

# CHILDREN & YOUNG PEOPLE CABINET MEMBER SPECIAL MEETING

## Agenda Item 48

Brighton & Hove City Council

<b>Subject:</b>	<b>Tendering for Special School Home to School Transport Services</b>		
<b>Date of Meeting:</b>	<b>22 March 2010</b>		
<b>Report of:</b>	<b>Director of Children's Services</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Steve Healey</b>	<b>Tel:</b> <b>29-3444</b>
	<b>E-mail:</b>	steve.healey@brighton-hove.gov.uk	
<b>Key Decision:</b>	<b>Yes</b>	Forward Plan No: CYP14973	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The report seeks authorisation to let the contract for 2 home to school transport contracts within the city of Brighton & Hove. The current contractual agreements are due to end 31<sup>st</sup> August 2010.
- 1.2 The contracts are for transport from home to school/college and back for those pupils and students who qualify for assistance with transport who attend:
  - Downsview Link College on the Varndean Sixth Form College campus and
  - Pupils attending all the sites of the Alternative Centre for Education (ACE).

#### 2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the completion of the re-tendering process for the two home to school transport contracts which finish at the end of the summer term 2010.
- 2.2 That the Cabinet Member delegates authority to confirm the award of the contracts to the Director of Children's Services, within whose Department the contract is managed.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The contracts were last tendered in 2007, running as 3 separate contracts. These were:
  - Downsview Link College let for a period of 2 years with the option of a twelve month extension which was exercised, extending the end date to 31<sup>st</sup> August 2010.
  - ACE Queensdown site let for a period of 3 years.

- ACE all other sites let for a period of 2 years with the option of a twelve month extension which was exercised, extending the end date to 31<sup>st</sup> August 2010.
- 3.2 Other contracts for home to school transport were also let in 2007 with later end dates. The intention was to ensure that in any given year no more than approximately 20% of the Council's home to school transport contracts would come up for re-tendering. This was in line with the good practice guidelines published by the DCSF.
  - 3.3 It is intended that the separate ACE contracts should be merged for this tendering process, and this had been the expectation in the 2007 tendering process. However variant bids will be considered for the contracts being offered for tender if they are seen to be to the benefit of pupils and students and the Council.
  - 3.4 The contracts do not guarantee any specific amount of business or level of payment to potential providers, and the Council reserves the right to make in house home to school transport arrangements. The tender documents will give an indication of the numbers and special needs of pupils and students transported in the current academic year as an aid to costing for potential providers and to assist cost comparison in the assessment of tenders.
  - 3.5 In the tendering documentation and process value for money principles will be applied to ensure that Council secures the best possible services in terms of cost and quality.
  - 3.6 The pre-qualification questionnaire process has already started to ensure ample time for the new contract to be awarded well before the end of the summer term 2010. This will allow discussion with schools and parents about the new contracts before the summer holidays, and allow time for the successful provider to mobilise the contract.) The new contract is set to commence on 1<sup>st</sup> September 2010 for a period of 3 years with the option to extend for up to a further 12 months (1 year).
  - 3.7 The procurement project plan is attached below as Appendix 1.

#### **4. CONSULTATION**

- 4.1 Consultation is taking place with a view to establishing a service specification with quality criteria which meets stakeholder and council needs. From these criteria will be drawn evaluation criteria and weighting for determining the most economically advantageous tender which will comprise an appropriate mix of cost and quality.
- 4.2 The consultation process will include those establishments for which transport will be provided. Alongside this the Procurement Team and Legal Services will advise.
- 4.3 At the same time that the tendering process is taking place the Council is reviewing its arrangements for the provision of home to school transport with a view to reducing expenditure. This will incorporate a review of who

should be entitled to transport assistance, the criteria on which that decision is made and whether any other measures might be taken to secure savings. The organisation aMaze, which supports the parents, carers and families of students with special needs, will be consulted as part of that wide review.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1. There are financial risks associated with the provision of school home to school transport. These will arise from a number of factors, such as the number of students/pupils qualifying for assistance and the effect that has on unit cost, the changing costs of transport provision including petrol that affect annual price reviews, and the degree of individual pupil need which can result in costly individual transport arrangements.

An understanding of the wider financial risks to the Council is necessary in planning future measures to secure the provision of home to school transport in the City. During the development of the specification we will need to be mindful of proposed payment mechanisms to ensure that the proportion of risk for the Council and the provider is reasonable.

### Financial Risk

The key financial risks are:

- An increased proportion of students/pupils with very complex needs resulting in higher costs because of the need for specialist vehicles, the need for vehicle attendants to support students on the vehicle and the in some cases the need to travel alone without other students.
- A steep rise in vehicle running costs which will affect the annual contract price review.
- The possibility of a provider going out of business which could lead to increased costs in the short term. (Although the tendering process includes checks on potential providers' financial viability.)

*Finance Officer Consulted: Paul Brinkhurst*

*Date: 01/03/2010*

### Legal Implications:

- 5.2 The new contract to be tendered is a 'Part A' service for the purpose of EU procurement law and UK procurement Regulations. The Council will be required to comply with EU Treaty objectives of non-discrimination and openness in procurement, as well as comply with its obligation to seek Value for Money. Where the value of the contract is in excess of £75,000 it must be in a form approved by the Head of Law. The Council must take the Human Rights Act into account in respect of its actions but it is not considered that any individual's Human Rights Act rights would be adversely affected by the recommendations in this report.

Legislation requires that the City Council must provide free home to school transport to eligible pupils. Eligibility must be determined by the Council,

and will be taken to include pupils/students who would otherwise have difficulty in access to a school place that meets their educational needs.

*Lawyer Consulted: Sandra O'Brien*

*Date: 12/03/2010*

Equalities Implications:

- 5.3 In framing the specification care must be taken to ensure that the special needs of pupils are properly taken into account and provided for. The terms of the contract tendering process will require potential service providers to demonstrate that they have policies in place to ensure that staff and customers are treated in such a way as to support their rights in equalities legislation.

Sustainability Implications:

- 5.4 Sustainability issues will be address in the Pre Qualification Questionnaire and service specification documents. This will include will include reference to the environmental policies, and qualifications of the prospective providers, such as ISO 14000/14001. Checks will also be included around whether the provider has breached environmental legislation.

Crime & Disorder Implications:

- 5.5 There are no direct implications for crime and disorder in the report.

Risk & Opportunity Management Implications:

- 5.6 The key risks in not taking forward a tendering process for these home to school transport contracts are:
- There would be no provision in place for pupils and students entitled to receive free school transport.
  - Pupils/students would miss school sessions.
  - Pupils/students might be at risk through non-attendance.
  - School attendance targets would be compromised.
  - Parents and carers would be placed in the position of having to make their own arrangements with inadequate or non-existent travel facilities or vehicles.

Corporate / Citywide Implications:

- 5.7 The provision of appropriate home to school transport helps ensure school attendance for a vulnerable group of pupils/students with special needs. Their regular school attendance not only maximises their educational opportunities but also assists their families and carers who would otherwise be under increased difficulty in transporting them to school or otherwise providing for them.

**6. EVALUATION OF ANY ALTERNATIVE OPTION**

- 6.1 The Council does not have sufficient in house vehicle or driver capacity transport all those entitled to home to school transport. Even the expansion

of existing provision such as the Departmental Transport Service could not meet the transport need without an enormous programme of vehicle acquisition and the employment of drivers. This would be very hard to justify as some vehicles would be idle except at morning and afternoon school delivery and pick up times. It would also be hard to employ drivers who would be prepared to work a split shift at school times only.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To ensure that suitable home to school transport provision is available to support schools and colleges.
- 7.2 To ensure that the Council meets its legal obligations with regard to provision of home to school transport.
- 7.3 To ensure that the service provided is of a good quality and cost effective.
- 7.4 To award contracts in a timely fashion, allowing time for discussion with schools/colleges and parents about any changes in arrangements.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Procurement Project Plan

### **Documents in Members' Rooms**

1. None

### **Background Documents**

1. None

