pricing analysis, four options for commissioning Appropriate Adult services were examined. This included bringing the Appropriate Adult service into the YOS. The risks outweighed the benefits (for both Appropriate Adult and Reparation services) and are outlined in the following points:
1. Delivering a 24/7 service 365 days per year providing face to face appropriate adult support across both Peterborough and Cambridgeshire would be very costly to set up within the YOS as there would not be the additional infrastructure for delivering such a service in parallel with similar internal ones. The Appropriate Adult service was previously delivered internally in the YOS some 10 years ago but was commissioned externally as it was possible to deliver the service more effectively, to a higher standard and with a very substantial saving. Almost all Youth Offending Teams (YOT) across the country externally commission Appropriate Adult services for the same reason and given the increasing expectations and demands on Appropriate Adult services they would be far more costly to deliver internally. Out of 150 YOTs, only a hand full are still delivering Appropriate Adult services internally. It is likely that these few will be externalised in due course.
  2. YOS focus in criminal justice system is with young people up to the age of 17. Vulnerable adults are not part of YOS work. Commissioners explored YOS only delivering the statutory element to children and young people. The risk with this option is that this could undermine the statutory requirement on partners to cooperate. Section 38 (1,2) of the Crime and Disorder Act 1998 requires the co-operation of the statutory partners and places upon them a duty to co-operate in order to secure youth justice services.
  3. The National Appropriate Adult Network (NAAN) set the standards for Appropriate Adult services. It stresses the importance of Appropriate Adults being independent from the Police. This includes actual or perceived lack of independence from policing. The risk is YOS is perceived as not being independent enough and of reducing the effectiveness of appropriate adult provision and/or reducing the legitimacy of the justice system by: creating conflicts of interest, limiting trust and engagement from service users and the community.
  4. The way in which our early help and youth offending services are delivered in the coming years will be reviewed in line with the development of the Maternity and Children's Collaborative. Including a large-scale area of direct delivery into the Youth Offending Service would risk complicating this process and may also disrupt delivery of the Appropriate Adult service.
- 2.4 The Options Appraisal analysis showed that whether the Appropriate Adult service is procured through the market or brought into the Youth Offending Service it will require additional investment. Cambridgeshire Constabulary and the Councils have agreed in principle to a budget for this service of up to £245,400 per annum.

### 3. Alignment with corporate priorities

#### 3.1 Communities at the heart of everything we do

There are no significant implications for this priority.

#### 3.2 A good quality of life for everyone

The following bullet points set out details of implications identified by officers:

- The Appropriate Adult service model ensures the welfare and rights of children, young people and vulnerable adults detained in police custody.
- The Reparation service works with young offenders enabling them to face the consequences of their actions and develop positive interests that motivate them to change their behaviours and not reoffend.

#### 3.3 Helping our children learn, develop and live life to the full

There are no significant implications for this priority in Appropriate Adult services.

The following bullet point sets out details of implications identified by officers:

- Reparation service works with young offenders enabling them to realise the consequences of their behaviour and improve their life chances through accredited courses and life skills development. The service provides the opportunity for young people to gain nationally approved qualifications from Award Scheme Development and Accreditation Network (ASDAN) an Educational Charity.

#### 3.4 Cambridgeshire: a well-connected, safe, clean, green environment

The following bullet point sets out details of implications identified by officers:

- Appropriate Adult services prevent miscarriages of justice by ensuring the rights and welfare of children, young people and vulnerable adult detained in custody. Appropriate adults safeguard the interests and entitlements of children and vulnerable adult being supported (National Standards 1.2 and 2.3).
- Reparation activities often benefit the community rather than a victim. Activities include locally based activities such as environmental projects and workings with local charities.

#### 3.5 Protecting and caring for those who need us

The report above sets out the implications for this priority in section 1.

## 4. Significant Implications

### 4.1 Resource Implications

The report above sets out details of significant implications in Section 1.9, 2.3 and 2.4

### 4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

The report above sets out details of significant implications in 1.5, 1.6,1.7,1.8,1.9 and 2.2

### 4.3 Statutory, Legal and Risk Implications

The report above sets out details of significant implications in 1.8

### 4.4 Equality and Diversity Implications

The following bullet points set out details of significant implications identified by officers:

- Appropriate adults and reparation staff are recruited from a range of diverse backgrounds.
- Reparations services are required to develop a portfolio of meaningful, locally based reparation projects sensitive to the diverse needs and abilities of young people undertaking these activities as well as to the victims and the local communities.

### 4.5 Engagement and Communications Implications

The report above sets out details of significant implications in 1.7

### 4.6 Localism and Local Member Involvement

There are no significant implications within this category.

### 4.7 Public Health Implications

There are no significant implications within this category.

### 4.8 Environment and Climate Change Implications on Priority Areas

#### 4.8.1 Implication 1: Energy efficient, low carbon buildings.

neutral Status:

Explanation:

- All bidders are asked in the tender documentation about their net zero carbon emissions, social value and their contribution to energy efficiency.
- Many of reparation activities are outdoors, e.g., Huntingdon Allotment Project, Westraven Community Gardens, Nene Park gardens, and an animal sanctuary. Other activities woodworking and arts activities take place in charity owned buildings.

#### 4.8.2 Implication 2: Low carbon transport.

neutral

Explanation:

- The National Appropriate Adult Network sets the standards of practices. The service is required to provide an appropriate adult as soon as possible after a police request is made. This is normal within one-hour and always within two hours. The expectation is that appropriate adults are recruited in locations from which they can realistically meet this attendance response time.
- All reparation placements are required to be undertaken within a reasonable distance from the young person's home address, i.e. less than 45 minutes away. While the service does not provide the transport, it does ensure young people are safely transported to and from reparation sessions and encourages the use of appropriate transport.
- All bidders are asked in Tender documentation about their net zero carbon emissions.

4.8.3 Implication 3: Green spaces, peatland, afforestation, habitats and land management.

Positive Status:

Explanation: Reparation services projects include conservation projects that are enhancing natural habitats such as wildlife in gardens, and offer biodiversity training, forest school and bush craft skill to young people.

4.8.4 Implication 4: Waste Management and Tackling Plastic Pollution.

Neutral:

Explanation: not applicable

4.8.5 Implication 5: Water use, availability and management:

neutral:

Explanation: not applicable

4.8.6 Implication 6: Air Pollution.

neutral Status:

Explanation: not applicable

4.8.7 Implication 7: Resilience of our services and infrastructure and supporting vulnerable people to cope with climate change.

neutral Status:

Explanation: not applicable.

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer: Martin Wade

Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the CCC Head of Procurement? Yes

Name of Officer: Henry Swan

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Fiona McMillan

Have the equality and diversity implications been cleared by your Service Contact?

Yes

Name of Officer: Wendy Ogle-Welbourn

Have any engagement and communication implications been cleared by Communications?

Not applicable

Name of Officer: Simon Cobby

Have any localism and Local Member involvement issues been cleared by your Service Contact? Yes

Name of Officer: Wendi Ogle-Welbourn

Have any Public Health implications been cleared by Public Health?

Yes

Name of Officer: Raj Lakshman

If a Key decision, have any Environment and Climate Change implications been cleared by the Climate Change Officer?

Yes

Name of Officer: Emily Bolton

## 5. Source documents

5.1 [National Standards for the development and provision of Adults Schemes in England and Wales 2018 \(National Appropriate Adult Network\)](#)

5.2 [There to help 3 - The identification of vulnerable adult suspects and application of the appropriate adult safeguard in police investigations 2018-19](#)