

North Tyneside Council Report to Cabinet 10 November 2014

ITEM 7(b)
Transporting the Public
(Home to School/College
and Adult Services)
Contract

Portfolio(s): Children, Young People
and Learning /
Adult Social Care

Cabinet Member(s): Councillor Ian Grayson/
Councillor Lesley
Spillard

Report from Service Area: Commissioning and Investment / Adult Social Care

Responsible Officer: Mark Longstaff, Head of Commissioning and Investment Tel: (0191) 643 8089
Jacqui Old, Head of Adult Social Care Tel: (0191) 643 7317

Wards affected: All

PART 1

1.1 Purpose:

The purpose of this report is to seek Cabinet's approval to carry out a procurement exercise in order to appoint a contractor to provide transport services to the Authority.

In accordance with Contract Standing Order 8(4), this report requests approval from Cabinet to proceed with the tender exercise for the Transporting the Public contract as the total contract value will exceed £500,000.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (a) note the information outlined in this report; and
- (b) delegate authority to the Head of Commissioning and Investment in consultation with the Cabinet Members responsible for Children, Young People and Learning and Adult Social Care and the Heads of Adult Social Care and Law and Governance to:
 - i) undertake the procurement and appointment of the Transporting the Public contract providers; and
 - ii) award contracts to successful providers for a period of 3 years with an option to extend for up to a further 12 month period on terms and conditions approved by the Head of Law and Governance.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published 15 September 2014.

1.4 Council Plan and Policy Framework

The report relates to the Council Plan – Our North Tyneside 2014 – 2018. Priority 1 – Our People Will – Be supported to achieve their full potential, especially our children and young people.

1.5 Information:

- 1.5.1 This proposed tendering exercise is in relation to transportation of pupils with special educational needs or other specific needs attending schools, and adults with assessed critical and/or substantial needs attending further education, employment, leisure and day opportunities. Some pupils and adults have such needs that necessitate special transport arrangements to ensure that such persons have appropriate access to educational, social and community provision.
- 1.5.2 The Authority has a duty under the Education and Inspections Act 1996 to provide or arrange transport to and from home to school/college for pupils and students and from home to day opportunities for vulnerable adults in certain circumstances. The present transport contracts will terminate in August 2015.
- 1.5.3 The procurement process must deliver value for money as well as meeting the requirements of both the EU Procurement Regulations and the Authority's Contract Standing Orders. The contracts must also meet the guidance set out in the Department for Education and Skills document "Home to School Travel for Pupils Requiring Special Arrangements" issued in November 2004, and "Home to School Travel and Transport Guidance" issued in July 2014. All tenderers will be required to comply with the Authority's eligibility criteria for Adult Social Care Services and Fair Access to Care Services. This will be under a framework agreement and the number of providers will be determined upon receipt of tender returns.
- 1.5.4 The Home to School and Adult Services contract is divided up into various routes, which are tendered, and awarded to individual contractors who provide a transport service using a licensed taxi or licensed public service vehicle. In most cases an approved passenger transport assistant must accompany the driver.
- 1.5.5 Within the arrangements to establish the new Transporting the Public contract, both driver and passenger transport assistant will require clearance from the Disclosure Barring Service (DBS) and must also attend appropriate accredited training courses. The Authority will undertake an enhanced DBS disclosure check. This checking will be undertaken at the contractor's expense in connection with this contract. If as a result of the DBS check, any driver or passenger transport assistant employed by the contractor is deemed to be unsuitable by the Authority, the Authority will have the right to require the contractor to withdraw an individual driver or passenger transport assistant from the provision of the service.
- 1.5.6 Consideration has been given to EU working time directives and will be built into the new contract for transporting the public.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Approve the recommendations as set out in paragraph 1.2 above.

Option 2

Not approve the recommendations as set out at paragraph 1.2 above.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is the recommended option as this will enable the Authority to fulfil its statutory obligations regarding access to education for children and young people with special educational needs and access to day opportunities for vulnerable adults.

1.8 Appendices:

None

1.9 Contact officers:

Mark Longstaff, Head of Commissioning and Investment, tel. (0191) 643 8089
Jacqui Old, Head of Adult Social Care, tel. (0191) 643 7317
Iain Betham, Senior Manager – Education Capital and Fair Access, tel. (0191) 643 8092
Val Johnson, Access Manager, tel. (0191) 643 8721
Gwen Evans, Manager – Transport Support Services and Facilities, tel. (0191) 643 7716
Alison Campbell, Finance Business Manager, Finance & Commercial Services, tel. (0191) 643 7038
Sarah Heslop – Manager Legal Services, tel. (0191) 643 5456

1.10 Background information:

The following background papers/information has been used in the compilation of this report and are available at the office of the author:

- 1) [Cabinet Report dated 10 October 2011 – Re-tendering of Home to School/College and Adult Services](#)
- 2) [Department for Education and Skills – Home to School Travel for Pupils requiring Special Arrangements \(November 2004\)](#)
- 3) [Department for Education – Home to School Travel and Transport Guidance \(July 2014\)](#)
- 4) [Education and Inspections Act 2006 \(as amended by the Education and Inspections Act 2011\)](#)
- 5) [Government Guidance - Fair Access to Care Services \(2002\)](#)
- 6) [North Tyneside Council Eligibility Criteria \(June 2007\).](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The contract will be awarded to a number of individuals and organisations for a maximum of 3 years with an option to extend for a further year. A pressure is currently forecast for 2014-15 within Commissioning & Investment in relation to Home to School Transport that is only partly contained by the use of contingency. It is predicted however, that work within the Cared for service redesign project will review specific routes and it is expected to provide additional value for money to allow these costs to be contained within existing revenue budgets within both Commissioning and Investment and Adult Social Care.

2.2 Legal

Contractors must comply with the Education Act 1996, the National Assistance Act 1948 and the Chronically Sick and Disabled Act 1970 when tendering for the service.

As the value of the contract as a whole exceeds the threshold of £500,000, this procurement requires Cabinet approval. Any procurement process will be undertaken in accordance with the Authority's Contract Standing Orders and EU and UK public procurement requirements. An award will be based on the most economically advantageous tender and the successful tenderer will be appointed on terms and conditions approved by the Head of Law and Governance.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Cabinet Members for Children, Young People and Learning and Adult Social Care has been fully consulted in relation to the proposals.

2.3.2 External Consultation/Engagement

The current contract for provision of transport will come to an end on 31 August 2015. In preparation for the new contractual arrangements that will begin on 1 September 2015, consultation has already commenced with the Transporting the Public Working Group. It is however proposed to further consult with service users, schools, day services and also with current service providers prior to the process to ensure views of stakeholders likely to be affected by the arrangements are taken into account, and to ensure there is a clear understanding of the process.

2.4 Human rights

There are no human rights issues directly arising from this report.

2.5 Equalities and diversity

The implementation of the recommendations of this report supports the development of the equality and diversity national standard, which is currently a priority of the Council

- Proactively embed equality and diversity considerations in everything North Tyneside Council does and challenge others to do the same.
- Take into account the differing needs of our service users and make sure their expectations are not only met, but exceeded.

2.6 Risk management

There are no risk management issues directly arising from this report.

2.7 Crime and disorder

There are no direct crime and disorder issues directly arising from this report.

2.8 Environment and sustainability

There are no environmental and sustainability issues directly arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy