

Report to CABINET

Special Education Needs (SEN) Transport Service

Portfolio Holder:

Councillor Shaid Mushtaq, Cabinet Member for Education and Skills

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Reason for Decision

To advise on the process undertaken on the Transport Service Tender.

Executive Summary

The report details the recent tender allocation process. It also outlines the current provision of Home to School Transport, provided by the SEN Transport Team.

Recommendations

Cabinet is requested to both authorise the acceptance of the successful tenders and approve the award of the appropriate contracts.

Special Education Needs (SEN) Transport Service

1 Background

- 1.1 SEND has been undergoing an improvement journey since the Ofsted inspection in 2017. Transport was identified as a priority area in the Written Statement of Action (Oldham's response to the Ofsted judgement). A transport workstream was constituted as a task and finish group led by the Parent Carer Forum, POINT. An immediate action taken was to agree and implement a temporary, legally compliant transport policy. A new permanent policy is included on the agenda for this meeting. This should be read in conjunction with this report.
 - 1.2 There are a high number of children and young people accessing home to school transport which correlate over time to the increase in children and young people who would have been statemented under the old system (circa 100 per annum) to the new system of Education, Health and Care Plans EHCP (circa 360 per annum) from 2014-2019.
 - 1.3 As part of the improvement journey for EHCPs (priority three of the Written Statement of Action), the annual review process will now include a review of home to school transport arrangements annually in the context of the plan, to further assess need and review appropriate provision.
 - 1.4 At present, there is a concurrent travel training contract in place with Pure Innovations to provide independent travel training to 20 children and young people per annum. This contract expires on 31st March 2020. New delivery models for providing a greater level of scale and pace for independent travel training will be considered before the financial year end as 20 per annum is deemed insufficient to meet potential demand/need and ensure best value for money. This will help to mitigate costs moving forwards as more children and young people may migrate to travel training from transport and/or assigned travel training in place of transport in the first instance.
 - 1.5 Oldham is only local authority in GM that provides a home to school door to door service. As part of the implementation of the new policy, plans will be put in place to begin to migrate this approach to create generic pick-up points and financial assistance will be directed to parents/carers to arrange transport themselves if this meets need. This will help to reduce costs as there will be less journeys per contractors and passenger assistant.
 - 1.6 Also in GM, Oldham is the only place where the CCG funds continuing care cases for children and young people with the most complex needs (where needs cannot be met by Personal Assistants, rather, qualified health professionals). This removes some costs from the Council Tax budget for long term need. This agreement is not subject to change and will not lead to any future increased costs to the LA.
 - 1.7 The SEN Transport Team provides the current provision for Home to School Transport. The service currently transports approximately 700 pupils with either special educational needs, disabilities or because of their mobility issues. There are over 2,000 EHCPs in the borough and circa 8,000 children and young people 0-25 years on the SEN register equating to one in ten in the borough.
 - 1.8 The transport service operates over 190 school days as determined by the School Holidays Calendar and considering other occasional days determined by individual
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schools governing bodies. All pupils with SEN are provided with free travel assistance, in accordance with the Council's current Home to School Transport Policy (March 2018), IPSEA Legal guidance and the Education Act 1996.

- 1.9 The provision of transport is determined by the needs of the individual pupil. Those with severe and complex health, physical or educational needs can be transported by either individual taxis or adapted vehicles. Children or young people with less severe needs ordinarily travel via a multi-passenger minibus.

The SEN Transport Policy aims to ensure that all pupils eligible to access transport, will receive the appropriate provision which meets their needs. When assigning the appropriate provision to be provided, the Transport Moderation panel consistently applies the following principles:

- The aim of the service is to support parents, not absolve them of their responsibility to ensure their child attends school on time with regular attendance.
- The SEN Transport team ensures all arrangements put in place shall be cost-effective, so the Authority receives value for money.
- Wherever possible, the provision provided will look to build and promote independence, to help prepare children and young people for later life.
- The health, safety and well-being of the children and young people will remain paramount.

Both current providers and winning tenders are subject to relevant DBS checks. New providers will be required to also access safeguarding training.

2 **Current Position**

- 2.1 A dynamic purchasing system is used for procuring routes which is accessed via the Chest. Both a quality assurance score and price check are used to ensure that operators offer value for money for the local authority. Contractors are awarded routes via this process. Routes can change daily due to availability of personal assistants, change of school, change of home address and change of composition of group pick-ups.

- 2.2 In accordance with the Council's Procurement regulations and European Legislation, Oldham Council put out to tender routes for home to school transport for children and young. The tender process began in March 2019 with a deadline of 15th April 2019. The subsequent contracts are to commence in September 2019.

Bidders were requested to review and complete the following documents:

- Standard Questionnaire
- Mini Competition

The standard questionnaire looked to assess the quality aspect of bidders and their eligibility to perform the services. The table below outlines the criteria used:

SQ Section	Selection criteria	Weighting
Supplier information	For information only	N/A
Grounds for mandatory exclusion	Pass or Fail	N/A
Grounds for discretionary exclusion – Part 1	Pass or Fail	N/A
Grounds for discretionary exclusion – Part 2	Pass or Fail	N/A
Economic and Financial Standing	Pass or Fail	N/A
Technical and Professional Ability	Pass or Fail	N/A
Project specific questions to assess Technical and Professional Ability	<p>Pass or Fail and the weightings stated against the questions:</p> <p>Safe & Appropriate Service – 35%</p> <p>Complaints – 30%</p> <p>Business Continuity – 30%</p> <p>Social Value – 5%</p>	100%

Insurance	Pass or Fail	N/A
Compliance with equality legislation	Pass or Fail	N/A
Environmental Management	Pass or Fail	N/A
Health and Safety	Pass or Fail	N/A
Data Protection	Pass or Fail	N/A
Modern Slavery Act	Pass or Fail	N/A

In addition, the service requested information on each driver which included driver's license, operator's license, DBS checks, and vehicle insurance. If a bidder passed the first stage of checks, their mini competition submission was evaluated. The mini competition document was evaluated purely on price, with the bidder offering the lowest price awarded the highest marks.

- 2.3 All new contractors will comply with and sign, a contract for the provision of transport for children and young people in Oldham. In addition, they will have qualified through the Chest and signed the standard Council form of tender.
- 2.4 The contracts included in the tender were offered out for bids via the chest and broken down into separate lots for Adapted Vehicles, Multi Passenger Vehicles and Taxis.
- 2.5 The decision was taken to request written bids on both a price per mile and fixed price basis for all contracts.

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- 2.6 All tender submissions were evaluated. The Council is able to award 104 of the 118 routes currently available (see Appendix 2)
- 2.7 14 routes were unable to be allocated to bidders for the below reasons:
- Some companies prepared bid a bid on routes through the tender process, but it transpired they could not contractually fulfil;
 - Some companies tendered for routes at an inflated price which would have a significant cost implication on the service.
- 2.8 Concurrently, for the remaining 14 routes, SEN Transport proposes to extend the current procurement arrangements as a limited exemption to meet need. This will be time limited to run alongside running a procurement exercise with new providers on the Chest.

3 **Options/Alternatives**

3.1 Option 1

Open the Dynamic Purchasing System under The Chest and re-tender the remaining 14 routes to the successful bidders on the System. This approach would;

- Allow the 14 routes not allocated via the initial tendering process to be allocated to different contractors via the Chest;
- Seek new tenders at a lower price than current;
- To minimise risk, extend contracts with the existing providers for the 14 routes pending the outcome of the re-tendering process.

Option 2

Approach the current supplier to continue undertaking the route previously tendered for the same price, over the contracted period. If this is not possible re-tender the 14 routes outside of the Dynamic Purchasing System. This approach would;

- Provide a continuation of service from September 2019;
- Increase cost of the routes to be operated at a higher price than if the routes were re-tendered through the chest; and,
- Operate outside of the guidelines set out in the Dynamic Purchasing System.

4 **Preferred Option**

- 4.1 Option 1 –re-tender the 14 routes under the Dynamic Purchasing System via the Chest and extend the contracts with the existing providers under an exemption from the Contract Procedure Rules.
- 4.2 This option will ensure the Council is operating within the guidelines set out in the Dynamic Purchasing System, by ensuring a fair and moderated tendering process has ensued. This will also maximise the opportunity to ensure the service operates in the most financially efficient way.

5 **Consultation**

- 5.1 Consultation with the Commercial Procurement Unit (Emily Molden – Category Manager) and SEND Services (Ben Holt – Senior Transport Officer)
- 5.2 Prior to the commencement of the current tender process a customer engagement day was held on 15th February 2019. All current contractors were invited plus new potential providers via local Private Hire firms licensed within the Oldham borough. At the session a
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joint presentation was produced by Transport and Procurement which outlined the plans for the service moving forward and changes to the procurement process and pricing model.

6 Financial Implications

6.1 The SEN Transport Service (Home to School Transport) has been experiencing significant demand increases over recent years resulting in budget pressures. The costs associated with awarding the contracts is estimated at £1.86m per annum. When this is taken in conjunction with the other activities of the Home to School Transport Service such as Passenger Assistants, Personal Allowances, Travel Training and anticipated additional routes needed over the year, the total costs of the service for the 2019/20 financial year are anticipated to be circa £3.21m, including estimated costs for the routes not currently awarded. This will result in a pressure of £0.47m when set against an available budget of £2.74m.

6.2 This pressure will be monitored and reported to Members over the year as part of the Revenue monitoring report. A revised Travel Assistance Policy for Children and Young People with SEND is contained elsewhere on the Cabinet agenda and contains some measures that may reduce the pressure on the service such as travel training and recognized pick-up and drop-off points. If costs cannot be reduced, then this on-going budget pressure will have to be factored into the budget setting process for 2020/21 and future years. (James Postle)

7 Legal Services Comments

7.1 The Council has followed its own Contract Procedure Rules and tendered the contract for a Dynamic Purchasing System via the Council's web portal The Chest. The Council has selected the most economically advantageous tenders for 104 of the available routes having evaluated the quality and price. However, unfortunately 14 of the routes are unallocated. The Council is proposing to re-open the Dynamic Purchasing System and offer the successful bidders the opportunity to bid for the 14 remaining routes. This would be in accordance with the process set out in the dynamic purchasing system.

7.2 The recommendation in Option 1 will require authority to grant an exemption from the Council's Contract Procedure Rules under Rule 21.3 (h) where an extension for a particular period can be justified. (Elizabeth Cunningham Doyle)

8. Co-operative Agenda

8.1 The Special Education Needs (SEN) Transport Service has been developed to support the Council's co-operative agenda. The service is focused on supporting children and young people to travel to school safely and ready to learn as well as enabling individuals to thrive in their local community.

9 Human Resources Comments

9.1 None – (Diane Thorpe)

10 Risk Assessments

10.1 The routes awarded as per the recommendations in this report give certainty on the price to be charged for the majority of routes. For those routes subject to a revised tender process estimated costs could either increase or decrease to that currently estimated. (Mark Stenson)

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- 11 **IT Implications**
- 11.1 None
- 12 **Property Implications**
- 12.1 Non
- 13 **Procurement Implications**
- 13.1 The Commercial Procurement Unit supports the approval of option 1 as the procurement has been carried out in line with Oldham Council's Contract Procedure Rules and EU Regulations. A robust due diligence process has been undertaken and the Commercial Procurement Unit will continue to support the SEN Transport Team in this if required. The Commercial Procurement Unit will also manage and support the Dynamic Purchasing System ensuring value for money is achieved. (Emily Molden)
- 14 **Environmental and Health & Safety Implications**
- 14.1 None (Laura Smith)
- 14.2 With a consultation currently out on a Clean Air Plan for Greater Manchester, future tendering of compliant vehicles with the Clean Air Zone needs to be part of the contract. All vehicles ie Adapted Vehicles, Multi Passenger Vehicles and Taxis will be affected by this i.e. a daily penalty if non-compliant but there is also a reputational risk to the organization. (Justine Addy)
- 15 **Equality, community cohesion and crime implications**
- 15.1 None
- 16 **Equality Impact Assessment Completed?**
- 16.1 Yes
- 17 **Key Decision**
- 17.1 Yes
- 18 **Key Decision Reference**
- 18.1 EDS-02-19
- 19 **Background Papers**
- 19.1 Oldham Council Home to School Transport Policy (March 2018)
- 19.2 Education Act (1996)
- 19.3 IPSEA Legal Guidance/SEND Code of Practice
- 20 **Appendices**
- 20.1 Appendix 1 - Travel Assistance Policy
- 20.2 Appendix 2 – List of successful companies
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