



Portfolio Holder Decision Making
Session Date and Time

Tuesday 27 October 2015 at
10.00am

FUTURE DELIVERY ARRANGEMENTS FOR WEST MERCIA YOUTH OFFENDING SERVICE (WMYOS)

Responsible Officer

e-mail: karen.bradshaw@shropshire.gov.uk Tel: (01743) 254201

1. Summary

1.1 Following a comprehensive options appraisal undertaken by the WMYOS Management Board during 2014/15, it is proposed that the Office of the Police and Crime Commissioner acts as the host organisation for WMYOS on a formal basis from April 2016.

2. Recommendations

2.1 That the Business Case for the Office of the Police and Crime Commissioner to act as the host organisation for WMYOS be recommended for approval by Council.

2.2 That the Director of Children's Services is authorised to take all necessary steps to implement the above arrangement.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1 The attached Business Case includes a risk register and follows a comprehensive options appraisal commissioned by the WMYOS Management Board.

3.2 The Council will maintain responsibilities for oversight of performance, impact and risk through the Overview and Scrutiny Performance Board and as part of the local Community Safety Partnership. There is a continuing role for the Cabinet Member with responsibility and Director of Children's Services to ensure statutory responsibilities are being met.

3.3 Whilst it is the statutory responsibility of the Council to secure the delivery of a Youth Offending Service, the risks are shared with the three other local

authorities within West Mercia, the police, the National Probation Service, the Office of the Police and Crime Commissioner and NHS England.

4. Financial Implications

- 4.1 The 2015/16 contribution to WMYOS by Shropshire Council is £277,002. There is potential for efficiencies to be realised on a phased basis from 2016/17. This is in addition to savings already achieved since the creation of a single West Mercia YOS in 2012. Transition costs for moving into the new arrangements will be met from limited YOS reserves with no additional costs to Shropshire Council.

5. Background

- 5.1 West Mercia Youth Offending Service (WMYOS) is a partnership between four Local Authorities (Worcestershire, Herefordshire, Shropshire and Telford & Wrekin), West Mercia Police, National Probation Service, Health partners (represented by NHS England), and the West Mercia Police & Crime Commissioner. The service delivers the full range of Youth Justice provision for children, young people, their families and the victims of youth crime.
- 5.2 WMYOS has undergone a phased programme of transition commencing in 2012 with the establishment of a single West Mercia-wide service. This was the first step in a move towards a more integrated single organisation for WMYOS delivery. Hosting was initially provided by the Probation Trust. Following subsequent national changes to Probation services, Worcestershire County Council took on the role of host agency for WMYOS on an interim basis pending a formal decision on the most suitable longer-term delivery arrangements.
- 5.3 The proposed arrangement for the Office of the Police and Crime Commissioner to act as the host organisation on a formal basis from April 2016 is the outcome of a comprehensive options appraisal undertaken by the WMYOS Management Board during 2014/15. This included detailed consideration of a broad range of alternative delivery models. These included:
- a) Outsourcing delivery to a third sector organisation. This was discounted following a comprehensive market engagement exercise which identified a limited range of suitably experienced potential providers
 - b) Establishing a Local Authority Trading Company (LATC) for WMYOS delivery. A full business case was undertaken for a LATC. Concerns around financial viability and the lack of engagement of all WMYOS partners led to this option being discounted
 - c) Hosting by a Local Authority. After careful consideration this option was not considered viable for a variety of reasons specific to each of the four individual Local Authorities. It was also felt that this was the option least likely to achieve the desired outcomes for longer-term WMYOS delivery.

- 5.4 Each of these alternative options was assessed using clear and transparent criteria agreed by the WMYOS Management Board. This included consideration of financial viability, performance impact, quality and sustainability. The options appraisal forms a strong evidence base for the proposed hosting arrangement by the Office of the Police and Crime Commissioner which is supported in principle by all WMYOS partners.
- 5.5 The main reasons for considering a change to WMYOS delivery arrangements include:
- a) Recognition of the need for a more sustainable service model that is best positioned to respond with flexibility and innovation to the rapidly changing policy context for both criminal justice and children's services
 - b) The opportunity to create a more business-oriented delivery model which drives up performance and quality. Whilst WMYOS performance is mostly good, the WMYOS Management Board is focused on how this can be progressively improved across all areas
 - c) Maximising the impact of the combined resources of the WMYOS partner organisations to improve economies of scale and resilience, reflecting the increasing pressures on national and local resources
 - d) Increasing flexibility for deployment of staff and resources across the West Mercia area
 - e) Strengthening alignment and integration with the full range of children and young people's and adult services at a local level
 - f) Strengthening links with the Police and other regional and national criminal justice partners.
- 5.6 Throughout the options appraisal process, the overriding consideration of WMYOS partners has been to find a model that will offer the best impact on reducing offending and re-offending, whilst securing the best possible outcomes for children, young people, the victims of crime and the wider community.

6. Key Features of a Hosting Arrangement by the Office of the Police and Crime Commissioner (PCC)

- 6.1 The potential benefits of the proposed hosting arrangement with the Office of the Police and Crime Commissioner include:
- a) The arrangement will enable the WMYOS partnership to be maintained on a coterminous basis with related criminal justice and public services. This maximises the impact of combined resources and presents opportunities for shared systems and processes
 - b) There is a strong strategic fit, with the Office of the Police and Crime Commissioner sharing responsibility with the WMYOS for reducing re-offending, preventing crime and disorder and supporting victims. This is reflected in the Police and Crime Plan and Local Youth Justice Plan

- c) The Office of the Police and Crime Commissioner shares wider linkage with local safeguarding and community safety arrangements
- d) The Office of the Police and Crime Commissioner and West Mercia Police can offer business support capacity with the economies of scale presented by a large organisation. This will include HR and finance input and will build on recent implementation of a single ICT systems framework for WMYOS, hosted by the Police.

6.2 The following main elements of the proposed hosting arrangement would form the basis of a formal joint agreement between the WMYOS Management Board and the Office of the Police and Crime Commissioner:

- a) The four Local Authority partners will retain full statutory responsibility for the provision of Youth Justice services, with the associated duty to co-operate placed on all partners as set out in the Crime & Disorder Act 1998 and related legislation. Within this context there will be no delegation or diluting of statutory responsibilities
- b) The WMYOS Management Board, incorporating the Local Authority partners, and with representation from the Youth Justice Board, will maintain robust governance and oversight of WMYOS delivery
- c) The WMYOS Management Board will retain responsibility for producing the Local Annual Youth Justice Plan and for securing the resources required for delivery
- d) The main body of WMYOS staff who are currently employed by the Local Authority partners will transfer under TUPE into the employment of the Office of the Police and Crime Commissioner. This includes the 36 (full-time equivalent) WMYOS staff currently employed by Worcestershire County Council
- e) Police, Probation and other specialist staff will continue to be deployed in WMYOS on a secondment basis, ensuring strong operational links are maintained with these critical partner organisations
- f) An integrated WMYOS ICT and email framework hosted by West Mercia Police is already in place and will minimise disruption to service delivery at the point of transition. Other business support functions will transfer to the Office of the Police and Crime Commissioner and West Mercia Police.

6.3 It is proposed that on 1 April 2016 the service will transfer to the Office of the Police and Crime Commissioner on the basis of the existing WMYOS organisational structure and operating model. This will include the transfer of employment under TUPE arrangements for Worcestershire County Council employed WMYOS staff. If the approach is approved by Cabinet, a detailed analysis of demand and workflow with a focus on improving efficiency, quality and impact would be undertaken during the implementation phase (October 2015 to March 2016). This will form the basis of proposals for consultation with staff following implementation of the hosting arrangement in April 2016. It is anticipated that proposals for reshaping WMYOS will ensure that the

service is able to deliver the best possible performance and quality within a climate of reducing resources for all partners.

7. Legal Implications

- 7.1 A PCC hosting arrangement for WMYOS will be an innovative development and the first time that an Office of the Police and Crime Commissioner has taken this lead role within a YOT environment. Local arrangements will be required to clearly demonstrate compliance with the key legal and statutory requirements relating to the Office of the Police and Crime Commissioner and to the provision of Youth Justice services.
- 7.2 Legal representatives of the Local Authorities, Police and Office of the Police and Crime Commissioner, in discussion with the Youth Justice Board for England and Wales have reviewed compliance of the proposed hosting arrangement with the relevant legislative framework and are of the view that all statutory requirements can be fully met. Furthermore, it is believed that the synergies created by this approach will strengthen the capacity of the WMYOS partnership and the Office of the Police and Crime Commissioner to achieve their respective strategic priorities and to secure better value and improved outcomes for local communities.

8. Additional Information

- 8.1 The Youth Offending Service is subject to a clear statutory framework. This is reflected in the Service Specification for the proposed hosting arrangement. The hosting arrangement will be subject to a formal joint agreement between WMYOS Management Board and the Office of the PCC.

| |
|---|
| List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information) |
| Business Case (Prepared for WMYOS Management Board – July 2015) |
| Crime & Disorder Act 1998 (Section 40) |
| Cabinet Member (Portfolio Holder) Cllr Ann Hartley |
| Local Member All Members |
| Appendices Appendix A Business Case (Prepared for WMYOS Management Board – July 2015) |

Declaration of Interest

- I have no interest to declare in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

I have to declare an interest in respect of this report

Signed Date

NAME:

PORTFOLIO HOLDER FOR:

(Note: If you have an interest you should seek advice as to whether it is appropriate to make a decision in relation to this matter.)

For the reasons set out in the report, I agree the recommendation(s) in the report entitled

.....

Signed

Portfolio Holder for

Date

If you have any additional comment which you would want actioned in connection with your decision you should discuss this with the report author and then set out your comment below before the report and pro-forma is returned to Democratic Services for processing.

Additional comment :

.....

.....

Note: If you do not wish to approve the recommendations, or wish to make an alternative decision, it is important that you consult the report author, Head of Legal and Democratic Services, Chief Executive and the Head of Finance, Governance and Assurance (S151 Officer) and, if there are staffing implications the Head of Human Resources (or their representatives) so that (1) you can be made aware of any further relevant considerations that you should take into account before making the decision and (2) your reasons for the decision can be properly identified and recorded, as required by law.

Note to Portfolio Holder: Your decision will now be published and communicated to all Members of Council. If the decision falls within the criteria for call-in, it will not be implemented until five working days have elapsed from publication.