

Finance and Resources Committee

10.00am, Thursday, 11 October 2018

Waiver report for Edinburgh and Midlothian Offender Recovery Service

Item number	7.15
Report number	
Executive/routine	Executive
Wards	All

Executive Summary

This report seeks approval for a waiver of Contract Standing Orders to allow the direct award of a contract to Change Grow Live (CGL) to deliver the Edinburgh and Midlothian Offender Recovery Service (EMORS). The contract will enable continuous service provision in supporting people in the criminal justice system from 1 April 2019 to 31 March 2020 pending the outcome of a review being carried out by NHS Lothian; a contributor to the contract.

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1. Recommendations

It is recommended that the Finance and Resources Committee:

- 1.1 approves the direct award of the contract to CGL for the continued delivery of the EMORS for the period 1 April 2019 to 31 March 2020.

2. Background

- 2.1 The EMORS delivered by CGL provides complete continuity of care from community services to inside prison and back into the community. It supports service users as they address their substance misuse issues and to reduce reoffending rates by providing an integrated care continuum as they move through the justice system.
- 2.2 The contract commenced on 1 April 2014 to 31 March 2017, and is continued for a further two years by contract extension. The current extension contract will expire on 31 March 2019.

3. Main report

- 3.1 The EMORS contract costs £503,126 per annum and is funded by three parties; Edinburgh Criminal Justice Services, Midlothian Criminal Justice Services and NHS Lothian with contributions as follows:
 - Edinburgh Criminal Justice Services - £311,279
 - Midlothian Criminal Justice Services - £15,150
 - NHS Lothian - £176,697

EMORS

- 3.2 The EMORS brings together three services under one contract; arrest referral, prison treatment and support, and prison throughcare. The service offers support in the courts and police cells to people who have been arrested and are in custody by offering an immediate assessment and follow up linkage into the prison treatment element of the service if this is required.

- 3.3 EMORS works with men and women in Edinburgh, taking a recovery-centred approach to build and encourage the creation of recovery capital, and helping them move away from problematic alcohol and drug use and other issues that increase the likelihood of re-offending. It also supports people in the community for up to six months after their release from prison, to address their needs through accessing services including health, housing and finance which support their desistance.
- 3.4 EMORS provides continuity of care between case worker and/or team so that service users can benefit from consistency, allowing positive relationships and trust to develop over time between case worker and service user which in turn supports reducing reoffending.

EMORS funding

- 3.5 The EMORS contract expires on 31 March 2019. The three funding parties mentioned at 3.1, agree that the service should continue beyond 31 March 2019 and have committed a further year of funding from 1 April 2019 to 31 March 2020. The NHS is currently conducting a health needs assessment for HMP Edinburgh which it aims to complete by the end of 2018, to ascertain how best to deliver and resource the treatment services provided to prisoners. The outcome of the health needs assessment will determine the NHS longer term funding position beyond 31 March 2020.
- 3.6 It is not possible to tender for a three-year contract to commence on 1 April 2019 because the NHS funding is not confirmed beyond 31 March 2020. On completion of the health needs assessment, the NHS will be able to confirm its longer-term funding position however, this will be too late to meet procurement deadlines for tendering and awarding a new three-year contract to commence on 1 April 2019.
- 3.7 A one-year waiver will allow the NHS sufficient time to complete the health needs assessment and will enable the service to continue uninterrupted for a further year from 1 April 2019 to 31 March 2020. Partners will be in a position to tender for a new three-year contract in 2019 to commence on 1 April 2020, providing the NHS continues to fund the EMORS contract. Should there be a change to the NHS contribution and/or position, partners will consider their options for the service at that time.
- 3.8 If partners were to tender for a new contract in 2018, it would be for one year only from 1 April 2019 to 31 March 2020. Due to the large-scale nature of the contract and the extent of service provided under it, both in HMP Edinburgh and in the community, a new tender and potentially a new service provider, would cause significant disruption to the service.
- 3.9 A key part of the EMORS is providing continuity of care from arrest through to prison and back into the community, and a new short term (one year) contract would impact negatively on service users who benefit from the continuum of support. Additionally, a handover to a potentially new provider would be both time consuming and use a considerable amount of the EMORS resources in setting up

and establishing a fully functional service, and which may not continue beyond one year of the contract being awarded.

4. Financial impact

- 4.1 The cost to the Council for a one-year contract from 1 April 2019 to 31 March 2020 is £311,279, paid for by Edinburgh Criminal Justice Services. These services are funded by the Scottish Government through a ring-fenced grant under sections 27A and 27B of the Social Work (Scotland) Act 1968. If this funding is not utilised it will have to be returned to the government. There is therefore no financial impact on the council.

5. Risk, policy, compliance and governance impact

- 5.1 The waiver approval is sought to ensure that the EMORS is able to continue uninterrupted to 31 March 2020. The absence of a waiver would mean that the contract funding parties would require to tender for a one year contract (as opposed to a three year contract), causing significant disruption to a criminal justice service of which continuity is a key part.

6. Equalities impact

- 6.1 The EMORS service supports people from point of arrest, to prison and back into the community providing complete continuity of care. Service users are supported to address their substance misuse issues and assisted with other unmet needs to reduce their risk of reoffending. There is a well-established link between offending/reoffending and poverty and inequality. The EMORS therefore, is a key contributor to equality of opportunity through supporting people, many of whom have experienced significant disadvantage, to exercise their rights and improve their life chances. The EMORS also supports the public-sector equality duty to foster good relations by supporting people who have committed offences to successfully reintegrate into the community, for the benefit of all citizens.

7. Sustainability impact

- 7.1 The EMORS contributes to building individual resilience and social capital which in turn fosters sustainable and inclusive communities where people with offending backgrounds are successfully reintegrated into the community. This supports individuals to desist from offending, realise their potential and contribute to society for the benefit of all.

8. Consultation and engagement

- 8.1 Engagement with services users accessing the EMORS has shown that continuity of care and consistency are highly valued. The contract funding partners continue to seek the views of service users in shaping and further developing the EMORS. Service user feedback contributes to service improvements which in turn helps deliver improved outcomes for people who have committed offences.

9. Background reading/external references

None

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10. Appendices

None