



# EXECUTIVE MEMBER DECISION

<b>REPORT OF:</b>	Executive Member for Children, Young People and Education
<b>LEAD OFFICERS:</b>	Strategic Director of Children & Education (DCS)
<b>DATE:</b>	20 December 2023

**PORTFOLIO/S AFFECTED:** Departments

**WARD/S AFFECTED:** (All Wards);

**SUBJECT: Framework for Specialist Educational Needs and/or Disability Transport**

## 1. EXECUTIVE SUMMARY

To seek approval from the Executive Member for Children, Young People and Education to create a new framework for the future tendering of contracts for Specialist Education Needs and/or Disability (SEND) transport and to retender the current contracts through an electronic auction process in February 2024.

## 2. RECOMMENDATIONS

That the Executive Member:

- Approves the creation of a new DPS framework for a four year period for any future procurement of SEND transport.
- Approves the retendering of the current contracts in February 2024 for contracts to commence after the Easter half term for a two year period.

## 3. BACKGROUND

The Council provides home-to-school/college travel support for children and young people with Special Education Needs and/or Disabilities, in accordance with its statutory obligations and published eligibility policies.

### Creation of new DPS

The Council previously established a DPS (Dynamic Purchasing System) in 2019 for a four year period which ends on the 31<sup>st</sup> December 2023, there are currently 64 providers and sole traders on the current framework. A DPS framework unlike a traditional one allows suppliers to join the framework at any stage whilst the framework is live, this will ensure that as many suppliers as possible could qualify to participate in the framework in order to create more competition. As this framework is about to expire it is proposed that a new one be created for another four year period which will provide the Council with a compliant and cost effective route for procurement.

### Social Value under the contract.

Under normal circumstances the Council would allocate 15% of the marks of any high value procurement to social value. Due to the nature of these contracts suppliers when bidding do not know the value of contracts that they will ultimately win therefore providers would encounter difficulty in

putting forward a proposal. Over the duration of the current DPS the department has done considerable work to bring sole trader Hackney Carriage operators directly onto the framework which has reduced costs for the Council, again with these being low value contracts it would be difficult for them to be competitive with the larger operators. The nature of transport services means that few providers from outside of the borough can be competitive in bidding for contracts. For any operators who win over £100k per annum of contracts it will be included that they will need to work collaboratively with the Council to formulate a social value offer.

### **Retendering of Contracts**

There are currently 166 different contracts in place covering over 500 children for this provision across a range of operators being provided through Saloon cabs, Hackney Carriage, minibuses and wheelchair accessible minibuses. The Council has been running electronic auctions for the provision of SEND transport since 2016 and whilst time consuming for procurement officers in terms of training providers and running the process this has proved to be a cost effective model for the Councils finances. The auctions are price based and split into various lots according to vehicle types.

## **4. KEY ISSUES & RISKS**

- If contracts are not awarded then the Authority would be at increased risk of being in breach of its statutory responsibility to provide transport for children and young people.
- The Council needs to have a cost effective, timely and compliant procurement solution to ensure that the requirements for SEND transport can be provisioned when required, use of the framework agreement will achieve this.
- By using a DPS framework this will enable suppliers to join at any stage over the duration of the framework allowing a constant flow of suppliers ensuring there is sufficient competition to drive best value for money.

## **5. POLICY IMPLICATIONS**

A continuation of service is required in order to meet the required statutory obligation of providing and Special Educational Needs and Disability Transport.

Education and Inspections Act 2006.

508B and 508C Education Act 1996.

The delivery of a high quality SEND Transport service has a positive impact on the outcomes of children and young people.

## **6. FINANCIAL IMPLICATIONS**

The current cost of providing SEND transport under the previous contract stood at just over £1.75million per annum for the last financial year.

Following on from the previous volatility of the fuel market the new contract will include the same mechanism where the price of fuel is benchmarked at the time of going to tender. For each 15p per litre that the cost of unleaded or diesel goes above / below the pricing the Council will add or deduct 3.33% to the costs of the contract. This will occur on a monthly basis with the Council looking at the price of fuel on the last day of the month through the RAC website and then applying the adjustment for the contracts delivered that month.

Any potential cost implications will only become known once the retendering process has been completed.

## **7. LEGAL IMPLICATIONS**

The procurement process used to create the new DPS framework complies with the requirements of

the Council's Contract and Procurement rules and the Public Contracts Regulations 2015. Use of this framework will support the Council in being able to meet its statutory obligations and duties in relation to SEND home to school/college transport.

## 8. RESOURCE IMPLICATIONS

There are no resource implications associated with this decision.

## 9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1  Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2  In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3  In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

## 10. CONSULTATIONS

None with this report.

## 11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

## 12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Peter Hughes</b>
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<b>DATE:</b>	21/11/2023
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<b>BACKGROUND PAPER:</b>	None
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