


## LONDON BOROUGH OF WALTHAM FOREST

Meeting / Date	<b>Cabinet</b> <b>13 October 2022</b>	
Report Title	<b>Procurement of In-borough Special Educational Needs and Disabilities Home to School Transport</b>	
Cabinet Portfolio	Councillor Alistair Strathern, Portfolio Lead Member for Children and Young People	
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Wards affected	All	
Public Access	Open	
Appendices	Appendix 1 – Equalities Impact Assessment Screening Appendix 2 – Sustainability Matrix	

### 1. SUMMARY

- 1.1 The Education Act 1996, places a duty on Local Authorities to ensure that suitable arrangements are in place to provide transport to and from educational establishments, for children with eligible needs.
- 1.2 Children and young people are eligible based on the statutory responsibilities set out in the Education Act and in line with the Waltham Forest Home to School Assistance with Travel Policy. This predominantly includes children with special educational needs and disabilities who require additional support to facilitate their attendance at school through assistance with travel.
- 1.3 To ensure that Waltham Forest Council fulfils this duty, an external organisation is contracted to deliver the scheduling and delivery of this transport. This contract currently is due to expire on 31st August 2023 and a project to re-procure this service is underway.
- 1.4 This report is seeking approval to carry out a procurement process to identify the most suitable provider for the delivery of this statutory

service from 1st September 2023 following the expiry of the current contract.

## **2. RECOMMENDATIONS**

### **2.1 Cabinet is recommended to:**

- 2.1.1 Approve the procurement of In-borough Special Educational Needs and Disabilities Home to school transport as set out in paragraphs 3.1–3.10 of the report.

## **3. PROPOSALS**

- 3.1 The service will provide transport for eligible children to and from school (and occasionally to respite facilities where agreed). This is usually provided by minibus.
- 3.2 A new service specification has been developed utilising learning from the existing services, input from parents and users, and engagement with colleagues in SEND, Legal, and Finance.
- 3.3 Pricing for the current contract is organised on a pay per single seat equivalent (SSE) model. This means that the Council pays for each 'seat' rather than by pupil as an individual may require more than an equivalent to one space, for example for wheelchair users. This means that the cost has fluctuated in-year and across the life of the contract.
- 3.4 Following a review of the current provision, a new financial model has been developed to reduce the risk and uncertainty for the market and create greater stability within the provision. The new service is based on a part block and part SSE model which guarantees a minimum provision at a set cost, and an agreed rate per seat for any requirement above this level.
- 3.5 This pricing model was developed by the transport procurement working group and approved by the Director of Education. It was deemed the best options as there is potential to achieve value for money through paying per SSE above agreed volume whilst maintaining financial security for the provider. There are currently around 550 young people/children accessing the service.
- 3.6 This model enables the Council to continue to work to reduce demand for this provision throughout the lifetime of the contract and for this to create efficiencies without creating additional risk to the provider. It also aims to reduce the cost of bids as providers will not need to account for the high level of risk that a fully pay SSE model creates within their price.
- 3.7 The procurement process will also aim to improve the quality of the service through embedding our learning from engagement with

parents, service users, professionals and providers. Feedback predominantly focused on the effective delivery of a user app, organisation of pick-ups, punctuality, communication, and developing more robust key performance indicators.

- 3.8 Market engagement exercises in 2021 and 2022 have indicated the annual cost for running the service, based on 500 pupils, from 2023 may cost between £3.4-£5.5m.
- 3.9 Supplier bids will be assessed based on a 50% price, 40% Quality and 10% Social Value.
- 3.10 The procurement process will be published via Pro-contract, with invitation to tender being published following cabinet approval. The procurement process will be carried out during October-November 2022, contract award January 2023 and mobilisation period from March- September 2023.
- 3.11 We are currently facing unprecedented high levels of fuel costs and inflation. As a result, the new contract terms and conditions will include the flexibility to reduce contract cost if there are significant reduction in fuel price and inflation.
- 3.12 Officers will continue to work with children and young people to access independent travel training where this is an appropriate option.

#### **4. OPTIONS & ALTERNATIVES CONSIDERED**

- 4.1 Extend current contract: The option of implementing a contract variation to extend the current provision by an additional 12 months has been explored. It is felt that delivery would not improve in comparison to re-procuring the service and that this process will also result in a less financially stable arrangement. The extension of the current contract is still being considered; however, a procurement process will be required, therefore, the procurement process is being ran in parallel.
- 4.2 Delivering an in-house service: a high-level analysis of the potential to deliver the service internally has been carried out. There are financial and capacity risks associated with this model and barriers to implementing this option and it is therefore considered that an external provider will create better value and expertise for this service.
- 4.3 Alternative Model: Other models, such as full block arrangement or splitting routes into smaller packages were considered. Learning from previous delivery and further engagement with the market, colleagues in SEND and Finance had determined this was a higher risk to the

Council and reduced flexibility. Officers are continuing to research alternative models for future contracts.

- 4.4 Do nothing: If the contract is allowed to expire without extension or a new provision being procured the council will be in breach of its statutory duties resulting in significant legal and reputation risk as well as poor outcomes for service users.

## **5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

- 5.1 This provision contributes to meeting the commitment outlined in the SEND Vision 2020-2023, approved at Cabinet in October 2020, to implement a new approach to travel assistance to maximise independence from young age.
- 5.2 The provision is in line with the Home to School Assistance with Travel Policy that was approved at Cabinet in March 2021.

## **6. CONSULTATION**

- 6.1 A consultation has been carried out for this procurement. Consultation has been held with service users and their families, current contract provider, internal stakeholders, and the market. Feedback predominantly focused on the effective delivery of a user app, pick up points, call-back, punctuality, communication, and tightening our key performance indicators. The proposed procurement has been to PLT and SLT. In addition, boards including the SEND Improvement Board, SEND Strategic Board and Parent Carer Forum have been engaged.
- 6.2 Recommendations from the consultation have been fed into the new contract specification and monitoring framework.

## **7. IMPLICATIONS**

### **7.1 Finance, Value for Money and Risk**

- 7.1.1 The current budget is £2.27 million, with an additional £500,000 earmarked from the social care grant for the anticipated increased costs from a new contract, bringing the revised budget to £2.77 million.
- 7.1.2 Market engagement completed in March 2022 provided a range of costs from £3.5m to £5.5m for 450 places. At the lower end of the range this would leave a balance of £730,000 per annum for which funding needs to be identified.

### **7.2 Legal**

- 7.2.1 Sections 508B and 508C of the Education Act 1996 make provision for local authorities to ensure that suitable travel arrangements are made,

where necessary, to facilitate a child's attendance at school. In discharging their functions under sections 508B and 508C a local authority must have regard to any guidance given from time to time by the Secretary of State.

- 7.2.2 The procurement will be undertaken in accordance with the Public Contracts Regulations 2015 and the Council's Contract Procedure Rules.

### **7.3 Equalities and Diversity**

- 7.3.1 The provision of home to school transport is a vital service for children with special educational needs and disabilities to enable their attendance at school. It is therefore expected to have a positive impact for people with a disability. The service aims to minimise disadvantages suffered by people with disabilities and to take steps to meet their needs.

- 7.3.2 An equality impact assessment screening has been completed as part of the process to date and no negative impacts have been identified.

### **7.4 Sustainability (including climate change, health, crime and disorder)**

- 7.4.1 The Council, with its partners, are committed to improving the health and wellbeing of children and young people to enable excellent outcomes for all people of Waltham Forest. The Waltham Forest Home to School Assistance with Travel Policy promotes the use of sustainable methods of transport, and particularly encourages independent travel training which enables children and young people to walk, cycle, or use public transport to travel to and from school if possible. However, the Local Authority has a duty to provide transport to vulnerable residents to facilitate their attendance at school.

- 7.4.2 The use of electric vehicles was explored for this contract, however, due to the significant increase in cost, availability of suitable vehicles and infrastructure to support, this was not deemed possible at this time. As part of the procurement process, bidders will be encouraged to consider what their offer can bring to reduce the environmental impact of this provision. The social value element of the procurement will contribute to assessing this in a meaningful way. Vehicles that are part of the contract will be operating in a newly established ULEZ zone.

### **7.5 Council Infrastructure**

- 7.5.1 There are expected to be TUPE implications associated with this provision if a new provider is identified through the procurement process.

## **BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)**

None