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London Borough of Enfield

Operational Decision of The Executive Director of People

Subject: Contract Award for the Appropriate Adults service for Juveniles and Vulnerable Adults

Cabinet Member:

Executive Director: of People - Tony Theodoulou

Key Decision: KD 5188

Purpose of Report

- 1 This report seeks approval to award the contract for the Appropriate Adults service for Juveniles and Vulnerable Adults to the organisation The Appropriate Adults Service.

Proposal

- 2 That permission is granted to award a contract for the Appropriate Adults service for Juveniles and Vulnerable Adults to the organisation "The Appropriate Adults Service."
- 3 That approval be granted to enter into the contract for a period of 3 years with an option to extend for a further 2 years

Reason for Proposal

- 4 The service is a legal requirement under the Police and Criminal Evidence Act 1984 Code C.
- 5 This is a joint contract with the London Borough of Haringey with the Metropolitan Police providing 46.6% of the funding for the service. Enfield is the procurement lead for the joint contract.
- 6 The current contract for Juveniles and Vulnerable Adults ended on the 30th June 2020. A current three-month extension is in place to ensure continuity of service for vulnerable individuals within the community.
- 7 Due to the specialist nature of the service, Expressions of Interest were sought through the London Tenders Portal.

Relevance to the Council Plan

- 8 One of the pledges within the Corporate Plan is to support Safe, Healthy and Confident Communities along with a cross-cutting objective of achieving a Fairer Enfield where everyone is treated with dignity and respect.
- 9 The Appropriate Adult service safeguards vulnerable individuals when brought into the police custody suite for questioning.

Background

- 10 As previously mentioned the service is a legal requirement under the Police and Criminal Evidence Act 1984
- 11 The current contract is run by The Appropriate Adult Service (TAAS). TAAS are a specialist provider in a small market and therefore have the majority of the London appropriate adults' services, which makes it easier to have reciprocal arrangements for paying for the service if the individual is arrested outside of Enfield and Haringey.
- 12 The contract is a joint contract across juveniles and vulnerable adults and across the boroughs Enfield and Haringey. This last arrangement mirrors the geographical Police area for North London and allows for one appropriate adult service to respond quickly to any individual taken to the custody suite in Woodgreen.
- 13 Enfield are the lead borough on the tendering of the contract. Since the last contract was awarded and due to the successful joint working across Enfield and Haringey, the joint contract has attracted some additional funding from the Police. This is currently £50,000 per annum, is divided with Haringey pro rata on usage of the service and is approximately 46.6% of the cost of the service for Enfield.
- 14 The contract is demand led and payment to the service provider is based upon the number of individuals arrested and the length of time they need to be represented in the custody suite.
- 15 As this is a specialist area it was felt that there were no suppliers in the market. To ensure Value for Money Procurement Services advised that the market should be tested and that it was appropriate to seek Expressions of Interest and seek options from the appropriate adult's market.
- 16 A Record of Decision allowing permission to go to the market was signed by the Executive Director of People on the 19th November 2019.
- 17 An advert seeking Expressions of Interest was placed on the London Tenders Portal in April 2020. Seven providers responded and were invited to complete a tender questionnaire. Only one provider, The Appropriate

Adult Service (TAAS), completed and responded to the questionnaire. Due to the lack of interest from the market and that no other providers could demonstrate they could meet the requirements of the tender; it was agreed by Procurement Service Head of People and Resource that the contract could be directly awarded to TAAS using Rule 32 of the Public Contracts Regulations, as this fell under the light touch regime.

- 18 The new contract is for three years with an option to extend for a further two years (3+2); subject to satisfactory performance.
- 19 The estimated contract value for Enfield across both young people and adults is £110,000 per annum or £550,000 for the whole (3+2) duration of the contract.
- 20 The current and future contract is monitored on a quarterly basis with meetings attended by the Provider, Service Development managers, Youth Offending Services representatives and the Police. The sharing of data and intelligence has fed into other major themes such as County Lines and exploitation.

Main Considerations for the Council

- 21 The service is a legal requirement under the Police and Criminal Evidence Act 1984
- 22 It safeguards vulnerable individual brought into custody and ensure they receive fair and equitable treatment
- 23 The current contract is expiring
- 24 It has been exposed to the market for competition
- 25 Previous joint tender arrangements with Haringey deliver efficiencies, this would be lost if the continuation of the contract arrangements was not ongoing
- 26 Additional funding provided by the Police would be lost, causing additional expense to the Council

Safeguarding Implications

- 27 The Appropriate Adults Service safeguard the welfare, rights and effective participation of young people and vulnerable adults detained or interviewed as suspects. The service works towards ensuring a fairer justice system.
- 28 All Appropriate Adults delivering the service are enhanced DBS checked and receive appropriate training.

Public Health Implications

- 29 There are no direct public health implications, but the service is there to support the vulnerable within the community and by doing so reduce mental distress at the anxious time of being held in custody.

Equalities Impact of the Proposal

- 30 The service is there to support vulnerable people who are already potentially disadvantaged. The service will ensure they are supported in receiving fair treatment whilst being held in custody.
- 31 No equalities impact was undertaken as this is a continuation of an existing service.

Environmental and Climate Change Considerations

- 32 There is limited environmental impact of this service.
- 33 By awarding the contract to TAAS, we can access reciprocal support arrangements across London (see 5.2) reducing the need for Appropriate Adult staff to travel to support individuals arrested in other parts of the Capital.

Risks

Risks that may arise if the proposed decision and related work is not taken

- 34 As mentioned previously this is a required service provision under the Police and Criminal Evidence Act 1984. Failure to provide this service would put vulnerable individuals at risk of unfair treatment during the charging process.
- 35 The Council would be at risk of losing the additional funding from the Metropolitan Police that Enfield Service Development has worked in previous years to obtain.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

- 36 None identified.

Financial Implications

Completed by Nick Patel, Finance Manager

- 37 The estimated annual cost of the contract for Younger People and Adults for is detailed in the table below.

Council	Value of Contract	Police Contribution	Net cost
Enfield 46.6%	51,260	-23,300	27,960
Haringey 53.4%	58,740	-26,700	32,040
Total	110,000	0,000	60,000

- 38 As stated above, the contract is demand led and payment to the service provider is based upon the number of individuals arrested and the length of time they need to be represented in the custody suite. The cost will be contained within the People's budget.
- 39 The Council will pay the gross cost and get back a contribution from Haringey Council and the Police.

Legal Implications

Legal Implications provided by Magdaline Paraschou on 24th August 2020 based on report version circulated on 13th August 2020 timed at 16:35 hrs.

- 40 S.111 Local Government Act (1972) gives a local authority power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The request under cover of this report for additional funding is in accordance with this power.
- 41 The Council also has a general power of competence in s.1(1) Localism Act (2011) which states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation.
- 42 The Council must ensure compliance at all times with its Constitution. As this is a Key Decision the Council must comply with the Key Decision procedure.
- 43 The Council has carried out all procurement exercises in accordance with its Contract Procedure Rules ("CPRs") and the Public Contracts Regulations (2015) ("PCRs (2015)"). The Council shall continue to adhere to its CPRs and the PCRs (2015).
- 44 The provision of appropriate adult services is a legal requirement of the Police and Criminal Evidence Act (1984) ("PACE"). The PACE Codes of Practice (with the current being 2019 version) provide for an appropriate adult to be called to the police station whenever a juvenile or vulnerable person has been detained in police custody.
- 45 The Council must comply with its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999.
- 46 Any legal agreements (and ancillary documents where relevant) arising from the matters described in this report must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance.

Workforce Implications

- 47 There are no workforce implications as Enfield staff are not involved in the supply of this contract.

Property Implications

- 48 There are no property implications as the service is a mobile response service working mainly at the Woodgreen Police custody suite.

Other Implications

- 49 Procurement Implications – this service fell under the light touch regime and was awarded under Rule 32 of the public contract regulations due to a lack of interest in the market.
- The contract must be signed and uploaded onto the LTP for record keeping and promoted to the contract register.
 - The contract manager must hold regular reviews, and upload evidence onto the LTP. That the upkeep of the data in the portal is the responsibility of the contract manager.
 - That a review must be carried out 18 months prior to the extension review to see if the extension is to be taken. This will allow time for a re-procurement should the extension not be taken.
 - Prior to the next contract, the service should look to build more competition in the market.

Options Considered

- 50 As this a required service, alternative options are limited; these included.
- No contract but spot purchase – On average 2.5 individuals, from Enfield, are arrested on a daily basis. With the average time per client being approximately 2.5 – 3 hours in duration. Having a spot purchase arrangement would not be cost effective and reduces the continuity of service provision.
 - Have a single contract for Enfield – Enfield gains from economies of scale in having a joint contract with Haringey.

Conclusions

- 51 That the contract be awarded to The Appropriate Adults Service for an initial three-year period with the option to extend for a further two years pending satisfactory performance.

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Appendices

None

Background Papers

The following documents have been relied on in the preparation of this report:

None