

# Brighton & Hove City Council

## Policy & Resources Committee

Agenda Item 122

**Subject:** Home to School Transport Re-Procurement 2023-2027 -  
Extract from the proceedings of the Children Young People &  
Skills Committee meeting held on the 7 March 2022

**Date of meeting:** 24 March 2022

**Report of:** Executive Director for Families Children & Learning

**Contact Officer:** Name: Lisa Johnson

Email: [lisa.johnson@brighton-hove.gov.uk](mailto:lisa.johnson@brighton-hove.gov.uk)

**Ward(s) affected:** All

**For general release**

### **Action Required of the Committee / Council:**

To consider the report and note the decision of the Children Young People & Skills (CYPS) Committee which support the recommendations in the report for Policy & Resources Committee. The Minutes of the CYPS meeting held on 7 March 2022 are below.

**BRIGHTON & HOVE CITY COUNCIL**  
**CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE**

**4.00pm 7<sup>TH</sup> MARCH 2022**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:**

Councillors: Clare (Chair), O'Quinn (Opposition Spokesperson), Brown (Group Spokesperson), Grimshaw, Hamilton, Heley, Lloyd, McNair, Meadows, and Phillips.

Co-optees: Ms L Brown, Ms D Boyd, Mr T Cristin, Mr A Muirhead and Mr S Parr

**PART ONE**

**71 HOME TO SCHOOL TRANSPORT – PROCUREMENT**

71.1 The Committee considered the report of the Executive Director Families Children and Learning which provided an update and progress report on the Home to School Transport (HTST) service. The report was introduced by the Interim Head of Home to School Transport Service.

71.2 The Committee was informed that the HTST service was currently supporting 1,149 children of which 603 had Special Educational Needs and Disabilities (SEND). The service had a base budget of £3.8m and was very much demand led. Demand for the service had increased 10% since September 2021 and the number of children and young people with Education and Health Care Plans has doubled since 2015. The current Dynamic Purchasing System (DPS) would come to an end in August 2023 and it was necessary to start making decisions regarding onward procurement of this statutory service. The last procurement was undertaken in 2019 and was subject to a Local Government Association independent review and policy panel, both of which produced recommendations for the next procurement. As result of the difficulties in 2019, the council set up a Procurement Board to agree how to take forward the new contract. The Board's guiding principle has been to ensure that the comfort, safety and wellbeing of children and young people was at the forefront of decision making.

71.3 From the work the Procurement Board had carried out over the last 11 months, Members were presented with different models and options on how the contracts would be awarded. There had been consultation with stakeholders in preparation for the procurement including with councillors,

operators, families and special schools. The preferred option was for an open bid DPS with a new contract, new service specification and no reverse auction bidding. This approach was endorsed unanimously by members of the Procurement Advisory Board.

- 71.4 Councillor Heley understood it was not the DPS that had previously been problematic but the reverse auction bidding. She asked what assurances could be given that this flexibility would not be used to the detriment of pupils and their families. The Interim Head of Home to School Transport Service gave assurances that reverse auction bidding was used for approximately a month at the beginning of 2019 and was then disbanded. She confirmed there was no intention to return to this.
- 71.5 Councillor Heley asked what the Sustainability Strategy would likely entail. The Interim Head of Home to School Transport Service informed Members this would include issues such as reducing traffic across the city, air quality and emissions, electric vehicles and centralised drop off points, where safe and appropriate to do so.
- 71.6 Cllr Heley noted that the DPS could not be restricted to local providers and asked how Members could be assured that drivers who were not licenced in Brighton and Hove were operating within the council's regulations. The Interim Head of Home to School Transport Service said the intention was that new entrants within the framework would be expected to contractually adhere to the council's licensing conditions. For example, the frequency of DBS checks and requirement to have CCTV in vehicles.
- 71.7 Councillor Brown was pleased to see such a detailed report and consultation with the Parent and Carer Council (PACC). She asked for further clarification on the obligation of operators to follow the council's blue book of licensing. The Interim Head of Home to School Transport Service confirmed that in the existing contract and in the new contact there would be a requirement for operators to ensure each of their transport personnel was aware of, and complied with, the requirements of the Brighton and Hove Blue Handbook.
- 71.8 Councillor Brown queried why the Contract Manager was still not in post after four recruitment attempts and asked why this position had been difficult to fill. The Interim Head of Home to School Transport Service felt that the part time hours of 2.5 days per week could be the reason for this but the service did not require this post to be covered full time. If the next recruitment round failed there would be a discussion with Legal colleagues about reallocating funds into their department to support some parts of the contract management role.
- 71.9 Councillor Brown was concerned that journey times of 45 mins for primary pupils and 75 mins for secondary pupils was too long and asked how many children were subjected to these journey times. The Interim Head of Home to School Transport Service confirmed these times were the maximum. There were 18 pupils who were in vehicles of six or more and these journeys were closely monitored because of the potential to exceed the maximum journey

time. In cases where a journey exceeded the maximum, i.e. where children were driven out of the city, parental agreement was obtained.

- 71.10 Councillor O'Quinn was concerned about the impact on this service budget following the huge rise in petrol costs. It was apparent to her that the council would overrun on costs and she asked how the service would get around this. The Interim Head of Home to School Transport Service informed Members that the Procurement Board was mindful of this and that there was currently a clause in contracts for operators to request an annual uplift where they considered that there was a requirement for the Agreed Price to be altered. The rising demand and associated costs were well understood by the Service.
- 71.11 Councillor O'Quinn referenced the increasing number of young people accessing the service which she noted had doubled since 2015. She asked how this would be dealt with. The Interim Head of Home to School Transport Service understood the pressures on the service which were attributed to more children becoming eligible for free transport and a greater understanding of SEND and Social, Emotional and Mental Health (SEMH). She said this needed to be taken into account when setting the budget for 2023, and that forecasting showed a £440k cost pressure on the service, based on the rising demand.
- 71.12 Councillor Meadows thanked The Interim Head of Home to School Transport Service for her report. She referenced the 18 shared journeys with 6+ passengers. The Interim Head of Home to School Transport Service explained that each child who came into the service was risk assessed before any travel arrangements were made. Where children were deemed safe to share a vehicle, this was arranged in consultation with the relevant school and with parents and carers
- 71.13 Councillor Meadows was in favour of teaching young people with SEND to travel independently but only where this could be done safely. The Interim Head of Home to School Transport Service said this scheme was new with the intention to start in September 2022. She advised the initiative was recommended by the Member's Policy Panel and was aimed at promoting independence and supporting young people prepare for adulthood. She confirmed there would be strong criteria against which children would be assessed as ready for the travel training and it would be a voluntary offer discussed with families.
- 71.14 Councillor Meadows asked for clarity on the 10% increase in terms of the number of pupils. The Interim Head of Home to School Transport Service confirmed this would equate to around 115 more children.
- 71.15 Councillor Meadows enquired about the stand-alone and revised appeals policy. The Interim Head of Home to School Transport Service explained there was appeals information in the current Home to School Transport Policy, but that the objective of the standalone policy was to help families understand the process and make it clearer, and that this had been developed with the Parent and Carers Council

- 71.16 Councillor Meadows asked if the proposal to include a contractual clause requiring contractors to pay the living wage had been factored into the 2023 budget. The Interim Head of Home to School Transport Service explained there was already a requirement within the current contract that Operators pay crews, the living wage where they directly employed them, so this should be factored into the Operator's Agreed Price. However, it was not clear whether all Operators were paying their crews the living wage and this requirement needed to be made more robust in the next contract. As the Service did not know if Operators were currently paying the living wage, and how many of their crews were directly employed by the operator, the impact of this requirement had been difficult to financially forecast.
- 71.17 Councillor Meadows asked if the requirement for providers to invest in newer and more environmentally sustainable vehicles was a specific recommendation in the procurement process. She felt that this, in addition to the requirement to pay the living wage, could price a lot of companies out of the business. The Interim Head of Home to School Transport Service understood the need to be realistic about this and cited delays with wheelchair accessible electric vehicles as an example of how this may not be achievable in the short term.
- 71.18 In response to a question from Councillor Grimshaw, the Interim Head of Home to School Transport Service could not offer a no-risk guarantee, stressing there were risks inherent in the re-procurement. She advised that a risk register was included in the Options Appraisal for Members and that this was closely monitored by the Procurement Board to best mitigate risks and avoid the mistakes made in 2019.
- 71.19 Councillor Grimshaw expressed concerns that children would run the risk of poor school attendance if they failed in their attempts to make their own way to school. She asked for a guarantee that such children did not vanish from the service. The Interim Head of Home to School Transport Service assured Members that every child who applied for transport was assessed by a Transport Panel and if they met the statutory eligibility criteria, they were entitled to and provided with transport
- 71.20 Councillor Grimshaw requested weekly Group updates on the service from September to November 2023. The Interim Head of Home to School Transport Service assured these updates would be provided.
- 71.21 Councillor Hamilton was concerned about cost inflation and hoped the service would remain discretionary for post-16 pupils. The Interim Head of Home to School Transport Service said there were no current plans to change this.
- 71.22 The Chair thanked the Interim Head of Home to School Transport Service for the work that had gone into the scheme and the progress made since 2019.

**71.23 RESOLVED**

That the Children, Young People and Skills Committee:

1. Note the progress report on the Home to School Transport (HTST) Service.
2. Endorse the re-procurement of a contract for home to school transport for pupils with special educational needs and other transport for vulnerable children and adults on behalf of social care teams, for a term of four years from 1 September 2023 to 31 August 2027.
3. Endorse the option of an amended Dynamic Purchasing System, without reverse auction bidding, tendered on a route-by-route basis.
4. Grant delegated authority to the Executive Director of Families, Children & Learning to carry out the procurement and award of the contract referred to in Paragraph 2.2 of the report including the award and letting of the framework agreement. A progress report will be shared at each Committee meeting.
5. Endorse expectations that Operators pay (and verify that they pay) their staff the living wage, where they directly employ them (see 14.19 of the report).