

	<h2>ACTION TAKEN UNDER DELEGATED POWERS BY OFFICER</h2>
<p style="text-align: center;">Title</p>	<p>Authorisation for extension of the ECINS contract in Barnet</p>
<p style="text-align: center;">Report of</p>	<p>Jamie Blake; Executive Director for Environment</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Enclosures</p>	<p>Appendix 1: Original DPR to introduce ECINS in Barnet Appendix 2: ECINS current contract</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Matt Leng, Community Safety Manager Matt.Leng@Barnet.gov.uk ; 02083592995</p>

Summary

This report seeks the authorisation of the Executive Director for Environment for the extension until 31st March 2022 for the ECINS case management system contract in Barnet in accordance with clause 22 of the current contract and the requirements of the Council’s Contract Procedure Rules and the Public Contracts Regulations 2015.

Decisions

1. The Executive Director for Environment authorises the extension until 31st March 2022 for the ECINS case management system contract in Barnet.

1. WHY THIS REPORT IS NEEDED

1.1 ECINS in Barnet

The current contract for ECINS in Barnet is due to expire on 31/3/19. The ECINS system remains the only recognised product that can deliver a web based secure case management process for multiple partners involved in tackling Crime and Disorder as indicated below that meets the legally required security standards of the Home Office and is ACPO (Association of Chief Police Officers) compliant.

Following the previous DPR authorisation and contract approval in December 2016 the use of ECINS in Barnet for the Community Safety case management and Community Safety functions commenced in January 2017.

ECINS remains in use to manage the BOOST¹ project for the Council and is being prepared to deliver the Potentially Violent Persons Register for the Council.

The ECINS system is also being explored for use by the Council's Adults Multi Agency Safeguarding Hub (MASH) but this is in the early stages of consideration.

There have been recent changes to the policing structure locally which has created the Tri Borough Police Command Unit which includes Barnet, Brent and Harrow. The ECINS system is already being used in Brent for their Community Safety case management functions and is going live in April 2019 with Harrow's Community Safety Team.

1.2 Current usage of ECINS by the Community Safety Team

As intended in the original DPR (July 2016) the ECINS system is used as the case management system for the Community Safety Team in Barnet. The team has received and logged over 600 cases in the last year (January 2018-present) against the previous year of 118 new cases. The use of the ECINS system covers the following areas of work:

- Community Safety Multi Agency Risk Assessment Conference (CS MARAC)
- Complex Anti-social behaviour cases
- Unauthorised Encampments
- Members Enquiries for the Community Safety Team
- Environmental Crime Investigations (Fly tipping)
- Case reviews for Waste Enforcement
- ~~Integrated Offender Management~~

¹ BOOST is a Barnet Council project (Burnt Oak Opportunity Support Team) which started in July 2015 and has engaged with over 800 residents and supported 298 into sustainable employment.

- Domestic Homicide Reviews (DHRs)
- Prevent and Channel case management

The system currently has 204 users contributing to the case management of partnership work to tackle crime and disorder in Barnet.

All Barnet police dedicated ward officers and Sergeants are registered users enabling direct case management interactions with the Council's Community Safety Team.

1.3 Current usage of ECINS by the BOOST Team

BOOST originally brought ECINS into Barnet as part of the initial project roll out in 2015. BOOST is part of working People Working Places, a community based multi-agency pilot for employment and wellbeing, initially funded by West London Alliance with Brent.

How is ECINS used by BOOST?

- Initial sign up to project - report
- Set up client records – profile
- Keep case notes/action notes – case
- Reporting including providing data for independent project evaluation
- Around 2,200 clients signed up on system
- 39 users from BOOST or Taskforce registered on the system

1.4 Background Context

1.4.1 The Council is reminded of the original submission with regards to the justification made within the previous DPR which stated:

1.4.2 The Barnet Safer Communities Strategy 2015-2020 sets out the importance of adopting a victim centred approach to dealing with crime and anti-social behaviour. This is in line with the direction and guidance from Government and the Anti-Social Behaviour, Crime and Policing Act 2014.

1.4.3 A victim centred approach to dealing with crime and anti-social behaviour is important because it is only by focusing on the situation of the victim that the responsible authorities of the Safer Communities Partnership can effectively identify risk and harm faced by individuals and communities and then take coordinated action to reduce the risk and stop the behaviours causing the harm.

1.4.4 Failure of responsible authorities to identify, understand and respond appropriately to this risk and harm has been identified as a common factor behind failings which have led to tragic consequences. (Examples of such cases include Fiona Pilkington and her daughter Francesca – Leicester; Garry Newlove – Warrington, and David Askew – Manchester).

- 1.4.5 Key findings of the investigation into contact with Fiona Pilkington by the Independent Police Complaints Commission (IPCC)². The report into Leicester Constabulary (and others) included a failure by the police and partners and lead investigating officers in the police and council to share information in an effective, meaningful and timely fashion. The report states *'warning letters and behaviour contracts were being issued by the police and local authority (including housing authority) without a coordinated system to share information'; that there was a tendency for incidents to be closed without any record of action having been taken, and without any supervising officer checking matters had been dealt with satisfactorily;*
- 1.4.6 Under the Crime and Disorder Act 1998 Barnet Council is a 'responsible authority' and therefore is expected to act to prevent anti-social behaviour: Section 6 of Crime and Disorder Act 1998 places a statutory duty on responsible authorities (including local authorities, the Police, Probation Trusts, and Fire and Rescue Authorities) to formulate and implement strategies for the reduction of crime and disorder (including anti-social behaviour). From Section 17 of the Act it clearly follows that there is a requirement on the local authority to have due regard (in the exercise of its functions) to the need to do all it can to reasonably prevent crime and disorder in its area. *All Local Authorities are required to adhere to the Home Office guidelines for recording case management decision making and intervention actions (legal and non-legal). They are required to keep a central register of all orders secured in the locality to enable effective management of the orders to maintain compliance and enforcement upon any breaches in order to protect the community.*
- 1.4.7 The Home Office guidance 'Effective ASB Case management principles'³ sets out the priorities and organisational foundations which underpin effective ASB case management. Arguably all the principles can be listed however the key contribution in relation to Barnet successfully establishing and implementing more effective and efficient anti-social behaviour complex case and area based problem solving case management using ECINS relies most heavily upon 10 of these principles.

2. REASONS FOR RECOMMENDATIONS

- 2.1 Evidence provided in this report and supporting documents indicate that the extension of this contract is the best option for the Council and partnership to be able to continue in the delivery of case management not only for the Community Safety Team but also for the BOOST and Health and Safety Potentially Violent Persons Register functions of the Council.

² See 'Independent Police Complaints Commission (IPCC) report into the contact between Fiona Pilkington and Leicestershire Constabulary 2004-2007'.

³ See 'Rethinking the policing of anti-social behaviour' – HMIC; 'Effective ASB case management principles' – Home Office; 'Anti-social Behaviour Crime and Policing Act 2014 Reform of anti-social behaviour powers, Statutory Guidance for frontline professionals' – Home Office

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 **Alternative Option 1: Do nothing.** To allow the ECINS contract to expire and seek to procure an alternative case management system is not a feasible as it would carry a significant risk of Barnet being unable to bridge the gap in service delivery and thus failing to be able to continue to adequately meet the current and increasing demand to deliver a victim focussed and multi-agency problem solving approach to ASB and environmental crime in Barnet. **This is not recommended.**
- 3.2 **Alternative Option 2:** Commission an external IT company to design and create a case management system/product that matches or exceeds the current ECINS product. The risks associated with the time required and the risk to managing the current demands and challenges mean that this option is not realistic nor is it advisable given the investment already made by the Council and the risks highlighted in this report. **This is not recommended.**

4. POST DECISION IMPLEMENTATION

- 4.1 If the extension is approved as requested then the supplier will be asked to extend the use of the ECINS product in Barnet and the appropriate officers will go through the necessary internal processes to vary it accordingly as a sole provider of services with an existing contract with the Council. There will be minimal implementation costs or officer time as this is an expansion of the existing product under the current contract under clause 22 of the contract which if extended will be in force until 31/3/2022.
- 4.2 This extension will be undertaken by 29/3/19 following the relevant contract approvals being signed; thereafter HB Law shall issue out a contract extension agreement to the contractor. The Contractor is in agreement to continue its contractual relation with the Council and in the interim the system remains in full operational use with mutual consent of both parties.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

The 2019-2024 corporate plan is for Barnet to be amongst the safest places in London, with high levels of community cohesion, and residents feeling safe.

OUTCOME 1 - A pleasant, well maintained borough that we protect and invest in

OUTCOME 2 - Our residents live happy, healthy, independent lives with the most vulnerable protected

OUTCOME 3 - Safe and strong communities where people get along well

Outcome 3 includes Keeping Barnet Safe and Tackling Anti-social behaviour and environmental crime.

The Barnet Safer Communities Partnership is a statutory partnership set up under Section 5-7 of the Crime and Disorder Act 1998. Under which act, partners are required to work together to protect their communities from crime and help people feel safer, work out how to deal with local issues like anti-social behaviour, drug and alcohol misuse and reoffending and annually assess local crime priorities consulting with partners and the local community about how to deal with them.

The use of ECINS will continue to directly contribute to the efficiency with which the partnership is able to work together to deliver on the strategic Community Safety priority outcomes. ECINS will continue to be the case management system for the partnership's complex anti-social behaviour cases and support the performance management dashboard reporting system for the Safer Communities Partnership and Community Safety Strategy Priorities but in particular; 'To provide a victim centred approach to victims of crime and anti-social behaviour.' And 'To maintain reductions in crime and anti-social behaviour.'

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The current contract has cost the council £58,142.50 for the period 1/12/2016 – 31/3/2019. This contract has been funded by the Executive Director – Environment and the contract managed by the Community Safety Team in this period.

5.2.2 The extended ECINS contract will continue to be managed by the Community Safety Team and will now be funded from the Community Safety Team budget using the income from the Tri Borough profit share arrangements with Kingdom Security Services for waste enforcement.

5.2.3 The table below shows the annual cost for the proposed contract extension period which includes IT support and unlimited users:

Period	Cost*
1/4/19 - 31/3/2020	£24,500.00
1/4/2020 – 31/3/2021	£25,480.00
1/4/2021 – 31/3/2022	£26,499.00
Total cost 2019-2022	£76,479.00

*excluding VAT

5.2.4 As stated above the authorisation being sought is an extension of the existing contract for this single source/sole market provider product to enable the continued use and business continuity of the Council's Community Safety Case Management, BOOST and Potentially Violent Persons Register functions. There remains no identified suitable alternate provider of this service where the

provision of a shared IT platform and as this product is already in place within Barnet Council in several work stream areas this represents the best value and cost for the council than trying to find an alternative provider.

5.2.5 The services being obtained are accessed through web portal internet and there are no integration impacts on the Council's IT systems.

5.2.6 Due to the uniqueness of ECINS this product is a sole provider therefore it still represents the best value option for Barnet to achieve its objectives.

5.2.7 This report and recommendation is in accordance with Contract Procedure Rules Article 10 Table B thresholds as the total life time contract value is £134,621.50 including the value of services contracted between 2016 and 2019 use of ECINS (£58,142.50) and this extension until 31st March 2022, (£76,479.00) for the use of ECINS by the Council.

5.3 Social Value

5.3.1 Not relevant for this report

5.4 Legal and Constitutional References

5.4.1 The contract is a public services contract as defined in the Public Contracts Regulations 2015 (PCR 2015).

5.4.2 The value of the contract extension is £76,479 which is below the threshold set under the PCR 2015, therefore this procurement is not subject to the full requirements of the PCR 2015 however the principles of the PCR 2015 of transparency, equality of treatment, fairness and non-discrimination and the Council's Contract Procedure Rules (CPR 2018) must still be adhered to.

5.4.3 The CPR 2018 details the requirements for the approval and letting of contracts within the range £50,001 –£181,301 and that a minimum of 2 competitive quotes is required. The CPR 2018 provides that acceptance shall be by an Approved Officer as approved by the Scheme of Delegation and by way of full officer DPR. A quotation exercised was not undertaken rather a direct award is being made for this contract.

5.4.4 The CPR 2018; Rule 6.1 'Single Tender Action' states: "A Single Tender Action" is the awarding of a Contract to a contractor without undertaking a competitive tendering exercise. This is permitted only in exceptional circumstances and should be approved in advance by the Commercial Director. Procurement advice should be sought in all cases. Exceptional circumstances may include where the works, supplies or services can be supplied only by a particular supplier."

5.4.5 The ECINS system remains the only recognised product that can deliver a web based secure case management process for multiple partners; given the multi-agency IT platform directly supports the Council in meeting its obligations under the Anti-Social Behaviour, Crime and Policing Act 2014 the Council seeks to

continue its contractual relationship with the contractor for this specialist service, without undertaking a competitive process.

5.4.6 The Commercial and Customer Services Director has been briefed and approved the commencement of the single source procurement in line with the provision set out in the Contract Procedure Rules 2018.

5.4.7 HB Public Law when instructed will advise on and prepare the appropriate documents to reflect the extension of the contract.

5.5 Risk Management

5.5.1 Upon agreement of this DPR the necessary Data Protection Act Information Sharing agreements requirements will be reviewed in accordance with the Council's Information Management protocols in order to continue to meet the requirement of General Data Protection Regulation (GDPR) – this will include a review of the risk and issue logs for ECINS in Barnet.

5.5.3 Access and control for the ECINS system will be afforded by the Community Safety Team staff as the 'super users'.

5.5.4 The extended commissioning of this service is unlikely to raise any significant levels of public concern or give rise to policy considerations because the operational delivery of this service will serve to improve the borough's environment as a whole whilst ensure that the Council fulfils its statutory duties.

5.5.5 Compared to the two alternative options outlined in section 3, this proposed contract extension represents the lowest risk option.

5.5.6 To not have the case management system in place and functioning represents a risk not acceptable to the Council's for the Council's Community Safety Team and BOOST operational case management delivery functions.

5.6 Equalities and Diversity

5.6.3 Being fair and giving equal chances to all our residents is central to Barnet's Corporate Plan 2016 -2020 and the council's strategic equalities objective, (SEO), that "Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the taxpayer". Barnet and organisations acting on its behalf are committed to fair treatment for all our citizens balancing their different needs and rights as we support our more vulnerable residents and incorporate the principles of equality into everything we do as a Council. The general duty on public bodies is set out in Section 149 of the Equality Act 2010.

5.6.4 A public authority must, in the exercise of its functions, have *due regard* to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

5.6.5 The protected characteristics are:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race / ethnicity
- religion or belief
- gender / sex
- sexual orientation
- marital status (including civil partnership)

5.6.6 The ECINS Equalities Impact Assessment (EIA), Information Management Impact Assessment (IMIA) and Data Protection Impact Assessments (DPIA) for ECINS will all require reviewing with the Council's Information Management Team if the contract extension is approved – this will be undertaken by the Community Safety Manager upon approval of this extension.

5.7 Corporate Parenting

5.7.1 The decision to proceed with the proposed extension of this contract is not considered to have a direct or indirect impact on children in care and care leavers as the known problem persons are aged over 18 years.

5.7.2 Should any person under 18 years old or care leavers be identified involved directly or indirectly within the case management functions of ECINS in Barnet they will be referred to the MASH in accordance with standard protocols for vulnerable young people.

5.8 Consultation and Engagement

5.8.1 At the present time there are no public consultation requirement for this report.

5.8.2 The partners involved in the Community Safety, BOOST and Potentially Violent Persons functions are supportive and committed to the continued use of the ECINS systems for their respective work areas.

5.9 Insight data

Not relevant for this report

6. BACKGROUND PAPERS

Not relevant for this report

7. DECISION TAKER'S STATEMENT

- 7.1 *I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision-making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.*

Chief Officer: Jamie Blake

Dated: 15 May 2019