

**DELEGATED PARTNERSHIP AGREEMENT RELATING TO APPROPRIATE ADULT AND REPARATION SERVICES ACROSS CAMBRIDGESHIRE AND PETERBOROUGH**

**Councillor** Lynne Ayres, Cabinet Member for Children's Services and Education, Skills and University

**November 2021**

**Deadline date: N/A**

|  |   |
|--|---|
| Cabinet portfolio holder:<br>Responsible Director:                       | Councillor Lynne Ayres, Cabinet Member for Children's Services and Education, Skills and University<br>Wendi Ogle-Welbourn, Executive Director for People and Communities |
| Is this a Key Decision?  | YES<br>Forward Plan Reference Number:<br>KEY/11OCT21/01   |
| Is this decision eligible for call-in?                                   | YES   |
| Does this Public report have any annex that contains exempt information? | NO  |
| Is this a project and if so has it been registered on Verto?             | N/A   |

**RECOMMENDATIONS**

The Cabinet Member is recommended to authorise that:

1. The Council enter into a Delegation Agreement (DA) with Cambridgeshire County Council for the procurement and commissioning of Appropriate Adult and Reparation Services across Peterborough and Cambridgeshire from 1 November 2021 until 31 July 2025, with the option to extend for a further two years.
2. The Director of Governance amends the constitution to reflect the delegated functions to Cambridgeshire County Council as required.
3. Authorise the Director of Governance or delegated officers to enter into any legal documentation on behalf of the Council in relation to this matter

## 1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Children’s Services and Education, Skills and University to consider exercising delegated authority under paragraph 3.4.3 and 3.4.8 (b) of Part 3 of the constitution in accordance with paragraph (b) of their portfolio.
- 1.2 This report seeks approval from the Cabinet Member for Children’s Services and Education, Skills and University to approve delegating PCC’s functions relating to Appropriate Adult (PACE) and Reparation services in Peterborough to Cambridgeshire County Council who will procure the services.
- 1.3 The Council is delegating its functions through the delegation agreement and Cambridgeshire County Council will procure and award the contracts.
- 1.4 Awarding of these two contracts would cover the period from 1<sup>st</sup> August 2022 to 31<sup>st</sup> July 2027. Both contracts are for five years.

## 2. TIMESCALE

|   |           |   |            |
|---|-----------|---|------------|
| Is this a Major Policy Item/Statutory Plan? | <b>NO</b> | If Yes, date for relevant Cabinet Meeting | <b>N/A</b> |
|---|-----------|---|------------|

## 3. BACKGROUND AND KEY ISSUES

- 3.1 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). This service has to be face to face, not virtual or by telephone. It has to deliver 24/7 365 days a year.
- 3.1.1 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.
- 3.1.2 Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) Youth Offending Service and Adult Social Care Services, and Cambridgeshire Constabulary are co-commissioners and funders of the Appropriate Adult service.
- 3.2 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 provides a range of reparation activities and opportunities for young people to reflect on their offence, learn new skills and offers qualifications that help a young person towards a career.

- 3.2.1 Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) Youth Offending Service (YOS) are the commissioners and funders of Reparation Service. The annual budget for Reparation services is £90,000 per annum.
- 3.3 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 double the current available budget. Constabulary and the Councils have agreed in principle to a budget for this service of up to £245,400 per annum

#### **4. CONSULTATION**

- 4.1 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 contributing to the development of intended outcomes and the service specifications for these services.

#### **5. ANTICIPATED OUTCOMES**

- 5.1 The Youth Offending Service is required to deliver against the three national youth crime and justice outcomes of reducing re-offending, reducing first time offending and reducing use of custody. The Appropriate Adult service and Reparation service are working towards these outcomes
- 5.1.1 The Appropriate Adult service outcomes are come from the National Appropriate Adults Network standards (2018). These include: 100% of young people under the age of 18 and vulnerable adults who need an appropriate adult will have one. Secondly, ensuring the focus is on the difference which can be made for the people for whom an appropriate adult is required, rather than just the processes being undertaken.
- 5.1.2 The main Reparation service outcomes is that the Reparation programme is good quality and valued as worthwhile by victims and community and address the young person's assessed risk factors.

#### **6. REASONS FOR RECOMMENDATION**

- 6.1 Under Section 38 of the Crime and Disorder Act 1998, statutory partners have a duty to cooperate in order to secure youth justice services. The three statutory partners for the Appropriate Adult service that are cooperating are Constabulary, CCC and PCC to prevent miscarriages of justice. For the Reparation services it is Cambridgeshire County Council (CCC) and Peterborough City Council (PCC) Youth Offending Service (YOS) that are working closely together to reduce reoffending.

## 7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 To do nothing – this has been rejected as the Appropriate Adult service is a statutory duty and linked to PACE regulations. Both services have an important role to play in the complex system of criminal justice.

## 8. IMPLICATIONS

### 8.1 Legal Implications

The Council's statutory obligations are set out within the report. Under section 101 of the Local Government Act 1972 a local authority may delegate its functions to another local authority.

The Council will delegate its commissioning responsibility and delivery of this function for these contracts to Cambridgeshire County Council (CCC). The Council will transfer funding to CCC accordingly. CCC is therefore acting as lead commissioner and will enter into the contractual arrangements on the Council's behalf. However, the statutory functions under the Crime and Disorder Act 1998 will be retained by PCC.

The delegation of the Council's functions will be set out in the Delegation Agreement, which shall also cover governance, costs, liabilities, data protection, exit provisions and the statutory responsibilities that shall remain with the Council.

The Delegation Agreement will fall outside of the scope of the Public Contracts Regulations 2015 as such administrative arrangements are expressly exempt from the EU procurement regime by virtue of Regulation 12 (7).

### 8.2 Financial Implications

The three statutory partners for the Appropriate Adult service, Constabulary, CCC and PCC, are each funding this service a combined budget of £245,400 per annum: PCC annual budget contribution towards this service is £90,000 per annum.

| Appropriate Adult Services | Year 1  | Years 2, 3, 4 and 5 | Total 5-year Contribution |
|----------------------------|---------|---------------------|---------------------------|
| Peterborough City Council  | £90,000 | £360,000            | £450,000                  |

PCC's total annual budget for Reparation Services is £33,061.

| Reparation Services       | Year 1  | Years 2, 3, 4 and 5 | Total 5-year Contribution |
|---------------------------|---------|---------------------|---------------------------|
| Peterborough City Council | £33,061 | £132,244            | £165,305                  |

### **8.3 Equalities implications**

These services are designed to support children and vulnerable adult from a variety of backgrounds that come detained by constabulary or have been given reparation orders.

### **8.4 Carbon Impact Implications**

Following completion of the Carbon Impact Assessment, there have been no specific implications identified.

## **10. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED**

10.1 None.

## **11. BACKGROUND DOCUMENTS**

None