

Delegated Officer Report

Decision Maker:	Gerard Jones, Managing Director Children and Young People
Date of Decision:	15 September 2022
Subject:	Appropriate Adult Service for Children and Young People
Report Lead:	Richard Lynch, Director of Education, Skills, and Early Years
Report Author:	Elizabeth Taylor, Commissioning and Partnerships Officer
Ward (s):	All

Reason for the decision: The contract for Appropriate Adult Service for children and young people, for which Stockport Council is the lead authority, is due to expire on 31st March 2023. The contract was initially awarded in 2018 for a period of three years from 8 May 2018, with the option to extend twice, each time for a maximum of one year.

This paper is seeking approval to exercise the option to retender with the current specification and Inter Authority Agreement (appendix 1).

Background

Oldham Council is part of a GM wide project for the delivery by Child Action Northwest (CANW) of the Appropriate Adult Service (AAS). The service is for vulnerable young people and adults. The role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively. The contract commenced on 8 May 2018 for an initial period of 3 years, this was then extended twice with the most recent extension due to

expire on 31st March 2023.

The contract, which is hosted by Stockport Council, is robustly monitored as part of the Children's Commissioning and Partnership Team's Quality Assurance Framework. Wider GM LA and GMP monitoring meetings also take place. Each LA processes their own invoices and monitors spend and activity accordingly. At present, the contract is paid at an hourly rate of £17.66 and an out of hours service contribution of £130.00 per month. Current spend is circa £8,000 per annum in each area.

We have liaised directly with the host authority who have confirmed that since January 2021, there has been an increase in demand for this service which has resulted in a recharge to the LA, as shown in appendix 2. Due to this increase, the spend from 1st April 2023 is likely to rise based on the evidence in appendix 2. The LA pay on a per case basis as it is needed, so the spend from March onwards is unknown.

The AAS operates in accordance with the PACE 84 and National Standard Guidance to ensure the rights of young people are safeguarded and promoted within the custody setting. The service operates 365 days a year across Greater Manchester.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1

To approve the re-commissioning of the AAS with Stockport Council acting as the lead authority. An Inter Authority Agreement will govern the shared commission from 1st April 2023 for a period of three years, with the option to extend for up to an additional two years.

Option 2

To withdraw from the Appropriate Adult Service and provide training to Children's Social Care staff to facilitate this role.

Recommendation(s):
Option 1

To approve the re-commissioning of the AAS with Stockport Council acting as the lead

authority. An Inter Authority Agreement will govern the shared commission from 1st April 2023 for a period of three years, with the option to extend for up to an additional two years.

Implications:

*What are the **financial** implications?*

The proposal is to retender the Appropriate Adult Service for children and young people under the current specification alongside our GM partners and the current provider, Child Action North West.

The cost of this service amounts to circa £8,000 per annum and is paid monthly to Child Action North West on receipt of invoice.

Budget provision of £8,000 for the Appropriate Adult Service is built into the cash envelope within the Children's Commissioning and Partnership cost centre (38950). As the provision is demand led any costs exceeding the budget provision of £8,000 will need to be met from existing budgets within the Children's Social Care cash envelope.

(Pam Myrie - Senior Accountant 05/09/22)

*What are the **HR** implications?*

At this stage no HR implications are notable in the report, however if the retender process is agreed, and progressed staffing implications may apply and if staff are to be seconded the relevant and agreed council processes will need to be followed.

(Daksha Mistry - Senior HR Adviser 31/08/22)

*What are the **legal** implications?*

Under Rule 2.5 of the Contract Procedure Rules:

"The Council shall, where appropriate, ensure that any collaborative arrangements/agreements with other public bodies to procure Supplies, Works or Services comply with the Procurement Regulations and ensure value for money and that the Council's interests are fully protected."

Further, Rule 8.1 of the Contract Procedure Rules allows the Council to call off under

another contracting authority's framework agreement where the Council is a named contracting authority in the contract notice.

Therefore, provided the proposed shared procurement is carried out by the lead contracting authority in accordance with the relevant procurement rules, Oldham is referenced in the contract notice, a suitable form of contract is advertised and a suitable form of inter authority agreement is in place to govern shared arrangements, there are no known legal implications at this time.

(Sarah Orrell - Commercial and Procurement Solicitor 08/09/22)

What are the **procurement** implications?

Commercial Procurement Unit accepts the rationale for Oldham Council to participate in a collaborative procurement process led by the Stockport Council. This will allow Oldham to have good partnership and access to services of which are contained within this report. It is important Oldham Council representatives are part of a working group (project board). Oldham Council's representatives should also be part of the team designing the specifications, which includes the commercials and the KPI's for the service and also ensuring that they continue to be measured throughout the contracting period. On this basis, Commercial Unit acknowledges the requirement.

(Mohammad Sharif – Commissioning and Procurement 08/09/22)

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not required, seeking approval to exercise the option to retender with the current specification and Inter Authority Agreement (appendix 1).

What are the **property** implications?

None

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Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?




No

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
None	

Report Author Sign-off:	
Elizabeth Taylor	
Date: 15th September	

Please list and attach any appendices: -

Appendix number or letter	Description
Appendix 1	 Appendix B - Specification.doc  Appropriate Adult - Inter Authority Agree
Appendix 2	 GM AAs summary of recharges.xlsx

In consultation with Gerard Jones Managing Director Children and Young People (DCS)



Signed: _____

Date: 15th September 2022