

<b>MEETING:</b>	<b>Cabinet</b>
<b>MEETING DATE:</b>	<b>15 October 2015</b>
<b>TITLE OF REPORT:</b>	<b>Future delivery arrangements for West Mercia Youth Offending Service (WMYOS)</b>
<b>REPORT BY:</b>	<b>Director for children's wellbeing</b>

## Classification

Open

## Key Decision

This is not a key decision

## Wards Affected

Countywide

## Purpose

To secure approval for proposed new delivery arrangements for West Mercia Youth Offending Service (WMYOS).

## Recommendation(s)

THAT:

- (a) **the Office of the West Mercia Police and Crime Commissioner acts as the host organisation for West Mercia Youth Offending Service from April 2016.**

## Alternative Options

1. The proposed arrangement 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:
    - **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;
    - **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;
    - **Hosting by a Local Authority.** After careful consideration this option was not considered viable for reasons specific to 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.
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2. 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.

## **Reasons for Recommendations**

3. 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.
  4. 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. As previously agreed by cabinet, 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. The main reasons for considering a change to WMYOS delivery arrangements include:
    - 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;
    - 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;
    - 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;
    - Increasing flexibility for deployment of staff and resources across the West Mercia area;
    - Strengthening alignment and integration with the full range of children and young people's and adult services at a local level;
    - Strengthening links with the police and other regional and national criminal justice partners.
  6. Throughout the extended options appraisal process, the overriding consideration of the WMYOS partners has been on which model 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.
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## Key Considerations

7. The potential benefits of the proposed hosting arrangement with the Office of the Police and Crime Commissioner include:
    - The arrangement will enable the West Mercia YOS partnership to be maintained on a co-terminus basis with related criminal justice and public services. This maximises the impact of combined resources and presents opportunities for shared systems and processes;
    - 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;
    - The Office of the Police and Crime Commissioner shares wider linkage with local safeguarding and community safety arrangements;
    - 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.
  
  8. The following main elements of the proposed hosting arrangement will form the basis of a formal joint agreement between the WMYOS management board and the Office of the Police and Crime Commissioner:
    - The four Local Authority partners will retain full statutory responsibility for the provision of Youth Justice services, with the associated duty to cooperate 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;
    - 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;
    - The WMYOS Management Board will retain responsibility for producing the Local Annual Youth Justice Plan and for securing the resources required for delivery;
    - 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 2 WMYOS staff currently employed by Herefordshire Council;
    - 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;
    - An integrated WMYOS ICT and email framework hosted by West Mercia Police is already in place and will minimise disruption to service delivery at point of transition. Other business support functions will transfer to the Office of the Police and Crime Commissioner and West Mercia Police.
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9. It is proposed that on 1<sup>st</sup> 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. A detailed analysis of demand and workflow with a focus on improving efficiency, quality and impact will 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.

## **Community Impact**

10. The principal function of WMYOS and the wider youth justice system is the prevention of offending and re-offending by children and young people.
11. The principal strategic and operational framework for WMYOS is the West Mercia Youth Justice Plan. This supports both the Herefordshire Council Corporate plan and the Children and Young Peoples plan by planning actions to improve the outcomes for children and young people who are in the youth justice system and working to minimise that risks associated with any harm they may pose to others and any harm posed to them.
12. The Youth Justice Plan directly contributes to the reducing re-offending priority in the Herefordshire Community Safety Strategic Plan 2014/17, in particular in relation to identified joint work with the WMYOS management board to reduce the rate of first time entrants to the youth justice system.

## **Equality and Human Rights**

13. The Equality Duty 2010 has three aims (general duty):
  - Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act
  - Advance equality of opportunity between people who share a protected characteristic and those who do not
  - Foster good relations between people who share a protected characteristic and those that who do not
14. The Public Sector Equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying “due regard” in our decision making in the design of polices and in the delivery of services. The WMYOS is fully aware and committed through its delivery plan of their contractual requirements in regards to Equality legislation.

## **Financial Implications**

15. The service is currently funded through a multi-agency budget of c. 3.9m (2015/16). This is sourced through a mix of funding and ‘in-kind’ contributions from the WMYOS partner agencies, augmented by direct grant funding (around 38% of total WMYOS budget) from the Youth Justice Board for England and Wales. As seen in the business case there is clear indication that the arrangements proposed will lead to greater efficiencies which will enable the organisation to be resilient in light of further national and local funding reductions.
  16. Around 80 (FTE) staff work within the service. These include 14.5 staff deployed from WMYOS partner agencies and 68 staff directly employed by three of the local
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authority partners.

17. The 2015/16 financial contribution to WMYOS by Herefordshire Council is £232,324. This equates to around 15% of the total local authority contributions to the WMYOS. Herefordshire Council directly employ 2 operational staff within the WMYOS.
18. Transition costs associated with moving into the new arrangements will be met from existing WMYOS limited reserves. There will be no additional costs to Herefordshire associated with the move to the new arrangements. There is potential for savings and efficiencies to be realised on a phased basis from 2016/17.

## **Legal Implications**

19. 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.
20. The PCC hosting arrangement proposed in this report can be achieved subject to all statutory requirements being fully addressed within the joint agreement.

## **Risk Management**

21. A risk register is included in the attached business case.
22. The council will maintain responsibilities for oversight of performance, impact and risk through the general overview and scrutiny committee and as part of the local community safety partnership.
23. 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.

## **Consultees**

24. All WMYOS partner agencies, WMYOS staff and Trade Union representatives have been consulted extensively throughout the options appraisal process.

## **Appendices**

Appendix A Executive summary of business case (edit of WMYOS Management Board paper)

## **Background Papers**

None identified.

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