

Report to CABINET

Special Education Needs (SEN) Travel Assistance Service – Contract Extension

Portfolio Holder: Councillor Shahid Mushtaq, Cabinet Member for Education and Skills

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Reason for Decision

To award the optional 1-year extension to the current Special Educational Needs Transport Service Contract.

Executive Summary

The report details the tender allocation process completed in July 2019. It also outlines the current provision of Home to School Transport, provided by the SEN Travel Assistance Team

Recommendations

Cabinet is required to authorise the optional 1-year extension to the current Special Educational Needs Transport Service Contract.

Special Education Needs (SEN) Travel Assistance Service – Contract Extension

1 Background

- 1.1 The Travel Assistance Team currently provide home to school & college transport for a total of approximately 750-800 children and young people attending between 50/60 schools/colleges both within and outside the borough of Oldham. The transport required includes mini-buses, tail lift/ramp vehicles, saloon cars, Eurocabs and Hackney Carriage vehicles provided by a mixture of Public Service Vehicles ("PSV's), Private / Public Hire.
- 1.2 It is the Local Authority's statutory function to provide travel assistance to those children and young people with special educational needs, disabilities or mobility issues that are eligible according to the SEN Travel Assistance Policy. The transport service operates over 190 school days as determined by the School Holidays Calendar and considering other occasional days determined by individual schools governing bodies. All pupils with SEN are provided with free travel assistance, in accordance with the Council's current Travel Assistance Policy (July 2019), IPSEA Legal guidance and the Education Act 1996.
- 1.3 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/PSV vehicle.
- 1.4 The SEN Travel Assistance 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.
- 1.5 A dynamic purchasing system (DPS) is used for procuring and awarding 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.
- 1.6 There are currently 23 contractors providing specialist vehicles and qualified drivers to undertake the service. All contractors submitted competitive pricing based on transport being operational for 38 weeks of the year.
- 1.7 The DPS was procured and awarded in 2019 on a 2-year basis with two x 1-year optional extension periods. The initial contract period started on 1st September 2019 and will end on 31st August 2021; the subsequent call off contracts also follow the same duration.

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- 1.8 The estimated costs associated with awarding the initial 2-year contract was £1.86m per annum. During the extension period a full-service review will take place with the intention of re-procuring the DPS for the 1st September 2022.
- 1.9 COVID-19 has impacted on the initial 2-year SEN Transport contract. With three periods of National Lockdown and two sustained periods of School closures. In March 2020, a decision was made, in line with government PCN guidelines to support our contractors, carrying out the SEN Transport contract, by paying the contract value in full, whilst Schools were closed from March 2020 to July 2020.
- 1.10 The above decision ensured contractors did not cease to operate, saving additional costs being incurred by the authority, with contractors potentially submitting higher pricing (due to a possible reduced pool of contractors available to carry out routes, which will allow them to submit increased prices, with less competition available, which could've potentially ran into the 2021/22 academic year) and disruption to the children and young people accessing the service.
- 1.11 Furthermore, in January 2021 a decision was made via delegated decision for full contract payments for routes still in operation during lockdown, with 50% contract payments made to drivers where the route has been cancelled due to COVID-19. Again, this decision ensured contractors did not cease to operate, saving additional costs being incurred by the authority and causing no disruption to the children and young people accessing the service.
- 1.12 Despite all the challenges the service has faced over the last two academic years, along with ever changing COVID guidelines issued by the Department of Education, the contract has been successfully delivered. Therefore, due to the ongoing uncertainty regarding COVID-19, a contract extension will support all parties during this period, with our exit strategy for navigating our way out of the pandemic.

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 commenced 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	Pass or Fail and the weightings stated against the questions: Safe & Appropriate Service – 35% Complaints – 30% Business Continuity – 30% Social Value – 5%	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

- 2.3 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.
- 2.4 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.
- 2.5 The decision was taken to request written bids on both a price per mile and fixed price basis for all contracts.
- 2.6 All tender submissions have been done via the chest and evaluated by both Procurement and Transport. So far, the Council has been able to award all of the 208 routes currently available.
- 2.7 The SEND Transport budget has been increased to £2.9m since the contract commenced in in July 2019. Transport and Oldham's Finance team have worked together, to set a cost-effective budget, to ensure the service can financially meet increased demand for Oldham's most vulnerable pupils to be able to get to School.

3 **Options/Alternatives**

- 3.1 Option 1 To award the optional 1-year extension to the current contractors who have provided a high-quality service and have shown a real commitment to the children and young people of Oldham with SEND, particularly through the current pandemic.
- 3.2 Option 2 That the 1-year extension is not approved. However, due to value of the contract a new tender exercise would be required. Not having a SEND Transport Contract in place for September 2021, will leave the Council open to challenge and there would be a real risk the Local Authority would be unable to provide a statutory function, by law, as outlined in the Education Act 1996.

4 **Preferred Option**

- 4.1 Option 1, It is recommended that the option to extend for a further 12 months with the current SEND Transport contract providers.

5 **Consultation**

- 5.1 Consultation with the Commercial Procurement Unit (Emily Molden – Category Manager) (Ben Holt – Transport Manager)
- 5.2 Consultation with SEND Senior Management Team (Paula Green – SEND Service Manager) (David Shaw – SEND Assistant Director) and (Ben Holt – Transport Manager)
- 5.3 Consultation at DMT on 11th May 2021.
- 5.4 Consultation at SMT on 20th May 2021.
- 5.5 Portfolio Holder, Cllr Shahid Mushtaq fully briefed and has had sight of the full report.

6 **Financial Implications**

- 6.1 The preferred option is Option 1, To award the optional 1-year extension to the current contractors who have provided a high-quality service and have shown a real commitment to the children and young people of Oldham with SEND, particularly through the current pandemic.

The total budget for financial year 2021-22 is £2.9m for Contract Hire of Vehicles. (R33020 37113).

(Vicki Hayes)

7 **Legal Services Comments**

- 7.1 There is provision within Rule 17.1 (a) of the Council's Contract Procedure Rules to permit a modification to a contract in circumstances where the original tendered contract contains clauses allowing for such modifications; provided the clauses limit the scope and nature of the possible modifications and the conditions under which they may be used and that the modification does not alter the overall nature of the contract. The circumstances outlined in the body of the report would support the application of the rule to enable the existing Dynamic Purchasing System contract to be extended for a further period of one year.

(Elizabeth Cunningham Doyle)

8. **Co-operative Agenda**

8.1 The Special Education Needs and Disability (SEND) Transport Service has been developed to support the Council's co-operative agenda. The service is focussed 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 (Daksha Mistry Senior HR Advisor)

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, as per original report July 2019)

11 **IT Implications**

11.1 None

12 **Property Implications**

12.1 None

13 **Procurement Implications**

13.1 The Commercial Procurement Unit supports the recommendation outlined in the report. The extension will ensure continuous uninterrupted delivery and will allow time to undertake a full-service review and tender process.

Procurement are supporting the service area in the revision of the terms and conditions and will manage the re-procurement to ensure it is carried out in line with the Council's Contract Procedure Rules & Cabinet Office guidelines as well as achieving value for money.

(Emily Molden)

14 **Environmental and Health & Safety Implications**

14.1 None (Laura Smith, as per original report July 2019)

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 i.e. 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, as per original report July 2019)

15 **Equality, community cohesion and crime implications**

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- 15.1 None
- 16 **Implications for Children and Young People**
- 16.1 None
- 17 **Equality Impact Assessment Completed?**
- 17.1 Yes
- 18 **Key Decision**
- 18.1 Yes
- 19 **Key Decision Reference**
- 19.1 ED-02-21
- 20 **Background Papers**
- 20.1 Education Act (1996)
- 20.2 IPSEA Legal Guidance/SEND Code of Practice
- 20.3 https://www.oldham.gov.uk/downloads/file/5171/travel_assistance_policy_july_2019
- 21 **Appendices**
- 21.1 None