

RECORD OF DECISION TAKEN UNDER DELEGATED AUTHORITY FROM EXECUTIVE/COUNCIL/COMMITTEE

DELEGATED POWERS OUTLINED IN THE CONSTITUTION



DELEGATED OFFICER DECISION TAKEN BY:	Strategic Director of Children & Education (DCS)
DELEGATED BY:	Council (date of delegation)
IN CONSULTATION WITH:	Chief Officer
PORTFOLIO AREA:	Childrens Services and Education

SUBJECT: Care package for children with complexed needs travelling on home to school transport.

1. DECISION

To request a decision to:

- Waive the Contract Procurement Procedure Rules and extend the current contract with Allcare Nurses Agency Ltd, for a period of one year from 1 April 2024 to 31 March 2025 (as per the option detailed in the contract entered into on 1 April 2023).
- Accept the increased hourly rate for the provision of services from £19.50 per hour to £22.00 per hour as advised by Allcare services.

2. REASON FOR DECISION

The service is for pupils who meet the agreed eligibility criteria for special educational needs and disabilities (SEND) home to school transport as determined by the home to school transport policy. The medical condition of the pupils is such that they require the skills or support of medically trained staff, specifically those pupils that may require suction and/or oxygen, or other such complex medical health needs that may require interventions or treatments. The journeys will be around the borough of Blackburn with Darwen for pupils to attend school.

A waiver of Contract Procurement Procedure Rules was approved in 2023 on the basis that the only company able to provide these specialist services is Allcare Nurses Agency Ltd.

A contract, agreed through the Strategic Commissioning (People) and Adults Finance team was entered into as of 1 April 2023 for a period of one year with a remit to extend the contract for a further period of one year if required (Appendix 1). As the end of the current contract is approaching and the service remains a requirement it is imperative to secure an extended contract period to ensure that our most vulnerable pupils are able to access school and the local authority (LA) is meeting its statutory duties.

In addition to the extended contract period, the LA has recently been advised of an hourly price increase for the service provided by Allcare, commencing 1 February 2024, due to inflationary increases and the rise in the living wage from April 2024.

3. BACKGROUND

The service is for pupils who meet the agreed eligibility criteria for SEND home to school transport as determined by the home to school transport policy. The medical condition of the pupils is such that they require the skills and/or support of medically trained staff, e.g. pupils may require suction and/or oxygen, or other complex medical health needs that may require interventions or treatments even whilst travelling. The journeys will be around the borough of Blackburn with Darwen for pupils to attend school.

Following a previous procurement exercise in 2023, it was established that the only company able to provide these specialist services is Allcare Nurses Agency Ltd.

A contract, detailed through the Strategic Commissioning (People) and Adults Finance team was entered into as of 1 April 2023 for a period of one year with a remit to extend the contract for a further period of one year if required (Appendix 1). As the end of the current contract is approaching and the service remains a requirement it is imperative to secure an extended contract period to ensure that our most vulnerable pupils are able to access school and the LA is meeting its statutory duties.

In addition to the extended contract period, the LA has recently been advised of an hourly price increase for the service provided by Allcare commencing 1 February 2024, due to inflationary increases and the rise in the living wage from April 2024.

4. KEY ISSUES AND RISKS

Not extending the contract will mean that from April 2024, the LA will not be able to transport children with the most complex medical needs to school.

Other transport arrangements used by BwD for the transportation of children with special needs would not be safe for pupils requiring specialist medical interventions/care as drivers and passenger assistants are not medically trained or remunerated at a grade associated with this level of specialism.

The risks associated to transporting these pupils with staff that are not specifically trained in complex medical interventions/treatment could be catastrophic, i.e. fatal to life.

Parents are fully aware that the LA are required by statute to provide home to school transport for children with special needs.

There are some occasions where pupils with the most complex needs have been transported to school by family members (with costs funded by the LA), however this has previously proven logistically challenging for some families with multiple children attending other schools.

The increase in the hourly rate does seem high (at a 12.8% increase): however there are no other providers able to provide this specialist service and as such we have no other options available at this time to enable us to fulfil our statutory duties.

5. FINANCIAL IMPLICATIONS

To date (April 2023 to end December 2023), actual expenditure on this contract has been £47,370. Based on payments to date, the estimated forecast outturn at year end would be £63,160. This contract is funded from the Education SEN Transport budget which, before the change proposed in this report, is expected to overspend significantly in the current year.

Using current metrics and costs and applying an increase of 12.8% (see section 3), the estimated financial forecast for 2024/25 would be circa £71,244 resulting in additional cost pressures of circa £8,084 per annum assuming no increase in demand for these services.

It should be note that, given the pressure on the Education SEN Transport Budget generally, additional funding provision of £500k for Education SEN Transport has been included the budget for 2024/25 to meet increased demand and costs for this service.

6. LEGAL IMPLICATIONS

Under the Education Act 1996, we have a duty to make suitable travel arrangements to facilitate the attendance at school of children who cannot walk to school due to their disability and/or mobility problems. This contract enables the LA to fulfil its duty to provide safe travel arrangements for our pupils with the most complex medical needs.

Given the actual expenditure set out above the contract is not of a value where the Public Contracts Regulations 2015 would apply and accordingly a waiver of the Contract Procurement Procedure Rules is possible provided the Director is satisfied that the market has been investigated and demonstrated that a departure from the rules is necessary.

7. RESOURCE IMPLICATIONS

Not applicable

8. OPTIONS CONSIDERED AND REJECTED

This is a request for a one-year extension to an existing commission which was detailed as an option withing the initial commission paperwork, therefore no other options have been considered or rejected.

9. CONSULTATIONS

No consultations have been undertaken for the purpose of this report. I am of the understanding that prior to the initial commission, research was undertaken as to providers that would be able to delivery this service and All Care were the only company able to supply this service.

10. DECLARATION OF INTEREST

All Declarations of Interest of the officer with delegation and any Member who has been consulted, and note of any dispensation granted should be recorded below.

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CONTACT OFFICER:	Carol Grimshaw, Head of Service, Schools Support
DATE:	6 February 2024
BACKGROUND DOCUMENTS:	Care Package for Children with Complexed Needs Travel