

12 December 2018		ITEM: 12 Decision: 110489
Cabinet		
Children's Transport – Re-Procurement of Service		
Wards and communities affected: All	Key Decision: Key	
Report of: Councillor James Halden, Cabinet Member for Education and Health		
Accountable Assistant Director: Michele Lucas, Assistant Director Learning, Inclusion and Skills		
Accountable Director: Rory Patterson, Corporate Director - Children's Services		
This report is: Public		

Executive Summary

The contracts for Children's Transport provision, including home to school transport, are due for renewal in 2019 and the continued provision of this transport is required as a part of the Council's statutory requirements. The value of the contracts means that Cabinet approval to proceed is required.

As a part of the Council's Service Review programme, officers have identified that within the current policy there are opportunities to improve how transport is procured and offered such as through route optimisation, increasing the use of public transport and offering travel training.

This report proposes the procurement of a framework contract for Children's Transport for a four year period. This will enable subsequent call-off arrangements to be made that are flexible and responsive to changing journey needs whilst obtaining best value for the Council.

1. Recommendation(s)

1.1 That approval is given for the re tender of a framework contract for Children's Transport in accordance with the Council's Contract Procedure Rules for a term of four years commencing at the start of the academic year 2019/20.

1.2 That agreement is given for the award of contract to be delegated to the

Corporate Director of Children's Services in consultation with the Cabinet Member for Education and Health.

- 1.3 That it is noted that a further report will be presented should any policy changes be required in due course.**

2. Introduction and Background

- 2.1 The provision of home to school transport is governed by the Education Act 1996 and the Transport Act 1985. In addition, the provision of transport, in exceptional circumstances for children who are subject to Child in Need or Child Protection procedures is supported by the Children Act 1989, as amended by the Childcare Act 2004. This legislation is clear that other than in exceptional circumstances, parents are responsible for getting their children to school.
- 2.2 The current contract for the provision of transport is due to expire in July 2019 and, due to the current value of these and in line with the Council's Contract Procedure Rules, this report seeks Cabinet approval to re-procure this agreement.
- 2.3 There are three distinct areas of Children's Transport:
- Mainstream schools
 - Special schools
 - Children's Social Care
- 2.4 The Council currently has contracts for a total of 123 routes for Children's Transport provision, provided by coach, minibus and taxi. Members should note that this is subject to change depending on demand. Expenditure on these contracts was £3,965,287 in the financial year 2017/18.

3. Issues, Options and Analysis of Options

- 3.1 It is proposed that officers proceed to tender for a four year contract term commencing September 2019. The contract value is estimated to be a maximum of £4,000,000 per annum, but will run across an academic year meaning the first and last years are shown as partial years from a financial perspective.
- 3.2 This service is a part of an ongoing review as a part of the Council's Service Review programme that aims to obtain maximum value in the services it delivers. Members will be aware that approval was given in January 2018 to extend the current home to school transport contracts until July 2019 to enable officers continue the review.
- 3.3 The Transport Service Review has the following scope:

- To review the current strategy and policy ensuring that it is based on the relevant legislation stating that other than in exceptional circumstances parents are responsible for getting their child to school.
- To better understand demand and support future planning
- To review the assessment of transport awards and where this could be better joined up across services and directorates
- To identify opportunities to better meet and commission transport requirements in a cost effective way

3.4 Officers have taken a phased approach to the review in order to minimise disruption caused by any changes, however, the following work has been undertaken to date:

- A review of the current policy has been completed and officers are now working to ensure this is applied fully within the statutory requirements.
- A route optimisation exercise has been undertaken to ensure that the Council is obtaining good value from each route.
- A rolling, school by school programme to review the type of transport offered is in place, this will move to more cost effective public transport options where possible. These changes will, where appropriate, support children to develop independence through, for example, the increased use of Travel Training or through the implementation of central pick up points in a local area.
- A review of transport currently provided due to 'unsafe routes' is underway to ensure these are still relevant so that where possible parents are able to make their own arrangements for their children's transport to school. The significant development of the Borough in recent years has meant that many roads and pavements have been developed and may now be safe.
- Improvements to how we offer Children's Social Care transport are in place and it is proposed that the planned procurement recommended in this report is suitably flexible to incorporate social care requirements.

3.5 Members should note that there continues to be an increasing demand for Children's Transport particularly home to school transport due to unplaced pupils or children with special educational needs and /or disability being transported to out of borough placements. The current arrangements are being reviewed to ensure that all awards are in line with the current policy and that these are reviewed regularly to support independent travel where possible. The procurement of a framework contract, which includes a range of different transport providers for a four year period, will enable the Council to call off individual and routine journey requirements flexibly as needs change over the term.

3.6 Officers are currently considering a range of operational options around the

Call-off activities, but it is anticipated that there will be competition for the majority of routes scheduled. Approval of award of routes will be subject to the Council's normal scheme of delegation.

- 3.7 Members should note that the rolling programme of service review will continue. This will ensure that the most effective and cost efficient method of providing transport that is required within the current statutory duties is implement.

The review will also ensure that the service adapts to meet changing needs to improve services and to encourage independent travel to school where possible.

4. Reasons for Recommendation

- 4.1 The recommendation to re-procure the Children's Transport contract, subject to the required approvals, is made to ensure that:

- The Council meets its statutory duties with regards to children's transport.
- That the Councils Contract Procedure Rules are met
- That the necessary flexibility can be maintained throughout the term by use of a framework arrangement
- That best value in providing the services is obtained

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report was submitted to Children's Overview and Scrutiny Committee on 9 October 2018, the Chair and Vice Chair of the Passenger Transport and Regeneration Overview and Scrutiny Committee were also consulted through this Committee.

- 5.2 There are no policy changes proposed and therefore it is not a requirement under the Education Act 1996 and Transport Act 1985 that we consult with the public.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 This report impacts on the following corporate priorities:
- People: a place where people of all ages are proud to work and play, live and stay;
 - Place: a heritage rich Borough which is ambitious for its future;
 - Prosperity: a Borough which enables everyone to achieve their aspirations.

7. Implications

7.1 Financial

Implications verified by: **David May**
Management Accountant

Children's transport costs have a significant impact on Council Budgets and by putting these contracts out to tender, in line with the Councils Contract Rules, we can ensure best value. The inclusion of a 56 day break clause will mean that routes can be continually monitored and reviewed for potential savings.

7.2 Legal

Implications verified by: **Lucinda Bell**
Lawyer

Section 508B of the Education Act 1996 which was inserted by Part 6 of the Education and Inspections Act 2006 sets out the general duties placed on local authorities to make school travel arrangements as they consider necessary for eligible children within their area, to facilitate their attendance at the relevant educational establishment. Such arrangements must be provided free of charge.

Section 508A places a duty on local authorities in England to assess the school travel needs of all children and persons of sixth form age in their area and to assess and promote the use of sustainable modes of transport.

Section 508C of the Act provides local authorities with discretionary powers to make school travel arrangements for other children not covered by section 508B but the transport does not have to be free and the local authority is entitled to charge for this.

Section 508D of the Act places a duty on the Secretary of State to issue guidance to which local authorities have to have regard to in the performance of their functions under Section 508B (Travel arrangements for other children). The Secretary of State may revise the guidance from time to time. Section 444 of the Education Act 1996 expressly states that the child shall not be taken to have failed to attend regularly at the school if the parent proves that the local authority fails to make appropriate transport arrangements to and from school under Section 508, however parents are responsible for their child's attendance at school and local authorities are under a duty to provide home to school transport, where necessary, to enable them to enforce attendance.

7.3 **Diversity and Equality**

Implications verified by: **Rebecca Price**
Community Development and Equalities

The Council has a duty under the Equality Act 2010 to promote equality of opportunity in the provision of services and employment. This means that the Council must ensure that all policies and local strategies promote the inclusion of all groups and equality of opportunity. Any tendering process will be designed with these duties in mind.

The Council's Procurement Strategy will be followed to ensure equality of opportunity in the tendering process. Once the tendering process is initiated and a contractor is selected, the Council will ensure its new partner meets the statutory duties of a local authority in the provision of home to school transport, and also in its HR policies. The authority should note that where an external supplier carries out a function, the Council remains responsible for meeting the statutory duty set out in the Equality Act 2010. The authority should give due regard to ensuring that all services are delivered in a way which is non-discriminatory, and promotes equality of opportunity for staff and service users. The services provided will cater for the needs of all users, and identifying the needs of particularly vulnerable groups will be a key aspect of the tender process. Prospective contractors should give due regard to the diverse needs of young people in Thurrock and plan to meet these accordingly. The equality requirements will be identified in the service specification and pre-qualification questions.

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

None

9. **Appendices to the report**

Appendix 1 - Procurement Stage One – Approval to Proceed to Tender

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