

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Adult Services and Public Health
Date:	21 September 2021
Title:	Grant to Office of the Police and Crime Commissioner (OPCC) for Appropriate Adult Service
Report From:	Director of Adults' Health and Care

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Purpose of this Report

1. The purpose of this report is to seek approval from the Executive Member for Adult Services and Public Health to provide a grant to the Office of the Police and Crime Commissioner (OPCC) to contribute to the funding of an Appropriate Adult Service for Hampshire, Isle of Wight and Southampton. The proposed total value of the grant for a 5-year period is £386,085.

Recommendation(s)

2. That the Executive Member for Adult Services and Public Health approves a grant of £386,085 to the OPCC for a 5-year period to contribute to the funding of an Appropriate Adult Service for Hampshire, Isle of Wight and Southampton.

Executive Summary

3. This report seeks to;
 - Set out the background and context to contribute funding to the OPCC for an Appropriate Adult Service for Hampshire, Isle of Wight and Southampton.

Contextual information

4. As stated within the 'Appropriate Adult PCC-Local Authority Partnership Agreement (England)', Appropriate Adults help ensure children and vulnerable adults are treated fairly when the police suspect them of committing an offence. They reduce the risk of miscarriages of justice as a result of evidence being obtained from vulnerable adults and children in ways which, by virtue of their vulnerability, might lead to unsafe convictions.

5. Appropriate Adults are required whenever mentally vulnerable adults are detained in custody. However, there is no statutory provision for vulnerable adults.
6. The role of Local Authorities in the provision of Appropriate Adult service to vulnerable adults is described in the Home Office document 'Appropriate Adult PCC-Local Authority Partnership Agreement (England)'.
7. The County Council previously held the contract for the Appropriate Adult Service with contributions from other parties. It was agreed going forward that it would be appropriate for the OPCC to enter into the contract for the Appropriate Adult Service with other parties including Hampshire County Council contributing.
8. Prior to the existence of a contracted Appropriate Adult service, the role of Appropriate Adult was ordinarily undertaken by qualified social workers, employed by the County Council.
9. The Police determine whether an adult is a vulnerable adult using the standards set out in PACE, Code C. The Police would then request an Appropriate Adult from the provider.
10. Custody Suites have NHS funded Liaison and Diversion teams, which support vulnerable adults but don't act as Appropriate Adult: Liaison and Diversion services identify people who have mental health, learning disability, substance misuse or other vulnerabilities when they first come into contact with the criminal justice system as suspects, defendants or offenders. The service can then support people through the early stages of criminal system pathway, refer them for appropriate health or social care or enable them to be diverted away from the criminal justice system into a more appropriate setting, if required.
11. Her Majesty's Inspectorate of Constabulary (HMIC): [Welfare of vulnerable people in police custody](#) (2015) reiterates the legal requirement for custody staff to identify and contact an appropriate adult as soon as practicable and without delay, so that all children and mentally disordered or otherwise mentally vulnerable adults have one with them during the custody process and any interviews.
12. The role of the Appropriate Adult is to:
 - Ensure that the detained person understands their rights and that appropriate adults have a role in protecting their rights;
 - Support, advise and assist the detained person, particularly while they are being questioned;
 - Observe whether the police are acting properly, fairly and with respect for the rights of the detained person – and to tell them if they think they are not; and
 - Assist with communication between the detained person and the police.

13. The Appropriate Adult service in 2019 supported 1325 vulnerable adults, 1214 vulnerable adults in 2020 and 700 vulnerable adults in the first 6 months of 2021.

Finance

14. It is proposed that a grant totalling £386,085 to cover a 5-year period, is allocated to the OPCC to contribute to an Appropriate Adult Service.
15. This financial commitment represents the Adults Health and Care contribution to the provision, it is a cash limited sum and will not exceed the amounts set out in paragraph 21 and as laid out in the terms of the grant agreement. Additional contributions to the OPCC will be made by Southampton and Isle of Wight Local Authorities.
16. A grant agreement would be issued to the OPCC and it will have conditions that enable the County Council to require repayment of the award or any part of it if it remains unspent at the end of the grant period, or if there is a material breach of the grant agreement. This agreement will need to be signed prior to the release of any funds.
17. The grant totalling £386,085 will be paid as an annual contribution to the OPCC:
- Year 1 – 3 - £69,362 per annum
 - Year 4 – 5 - £89,000 per annum subject to a review at the end of Year 3
18. Funds would be issued in 6 monthly instalments.
19. This is a continuation of an existing service and funding for this grant has been identified within the existing recurrent Adult Health and Care budget.

Performance

20. The OPCC will closely monitor the delivery and success of the provision throughout the grant period to ensure the aims and objectives of the provision are being met and that the Grant Agreement is being adhered to.
21. The OPCC will provide the County Council with a copy of all Appropriate Adult contract monitoring reports on its use of the Grant and delivery of the provision on a regular basis.

Equalities Impact Assessment

22. The Appropriate Adult service would have a positive impact on vulnerable groups in that it protects their rights and welfare when arrested or making statements to the Police as witness or victim of crime.

23. The National Appropriate Adult Network (NAAN) [National Standards](#) give detailed guidance around diversity and being compliant with all the requirements of, and the principles behind the Equalities Act 2010. (See Standard 3.4).

Climate Change Impact

24. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
25. The grant to the OPCC has been assessed against the two decision-making tools which are designed to assess impacts on climate change and carbon emissions. No impacts have been identified.

Conclusions

26. That the Executive Member for Adult Services and Public Health approves a grant of £386,085 to the OPCC for a 5-year period to contribute to the funding of an Appropriate Adult Service for Hampshire, Isle of Wight and Southampton.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>
Appropriate Adult PCC - Local Authority Partnership Agreement	31/07/2018

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The County Council will not hold data about the protected characteristics of those vulnerable adults who will access the Appropriate Adult Service. However, the Service will have a positive impact on vulnerable groups in that it protects their rights and welfare when arrested or making statements to the Police as witness or victim of crime. The National Appropriate Adult Network (NAAN) [National Standards](#) give detailed guidance around diversity and being compliant with all the requirements of, and the principles behind the Equalities Act 2010. (See Standard 3.4)