

Agenda item:

**[No.]**

**Cabinet Procurement Committee Meeting**

**28<sup>th</sup> April 2009**

Report Title.

Waiver Report for the provision of services for Haringey Youth Offending Service (in consortium with Barnet and Enfield YOS)

Report of Assistant Chief Executive, PPP&C

Signed : Sharon Kemp, Assistant Chief Executive, PPP&C



Contact Officer : Linda James, Strategic Manager, Youth Offending Service,  
020 8489 1146

Wards(s) affected: **All**

Report for: **Non-Key Decision**

**1. Purpose of the report (That is, the decision required)**

1.1. The report seeks cabinet approval to waive the requirement to tender under contract standing orders (CSO) 7.02

**2. Introduction by Cabinet Member (if necessary)**

2.1 I endorse the recommendation of this report and ask the Procurement Committee to agree the waiver of Contract Standing Order  
The continuation of this contract will allow the Youth Offending Service, in conjunction with Barnet and Enfield, to provide services for children and young people who are subject to Intensive Supervision and Support Programmes (ISSP) as ordered by the courts. Haringey is the lead Borough for the consortium

**3. State link(s) with Council Plan Priorities and actions and /or other Strategies:**

3.1. That Cabinet agree the waiver of Contract Standing Orders 6.04 (requirement to tender) as allowed under CSO 7.02, in accordance with waiver requirements

noted under CSO 7.03 (a) and (d), as the nature of the market for the services has been investigated and demonstrated that a departure from the requirements of CSOs is justified and is in the Council's overall interest.

#### **4. Recommendations**

- 4.1. The Chief Financial Officer notes that there are insufficient providers within this field of work to allow for a meaningful competitive process and the service themselves do not currently have the capacity or the infrastructure to provide an internal service. It would seem sensible to continue with the current provider for the 9 month period proposed.

#### **5. Reason for recommendation(s)**

- 5.1 The Youth Offending Service requests a waiver of CSO 6.05 in respect of the Intensive Supervision and Surveillance Programme.
- 5.2 The services are categorised as Part B services under the Public Contracts Regulations 2006 so there is no requirement to carry out a European tendering exercise.
- 5.3 The Procurement Committee has power under CSO 7.02 (a) to agree a waiver of CSOs (contracts over £250,000).
- 5.4 The request is made in accordance with CSO 7.03 (a) and (d) i.e the nature of the market has been investigated and is demonstrated to be such that a departure from CSOs is justifiable; and that it is in the Council's overall interest.

The Head of Legal Services confirms that there are no legal reasons preventing Members from approving the recommendations in this report.

#### **6. Other options considered**

- 6.1 This recommendation is in line with the Procurement Code of Practice.
- 6.2 Market research has been undertaken and shows a very restricted market for this service.
- 6.3 This recommendation is supported by all participating boroughs.

#### **7. Summary**

- 7.1. [click here to type]

#### **8. Chief Financial Officer Comments**

- 8.1 Haringey YOS, in conjunction with Barnet and Enfield YOS, proposes to waive the requirement to tender in order to ensure continuation of the Intensive Supervision and Surveillance Programme (ISSP) service within the consortium.

The current contract is due to expire on 30th June 2009, ISSP is an established sentencing option and therefore ISSP service provision will continue to be required. The Consortium steering group which consists of officers from the constituent boroughs is in agreement with this proposal to waiver.

8.1. We have investigated the market and it has been ascertained that there is not a sufficient market existing to facilitate the use of a competitive process. We currently do not have the capacity or the infrastructure to provide an internal service and therefore require to continue to provide this service through an external service provider.

8.3 It is anticipated that the funding for ISSP, which is currently provided by the Youth Justice Board, will not be ring-fenced to ISSP in the next financial year 2010 onwards and therefore decisions will need to be taken by the ISSP steering group as to re-tendering for services in 2010. At present, depending on funding, the intention would be to re-tender for the ISSP services this year as the consortium does not have the capacity to bring the service in-house.

## **9 Head of Legal Services Comments**

9.1 Contract price of the ISSP services for the Haringey, Barnet and Enfield consortium is £324,000 in 2008/9. The Youth Justice Board has confirmed the grant for 2009/10

## **10 Head of Procurement Comments –[ Required for Procurement Committee]**

10.1 See legal comments in paragraph 5

## **11 Equalities &Community Cohesion Comments**

11.1 ISSP is targeted at high risk offenders who are at risk of custody and provides programmes to divert young people from custody. Given the over-representation of black and minority ethnic offenders in the criminal justice system, this programme is vital in addressing the issue of disproportionality. Ethnicity monitoring of referrals to ISSP is required and is presented quarterly to the Steering group.

## **12 Consultation**

12.1 As part of the re-commissioning strategy, consultation was carried out with the consortium steering group to ascertain their views on the current service and their views on re-tendering.

## **13 Service Financial Comments**

13.1 Intensive Supervision and Surveillance Programme (ISSP) was introduced by the Youth Justice Board (YJB) in 2001 and is recognised as the most robust community based programme for persistent and serious young offenders.

13.2 ISSP is available for young people who are at high risk of custody – both on remand or as a community sentence. The programme can also be used to offer

additional support to high risk offenders who are subject to the community section of a detention and training order (DTO). Provision of ISSP is directly linked to the YJB target to reduce the number of young people sent into custody.

13.3 The programme offers intensive support of 25 hours per week for the first 3 months of an order, reducing to 4 hours per week thereafter. Core modules of ISSP are education and training, restorative justice, offending behaviour, interpersonal skills and family support. A key feature of ISSP is the inclusion of a surveillance element which can involve tracking, electronic tagging and intelligence led policing.

13.4 The Haringey, Barnet and Enfield ISSP was originally commissioned from YAP UK but, after a tendering process in 2005/06, the contract was awarded to NACRO in June 2006. As a result, there have been significant improvements in the services provided as outlined in the YJB audit and a previous contract review.

#### **14 Use of appendices /Tables and photographs**

14.1 In 2008, a market testing exercise took place in London and NACRO is the only provider of ISSP contracted out services within the area.

14.2 On behalf of the consortium, Haringey YOS proposes that the requirement to tender is waived at this stage.

#### **15 Local Government (Access to Information) Act 1985**

15.1 Appendix 1 – Comparison of market testing exercises.