

CABINET
15 OCTOBER 2015**FUTURE DELIVERY ARRANGEMENTS FOR WEST MERCIA
YOUTH OFFENDING SERVICE (WMYOS)**

Relevant Cabinet Member

Mr J P Campion

Relevant Officer

Interim Director of Children's Services

Recommendation

- 1. The Cabinet Member with Responsibility for Children and Families recommends that Cabinet:**
 - (a) approves the Office of the West Mercia Police and Crime Commissioner to act as the host organisation for West Mercia Youth Offending Service (WMYOS) with effect from 1 April 2016, with the County Council retaining statutory responsibility for the discharge of its Youth Justice functions; and**
 - (b) authorises the Interim Director of Children's Services to take all necessary steps to conclude and implement the above arrangement including consulting with affected Council staff on the details of transferring to the new host.**

Background

2. 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.
3. The Council has a statutory duty under Section 39 of the Crime and Disorder Act 1998 (acting in co-operation with listed partner bodies) to have at least 1 youth offending team. Local authorities may act together to establish such a team, which must co-ordinate the provision of youth justice services for all who need them and carry out other functions assigned in the Youth Justice Plan.
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. 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 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:

- 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 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.

6. 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.

7. 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.

8. 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.

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

9. The potential benefits of the proposed hosting arrangement with the Office of the Police and Crime Commissioner include:

- 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
- 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.

10. 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:

- 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
- The WMYOS Management Board, incorporating the Local Authority partners, and with representation from the Youth Justice Board, will act as the statutory youth offending team and maintain robust governance and oversight of WMYOS delivery
- The WMYOS Management Board will retain responsibility for producing the Local Annual Youth Justice Plan for approval by the authorities 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 36 (full-time equivalent) WMYOS staff currently employed by Worcestershire County 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 the point of transition. Other business support functions will transfer to the Office of the Police and Crime Commissioner and West Mercia Police.

11. It is proposed that on 1 April 2016 the hosting of 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.

Legal Implications

12. 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 hosting 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. Statutory functions and responsibilities are not being delegated or transferred to the OPCC.

13. 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 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.

Financial Implications

14. The service is currently funded through a multi-agency budget of c. £3.9m pa (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. The level of this grant is currently subject to national review.

15. 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 Authority partners.

16. The 2015/16 financial contribution to WMYOS by Worcestershire County Council is £602,166. Worcestershire County Council directly employs 36 operational staff within the WMYOS.

17. Transition costs associated with moving into the new arrangements will be met from existing WMYOS limited reserves. There will be no additional costs to Worcestershire County Council associated with the move to the new arrangements. The establishment of a West Mercia YOS from 2012 has enabled the service to become more efficient and utilise economies of scale, this has resulted in a saving to Worcestershire County Council of £269,000 over this time. There is potential for savings and efficiencies to be realised on a phased basis from 2016/17.

Equality and Privacy Impact Assessment

18. The West Mercia Youth Justice Plan pays full due regard to equality and human rights and this is reflected in the development and delivery of WMYOS provision. Specifically, the proposed new arrangements will have no adverse impact on the scope, reach or accessibility of services. However, one key driver for the proposed changes is to create a more flexible service that is better positioned to respond to the needs of vulnerable children and young people at a local level. This will be reflected in any subsequent changes to the direct delivery of services, with appropriate recourse to human rights and related impact for service users. There is no significant privacy impact arising from this proposal. Information and data sharing arrangements between WMYOS partners are well-established and will be tailored to the new hosting arrangements.

HR Implications

19. Communication has been maintained with WMYOS staff and Trade Union representatives throughout the review and options appraisal. This will continue through the implementation phase if Cabinet agrees the recommendations. The transfer of Worcestershire County Council employees (outlined in paragraph 9, point 4) into the new arrangements would be undertaken in strict accordance with statutory and locally agreed procedures. Worcestershire County Council HR Officers have maintained an active role throughout the options appraisal and implementation planning phases.

Managing Risk

20. A risk register is included with the supporting information.

21. 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.

22. 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.

Supporting Information

An Executive Summary of the Business Case (edit of WMYOS Management Board paper) is available electronically. A hard copy is also available in the members' area and in Reception at County Hall, Worcester.

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

- Agenda and background papers for the meeting of the Cabinet held on 10 April 2014