



CABINET

Monday 18 October 2021

10.00 a.m.

**Council Chamber, Rotherham Town Hall,
Moorgate Street, Rotherham. S60 2TH**

Cabinet Members:-

Leader of the Council
Deputy Leader of the Council,
Neighbourhood Working Portfolio
Adult Social Care and Health Portfolio
Children and Young People Portfolio

Corporate Services, Community Safety and Finance
Portfolio
Housing Portfolio
Jobs and the Local Economy Portfolio
Social Inclusion Portfolio
Transport and Environment Portfolio

Councillor Chris Read
Councillor Sarah Allen

Councillor David Roche
Councillor Victoria
Cusworth
Councillor Saghir Alam

Councillor Amy Brookes
Councillor Denise Lelliott
Councillor Dave Sheppard
Councillor Dominic Beck

Rotherham
Metropolitan
Borough Council 

CABINET

Venue: Council Chamber - Rotherham Town Hall, Moorgate Street, Rotherham, South Yorkshire S60 2TH

Date and Time: Monday 18 October 2021 at 10.00 a.m.

Agenda Contact Governance Unit – governance@rotherham.gov.uk

This meeting will be webcast live and will be available to view via the [Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

A G E N D A

1. Apologies for Absence

To receive apologies from any Member who is unable to attend the meeting.

2. Declarations of Interest

To invite Councillors to declare any disclosable pecuniary interests or personal interests they may have in any matter which is to be considered at this meeting, to confirm the nature of those interests and whether they intend to leave the meeting for the consideration of the item.

3. Questions from Members of the Public

To receive questions from members of the public who wish to ask a general question in respect of matters within the Council's area of responsibility or influence.

Subject to the Chair's discretion, members of the public may ask one question and one supplementary question, which should relate to the original question and answered received.

Councillors may also ask questions under this agenda item.

4. Minutes of the Previous Meeting (Pages 7 - 14)

To receive the record of proceedings of the Cabinet meeting held on 20 September 2021.

5. Exclusion of the Press and Public

Agenda Item 8 has an exempt appendix. Therefore, if necessary when considering that item, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

CHILDREN AND YOUNG PEOPLE

6. Prescribed Alterations to Newman Special School (Pages 15 - 29)

Report of the Strategic Director for Children and Young People's Services.

Recommendations

1. That approval be granted to the commencement of a period of pre statutory consultation in relation to proposals to make prescribed alterations to Newman Special School.
2. That a further report be submitted in January 2022 outlining the outcome of pre statutory consultation and seeking approval to proceed to a period of statutory consultation.

7. Prescribed Alterations to the Willows Special School (Pages 31 - 57)

Report of the Strategic Director for Children and Young People's Services.

Recommendations

1. That approval be granted for the commencement of a period of statutory consultation in relation to proposals to make prescribed alterations to the Willows Special School.
2. That a further report be submitted to Cabinet in January 2022 outlining the outcome of statutory consultation and seeking determination of the proposals.

JOB'S AND THE LOCAL ECONOMY

8. Disposal of Surplus Property Asset - former Adult Learning Disability property, 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD (Pages 59 - 75)

Report of the Strategic Director for Regeneration and Environment.

Recommendations

1. That approval be given to the disposal of the Council's freehold interest in 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD.
2. That approval be given to the Assistant Director (Planning, Regeneration and Transport) for the disposal of the asset by implementing the most appropriate method of disposal to help expedite the process, whilst ensuring that best consideration is achieved under Section 123 – Local Government Act 1972.
3. That the Assistant Director of Legal Services be instructed to negotiate and complete the necessary legal documentation once terms for the disposal have been agreed.

TRANSPORT AND ENVIRONMENT

9. Renewal of the "Transport for Children, Young People and Vulnerable Adults" Contractor Framework (Pages 77 - 101)

Report of the Strategic Director for Regeneration and Environment.

Recommendations

1. To approve the re-procurement of the current transport framework using a dynamic purchasing system as detailed at option c.

10. Recommendations from Overview and Scrutiny Management Board

No items from this agenda were selected for pre-decision scrutiny.

11. Date and Time of Next Meeting

The next meeting of the Cabinet will be held on Monday 22 November 2021 commencing at 10.00am in Rotherham Town Hall.



SHARON KEMP,
Chief Executive.

KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- You're advised to take LFD tests at home, regularly if you don't have symptoms. **Visit the Council's website for details of where and how to get free LFD tests.**
- If you have any **symptoms of COVID-19**, you must self-isolate at home and book a PCR test. **Visit the Council's website for details of how to book a PCR test.**

Further information about COVID-19 can be found at
www.rotherham.gov.uk/coronavirus

www.rotherham.gov.uk/coronavirus

This page is intentionally left blank

THE CABINET
Monday 20 September 2021

Present:- Councillor Read (in the Chair); Councillors Alam, Allen, Beck, Brookes, Cusworth, Lelliott, Roche and Sheppard.

Also in attendance Councillor Clark (Chair of the Overview and Scrutiny Management Board)

41. DECLARATIONS OF INTEREST

There were no declarations of interest.

42. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present at the meeting and no questions submitted in writing.

43. MINUTES OF THE PREVIOUS MEETING

Resolved:-

That the minutes of the Cabinet meeting held on 16 August 2021 be approved as a true and correct record of the proceedings.

44. EXCLUSION OF THE PRESS AND PUBLIC

The Chair advised that there was one exempt appendix in relation to Minute 46 and Minute 48 by virtue of paragraphs 1 and 3 respectively of Part 1 of Schedule 12A of the Local Government Act 1972. However, the appendices were not discussed during the meeting and as such, the meeting remained open to the press and public throughout.

45. YEAR AHEAD PLAN PROGRESS REPORT

Consideration was given to the report which provided an update on the progress made with the Year Ahead Plan activities since September 2020. The Plan was the Council's plan for operating in and recovering from the COVID-19 pandemic. It aimed to support residents, communities and business through the challenges and uncertainty of the pandemic, helping to build resilience whilst also continuing to drive ambitions plans for Rotherham. An extension to the Plan was agreed on 21 June 2021 and this was the first quarterly update report since the extension but the fourth update overall.

As of 11th August 2021, 13% of the activities outlined had been completed; 63% were on track; 14% were behind schedule; 2% were off track and 9% had been closed. The Leader advised that the two that were off track related to the commissioning of new services to prevent financial

exploitation and the Carers Strategy. The Strategy was off track due to staff being redeployed and difficulties with consulting carers, both due to the COVID-19 Pandemic. However the Cabinet Member for Health and Social Care advised that the Strategy would be completed shortly. The commission of new services to prevent financial exploitation action was off track due to delivery partners being delayed until autumn 2021.

Appendix 1 to the report was the milestone tracker for the Plan whilst Appendix 2 set out case studies related to the Plan. The timeline for the Plan was attached at Appendix 3.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations.

Resolved:

That the progress made with the Year Ahead activities is noted.

46. OPERATIONAL DELIVERY OF LAC SUFFICIENCY STRATEGY - UPDATE REGARDING CHILDREN'S HOME PROVISION

Consideration was given to the report which provided an update on the progress of the Looked After Children Sufficiency Strategy – New Residential Provision. The Strategy had been agreed by Cabinet in February 2020 and updated in June 2020. The overall development responded directly to the strategic intention of Rotherham Children and Young People's Services (CYPS) to reduce the number of external residential placements and ensure more Rotherham LAC and young people were placed within the Borough. This would help the LAC and young people remain close to their families, support networks and educational settings. It would also allow for greater flexibility and control of provision along with a reduced costs for placements which would lead to the delivery of directorate savings.

The report also included a summary of the progress achieved through phases 1 and 2 of implementation. Four new children's home had been purchased/acquired and fitted out to meet the required specification and Ofsted requirements; four managers and 44 members of staff had been recruited; 60 days of induction training had been held; two children's home had been opened with Ofsted registrations and ratings of Good on first inspection; five young people had lived in the homes and two of those five young people had been supported to "step down" from residential care into foster care.

It was reported that CYPS would submit a bid in October 2021 to the recently announced Department for Education Children's Home Capital Programme. The application related to phase three proposals and the fund could help establish new children's homes via expansion, refurbishment, or new building work. The results of the application

process were expected on 22 November 2021.

Resolved:

1. That Cabinet note the progress made.
2. That Cabinet note the learning achieved to date and agree for this to be used to inform existing operations and specifically phase three of the development.
3. That a further report be presented to Cabinet in 12 months or on the submission of the Ofsted registration for the homes in phase three (whichever is sooner.)
4. That approval is given to progress Phase Three of the implementation plan (final phase), which incorporates the acquisition of an additional two properties within the capital budget of £2 million and the recruitment of the associated staff to register and operationalise the homes.

47. JULY 2021/22 FINANCIAL MONITORING

Consideration was given to the report which set out the financial position as at the end of July 2021 and was based on the actual costs and income for the first four months of 2021/22 and forecast for the remainder of the financial year.

Members noted that financial performance was a key element within the assessment of the Council's overall performance framework and was essential to achievement of the objectives within the Council's Policy Agenda. The report was the second in a series of monitoring reports for the 2021/22 financial year which would continue to be brought forward to Cabinet on a regular basis.

As at July 2021, the Council expected to deliver the overall outturn within budget for the financial year 2021/22. However, it was noted that the Directorates had a forecast year-end overspend of £7.2m on the General Fund. This was mitigated by the Government's provision of the COVID-19 emergency support grant and Sales, Fees and Charges Income Compensation. The Cabinet Member confirmed that the longer term impacts of COVID-19, public health measures and the pace at which services would return to normal was unknown.

The Council had established the Local Self-Isolation Support scheme which provided financial support to those needing to self-isolate but could not access the government Test and Trace Self Isolation Support schemes. It was confirmed that the Council's scheme would end when the Government's scheme ended, and this was expected to be the end of September 2021.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations. OSMB also requested that a report be circulated to them to provide further information on previously agreed budgetary savings.

Resolved:

1. That the current General Fund Revenue Budget forecast of a balanced budget be noted.
2. That it be noted that actions will continue to be taken to ensure a balanced financial outturn is delivered.
3. That the Capital Programme update be noted.
4. That the current position of the Council's Local Scheme for Self-Isolation Support Payments be noted as per section 2.48 of the report.
5. That a report be circulated to members of the Overview and Scrutiny Management Board in order to provide members with information and assurance on the specific activities that are being carried out with, and by directorates in order to ensure the timely delivery of previously agreed budgetary savings.

48. NEW APPLICATION FOR BUSINESS RATES HARDSHIP RELIEF

The Council had received an application for Business Rates Hardship Relief that did not meet the Council's qualifying criteria. Granting the relief would give the business an unfair trading advantage over its competitors.

The details of the organisation were exempt under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as to disclose the applicant's business financial information could jeopardise the reputation of the business and place competitors at an unfair advantage. The details were available to Cabinet Members in exempt Appendix 1 to the report.

Resolved:

That the application for Hardship Relief be refused.

49. RESPONSE TO RECOMMENDATIONS FROM THE SCRUTINY REVIEW ON BUILDING USE

At its meeting on 16 September 2020, the Overview and Scrutiny Management Board resolved to establish a sub-group of the Improving Places Select Commission in order to feed into the planned review relating to the return to and use of Council buildings. The review took place during the national lockdowns and local tiering arrangements

introduced as a result of the COVID-19 pandemic.

The findings from the sub-group were considered by Council at its meeting on 3 March 2021 and the responses to each recommendation from Cabinet are below:

- a) That the principle be agreed that the future usage of buildings be determined in accordance with the needs of services located therein.**

Future building use will be determined with the best possible service for residents in mind. Services will assess how best to meet that need which will then determine how and when buildings are used in future.

- b) That, prior to buildings being brought back into use by staff or the public, consultation take place with Trade Unions and staff following the completion of risk assessments in respect of the building or location concerned.**

Risk assessments have been undertaken throughout the pandemic by Assessment Management and Facilities Services in order to comply with Government COVID-19 guidance. The assessments have continued to be updated and amended where appropriate and have been reviewed with staff and Trade Unions prior to any return.

- c) That any decision to return employees to Council buildings beyond the minimal number that have been required to be present throughout the pandemic be made having regard to advice from the Corporate Health and Safety Team and Human Resources, as well as being subject to Government guidance around the safe use of Council buildings.**

Relevant government guidance has been applied to those attending Council buildings throughout the pandemic. Appropriate signage, hand sanitizer and the encouragement of face masks have been in place since buildings have begun to reopen. Decisions on requests to return to the officer have been made by Recovery Gold against the business case submitted.

- d) That Members be notified when main operational buildings are to be brought back into use, specifically the Town Hall as the civic hub of the Borough.**

Members will continue to be notified when main operational buildings, including the Town Hall, are brought back into use.

- e) That, having regard to the positive implications associated with virtual meetings in respect of the Council's carbon**

footprint, the Leader of the Council lobby the Secretary of State for Housing, Communities and Local Government to legislate for the ongoing provision of virtual meetings beyond 7 May 2021.

The Leader wrote to the Secretary of State for Housing, Communities and Local Government in February 2021 to request an extension to the regulations that allowed virtual meetings. The Government subsequently announced that an extension would not be provided.

- f) That Asset Management and Digital Services work together to identify the necessary changes or solutions required in Riverside House and Rotherham Town Hall, as well as any changes required to equipment or software for Members and officers, to enable continued use of remote working whilst permitting physical presence in a Council building.**

A number of IT solutions for supporting hybrid working in meeting rooms across the estate were being tested. Following testing during August 2021, a decision on further rollout of the meeting room IT equipment was to be made in September, with any further installation likely to be completed by the end of 2021.

- g) That the Head of Democratic Services prepare guidance and training on the procedures and operation of hybrid meetings.**

Guidance and training would be shared with Members and Officers prior to the introduction of hybrid working and will be produced jointly between IT, Asset Management, HR and Democratic Services. Public-I would provide guidance for the use of the Council Chamber which would be circulated to Members and Officers prior to implementation.

Resolved:

That the responses provided by Cabinet to the recommendation of the Scrutiny Review on Building Use be approved.

50. COMMUNITY INFRASTRUCTURE LEVY SPENDING PROTOCOL

Consideration was given to the report which sought approval for a protocol to allocate Community Infrastructure Levy (CIL) income to priority infrastructure schemes at a strategic level across the Borough. Approval was also sought for a ward-based approach to the spend of Local CIL arising from development in non-parished areas.

The CIL came into force in Rotherham on 3 July 2017 and was applied to new developments to raise funds for local infrastructure. 80% of the CIL income from a development was for infrastructure set out in the

Infrastructure Funding Statement. 15% was for parishes to spend on local infrastructure priorities and the remaining 5% was to cover administrative costs. The 15% for Parish Councils could be increased to 25% for parishes with an adopted Neighbourhood Plan. It was proposed that the 15% of Local CIL income the Council had collected from developments in non-parished areas, around £120,000, be devolved to the ward in which the development took place and administered by the Neighbourhoods Team following consideration by the Ward Councillors.

The report had been considered by the Overview and Scrutiny Management Board as part of the pre-decision scrutiny process. The Board was fully supportive of the recommendations but asked that further consideration be given to how all elected members can be consulted and engaged with regarding the allocation and prioritisation of Strategic Community Infrastructure Levy funds in their ward. OSMB also requested that a Member Seminar be held on the CIL and S106 agreements.

The Cabinet Member confirmed that she was happy to accept those recommendations.

Resolved:

1. That the protocol for prioritising and approving the spend of Strategic CIL funds in approved.
2. That the ward-based approach to the spend of Local CIL arising from developments in non-parished areas in approved.
3. That further consideration be given to how all elected members can be consulted and engaged with regarding the allocation and prioritisation of Strategic Community Infrastructure Levy funds in their wards.
4. That an all-member seminar be delivered in order to provide members with information on the Community Infrastructure Levy, Section 106 agreements and on the new processes and protocols for the spending of both Strategic and Local Community Infrastructure Levy funds.

51. BT PROPOSAL TO PERMANENTLY REMOVE 18 PHONE BOXES ACROSS THE BOROUGH

Consideration was given to the report which outlined the proposal by BT to close 18 pay phones across the Borough. Following public consultation in line with Ofcom requirements, a final decision was taken to consent to the closure of the telephony service and removal of 9 phone boxes. The local veto was applied to 9 phone boxes, meaning BT were required to keep those pay phones in use.

The final decision was taken by the Assistant Director – Planning,

Regeneration and Transport, under the Council's Scheme of Delegation. The schedule showing the decision on each of the 18 phone boxes proposed for removal by BT was included at Appendix 4 to the report.

Resolved:

That Cabinet note the decision consenting to the closure and removal of 9 BT phone boxes but to retain 9 BT phone boxes under the local veto.

52. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Consideration was given to the circulated report, the contents of which were included as part of the relevant items and the details included accordingly.

53. DATE AND TIME OF NEXT MEETING

Resolved:-

That the next meeting of the Cabinet will be held on Monday 18 October 2021 commencing at 10.00am in Rotherham Town Hall.

Committee Name and Date of Committee Meeting

Cabinet – 18 October 2021

Report Title

Prescribed Alterations to Newman Special School

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Suzanne Joyner – Strategic Director, Children and Young People's Services

Report Author(s)

Dean Fenton – Head of Service, Access to Education
01709 254821

Dean.fenton@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Following increases in capacity and pupil numbers at Newman School, this report seeks approval to commence a period of pre statutory consultation on proposals to make prescribed alterations to Newman Special School under the requirements of the Department for Education School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

Recommendations

1. That approval be granted to the commencement of a period of pre statutory consultation in relation to proposals to make prescribed alterations to Newman Special School.
2. That a further report be submitted in January 2022 outlining the outcome of pre statutory consultation and seeking approval to proceed to a period of statutory consultation.

List of Appendices Included

Appendix 1 Equalities Impact Assessment (Initial screening)

Appendix 2 Environmental Impact Assessment

Background Papers

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

School Organisation (Maintained Schools) guidance for proposers and decision makers (January 2014)

Special Education Needs and Disability (SEND) phase 1,2,3 capital projects reports approved by Cabinet.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

No

Council Approval Required

No

Exempt from the Press and Public

No

Prescribed Alterations to Newman Special School

1. Background

- 1.1 Following Cabinet approval of the Special Education Needs and Disability (SEND) phase 1,2 and 3 capital projects programmes approved by Cabinet on 19th February 2018 (Minute No: 110), 16th September 2019 (minute No: 42 and 23rd November 2020 (minute No: 72) additional capacity was added at Newman Special School by the creation of additional teaching and learning spaces as an extension to the existing school building and by an offsite annex.
- 1.2 Permanent changes to the school fall under the requirements of the Department for Education (DfE) School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and as such statutory process should be completed to make the necessary amendments to the schools' registration by following the prescribed alteration process.
- 1.3 The school is a Local Authority maintained school and is rated as a good school by Ofsted. The proposal to make a Prescribed alteration falls within the Department for Education's agenda to expand successful (good and outstanding rated schools) and popular (demand led) schools where there is a need for more places.
- 1.4 The school is presently registered for 120 pupils and there are currently 159 pupils on roll. As part of the SEND phase 3 capital project, a new Secondary and post 16 phase annex site of Newman School is being created at the old Dinnington College site. This will give capacity for 180 pupils in total across both the Newman main school and Dinnington Annex sites. The Dinnington site is necessary on a temporary basis initially to support the facilitation of planned essential works and maintenance to parts of the Newman School site.
- 1.5 The school also has a current multiple designation list, and it is proposed to simplify the designation to complex SEND to cover all existing cohorts across a range of complexity of needs.
- 1.6 The statutory process for increasing the numbers of pupils that can be registered with the special school is activated where the numbers increase by 10% or 20 pupils, whichever figure is the lower, and where the increase is expected to persist for 2 years or more. This statutory threshold is now met. As there is little prospect of a reduction of numbers without resorting to out of area placements, it is proposed to follow the statutory process set out in the Regulations to create a permanent increase in permitted pupil numbers.
- 1.7 As the proposed annex at Dinnington will be on the same site as the new Social, Emotional and Mental Health (SEMH) school to be established under the Department for Education (DfE) Free School presumption process, the new school and the Newman annex will be completely segregated as separate campuses on the shared site with one campus being an SEMH school and the other campus the Newman School annex operating under separate DfE registrations.

2. Key Issues

2.1 Proposals brought forward meet the threshold for making prescribed alterations to a Local Authority maintained school and this report seeks approval to commence a period of pre statutory consultation on the proposal to:

- Increase the number of permanent planned places at the school from 120 to 180.
- Establish a permanent annex site.
- Amend the designation of the school.

3. Options considered and recommended proposal

3.1 **Option 1:** Maintain the current registered number of places at the school at the current level of 120. However, as the school is already oversubscribed and exceeds the above criteria, this would mean that in future years parents / carers would be unable to secure a place for their child as the schools current registered number is oversubscribed and pupil numbers would need to be reduced back to the registered number, which would not be achievable within a reasonable timeframe.

3.2 This would also impact on the school as without the annex arrangement, there would be insufficient space for all pupils to attend in the short term due to planned renovations at the Newman School site to address planned condition improvement and maintenance work required. The longer term proposal creates additional capacity to ensure children with Education, Health and Care Plans (EHCP's) requiring a Complex SEND placement can be accommodated in borough.

3.3 The impact of option 1 being that places would need to be sought at other schools or out of authority to meet demand as all special schools in Rotherham are full to their registered number and this trend is set to continue. This would have an impact financially as out of authority places can be more expensive and subsequent transport costs would be increased.

3.4 **Option 2: (Recommended Proposal):** Increase the registered number of places from the current 120 to 180 by incorporating the main school and annex by prescribed alteration to enable parental preferences for placements continue to be satisfied in the future avoiding the need to seek placement at another school or out of authority against the wishes of parents/carers.

3.5 The proposal will ensure pupils are able to continue to access current specialist therapies linked to their complex SEND needs and fulfils the aspirations linked to the Ofsted framework around inclusion.

4. Consultation on proposal

4.1 The proposal falls within the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 because the Local Authority proposes to change the number of pupils in a special school on a permanent basis by 10% or 20 pupils (whichever is the lowest), create a permanent annex site and simplify the designation.

- 4.2 There is a strong expectation that Local Authorities will consult interested parties (referred to within DfE guidance as pre statutory consultation), in developing proposals. A report should then be brought to Cabinet outlining the outcome of pre statutory consultation on proposals and seeking approval to commence a period of statutory consultation by the publication of a public notice as part of their duty under public law to act rationally and to take into account all relevant considerations.
- 4.3 The statutory proposal (public notice) must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The DfE sets out the minimum that this should include in the form of a template document. The proposal should be accessible to all interested parties.
- 4.4 Following the period of statutory consultation on proposals, a further report should then be brought to Cabinet and as the Local Authority is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.

5. **Timetable and Accountability for Implementing this Decision**

- 5.1 **October 2021** - Report to Cabinet seeking approval to commence a period of pre-statutory consultation on proposals.

November 2021 - (4 weeks minimum) period of pre-statutory consultation.

January 2022 - Report to Cabinet outlining the outcome of pre-statutory consultation and seeking approval to commence a period of statutory consultation by the publication of a public notice.

January 2022 - Notification to the Department for Education and submission of proposals being consulted upon.

February 2022 - Public Notice period (4 weeks minimum) commences.

April 2022 - Report to Cabinet outlining the outcome of statutory consultation and seeking a determination of the proposals.

April 2022 - Notification to the Secretary of State for Education of the determination of the proposals.

April 2022 – School makes the necessary amendments to their GIAS (get information about schools) registration in preparation for the commencement of the 2022/23 academic year.

6. **Financial and Procurement Advice and Implications**

- 6.1 There are no procurement implications linked to this proposal.
- 6.2 The prescribed alteration will enable young people with Complex SEND to

continue to be placed locally and avoid the need to place with high cost out of area / independent providers in the future.

7. Legal Advice and Implications

- 7.1 The Local Authority has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, to consult on the proposals set out in this report.
- 7.2 The DfE statutory guidance for proposers and decision makers - Making 'prescribed alterations' to maintained schools (April 2016) provides that: Where a Local Authority is the decision maker, it must make a decision within a period of two months of the end of the representation (public notice) period, where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.
- 7.3 The Education Act 1996 requires an English local authority to secure (as far as their powers enable them to do so) efficient education in their area (section 13(1); and so far as is compatible with efficient instruction and training and the avoidance of unnecessary expenditure a local authority must exercise its Education Act powers and duties having regard to the general principle that pupils are educated in accordance with the wishes of their parents (section 9). Provision for a permanent increase in pupil numbers at the school assists compliance with the section 13 duty; consultation assists compliance with the section 9 duty.
- 7.4 The Equality Act 2010 imposes a public sector equality duty upon public (including local) authorities, (see section 10 below). The promotion of equality of opportunity includes the removal of a disadvantage suffered by persons with disability, or their carers. The need to educate Rotherham children out of area because there is insufficient SEND provision within the Borough could amount to such a disadvantage, and the proposed prescribed alterations if implemented would minimise that disadvantage.

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications for the Local Authority to consider as the school is resourced to support the cohort of pupils and any future additional recruitment of staff will be determined by the Governing Body paying regard to the school budget.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Additional SEND places created within the borough give more children and young people the opportunity to access high quality provision closer to home to meet their educational needs and in line with parental wishes.

10. Equalities and Human Rights Advice and Implications

10.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act,
2. advance equality of opportunity and
3. foster good relations between persons who share a protected characteristic and persons who do not share it.

10.2 Equalities Impact Assessments were undertaken on the proposed increase in SEND provision across the borough as reported to Cabinet linked to SEND phase 1,2 and 3 proposals. The assessments did not identify any potential for unlawful conduct or disproportionate impact and concluded that all opportunities to advance equality are being addressed. The increase in SEND provision within Rotherham has helped to ensure sufficient provision for the increasing numbers of children within Rotherham and ensure that appropriate provision is made in accordance with parental preference. By acting to ensure children in Rotherham have access to a high-quality school place, the Council is promoting equality of opportunity for all children and young people.

10.3 A further Equalities Impact Assessment (initial assessment) in relation to these proposals was undertaken prior to this report being submitted and is *Appendix 1* to the report. The assessment will be kept under review during the period of the prescribed alteration process and a full equalities impact assessment completed as part of the process paying regard to responses to the pre statutory consultation.

10.4 The Council must ensure it meets its public law duties when making decisions, including meeting its public sector equality duty. It must consider all relevant information, disregard irrelevant information, act in accordance with the statutory requirements and make its decision in a fair and transparent manner.

11. Implications for CO₂ Emissions and Climate Change

11.1 An impact assessment has been undertaken linked to the proposals contained within this report (Appendix 2). The assessment will be kept under review throughout the prescribed alteration process.

11.2 In relation to the pupils already on roll and attending the school, any changes to journeys to enable pupils to attend the Dinnington Annex are already in progress due to the necessary temporary arrangements required although journey planning arrangements remain under constant review by the Corporate Transport Department aligned to individual Education, Health and Care Plans (EHCP's).

11.3 In relation to any new pupils allocated a place at Newman School, transport implications are considered by Corporate Transport Department linked to the EHCP process.

12. **Implications for Ward Priorities**

- 12.1 The proposals will have a positive implication for ward priorities across the borough, as more children are able to continue to access specialist provision in line with their parents' wishes within Rotherham in future years.

13. **Implications for Partners**

- 13.1 This paper has been developed in partnership with colleagues from CYPS, R&E and Finance. An established SEND Project Board, with representation across Directorates and wider partners ensures the partnership continues to oversee SEND sufficiency projects and implications and all implications are considered and managed effectively. Education Partners will be fully involved with the development and implementation of plans where required and appropriate.

14. **Risks and Mitigation**

- 14.1. There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Over provision at one school could influence pupil numbers at other schools. However, current SEND provision is full or over-subscribed within the borough and this trend is set to continue, meaning that more pupils would be placed in provision out of authority increasing the financial burden on the High Needs Block of the Dedicated Schools Grant.
- 14.2 The proposals seek to amend the registered number of places at the school from 120 to 180, establish a permanent annex and simplify the designation of the school to ensure the school remains compliant with statutory requirements.

15. **Accountable Officers**

Dean Fenton, Head of Service - Access to Education

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	04/10/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/09/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	30/09/21

Report Author: Dean Fenton – Head of Service, Access to Education
 Tel: 01709 254821
 Email: dean.fenton@rotherham.gov.uk
 This report is published on the Council's [website](#).

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Prescribed Alteration to the Willows Special School

Directorate: CYPS

Service area: Education

Lead person: Dean Fenton / Jackie Ross

Contact number: 01709 254821

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify: Change to official number of registered places at the school

2. Please provide a brief description of what you are screening

As Newman School has undertaken significant changes in relation to changes to numbers on roll and site locations it is necessary to complete a prescribed alteration process under the DfE Prescribed alterations to maintained schools (England) regulations to ensure changes on a permanent basis are registered with Department for Education.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	X	
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>	x	
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposal is seeking to commence a period of pre statutory consultation on proposals to make permanent changes at Newman Special School in relation to:

Increasing the registered number of places

Changes to site locations – making a temporary satellite base a permanent base

Simplifying the designation of the school

As the school is a school for children with an Education, Health and Care Plan (EHCP), once a period of pre statutory consultation is approved, the outcome of the consultation will inform recommendations to Cabinet when seeking approval to move to the next stage of statutory consultation on proposals. The consultation will also inform a full equalities impact assessment incorporating feedback from the pre statutory consultation.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The school is an inclusive school that accommodates pupils who have an Education, Health and Care Plan (EHCP) naming the school.

The prescribed alterations to maintained schools (England) regulations require that as the schools registered number of places has been exceeded by 10% or 20 pupils – which ever is least and, there have been changes of bases established, then prescribed alterations should be made to amend the registration arrangements.

- **Actions**

(think about how you will promote positive impact and remove/reduce negative impact)

The first part of the prescribed alterations process after approval is to consult all stakeholders on the proposals and report back to decision makers on the outcome and seek approval to commence a period of statutory consultation whilst submitting proposals

being consulted on to DfE.	
Date to scope and plan your Equality Analysis:	
Date to complete your Equality Analysis:	
Lead person for your Equality Analysis (Include name and job title):	

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Nathan Heath	Assistant Director of Education and Inclusion	25.5.2021

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	25.5.2021
Report title and date	Prescribed alterations to Newman school
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Scheduled for Cabinet for October 2021 (1 st report) seeking approval to commence a period of pre statutory consultation.
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	24.8.2021

Appendix 2: Newman School

Will the decision/proposal impact...	Impact	If an impact or potential impacts are identified			
		Describe impacts or potential impacts on emissions from the Council and its contractors.	Describe impact or potential impacts on emissions across Rotherham as a whole.	Describe any measures to mitigate emission impacts	Outline any monitoring of emission impacts that will be carried out
Emissions from non-domestic buildings?	Impact unknown	The school main base site is currently in use as education establishments.	The annex base will be in operation from approx. December 2021. The current main base is oversubscribed. Emission levels are expected to be of a similar level to when the site was operation previously.	As part of refurbishment of the building, energy saving measures will be reviewed.	Emissions and environmental impact will be considered as part of the refurbishment of the annex site and monitored accordingly.
Emissions from transport?	Impact unknown	The school currently has an excess number of pupils attending in relation to registered number of places. Proposals seek to align the registered number of places to capacity of the school. Pupils are already being transported to the school. As pupils leave and new pupils are admitted via an EHCP journeys will need to be re-evaluated.	Pupils are transported to school via funded transport. Any changes to school placement would be determined via the EHCP process and transport implications considered at that point. As part of the proposal aims to increase the number of places available this is expected to have a slight increase in transport emissions, although some pupils journeys may be shorter with placement.	School travel journeys are reviewed and monitored by transport section aligned to the EHCP placement review.	Transport to school arrangements are kept under review by the Corporate Transport Unit. Ongoing monitoring / assessment by Transport Unit.
Emissions from waste, or the quantity of waste itself?	Slight increase	There will be a slight increase to the amount of waste generated from the school, as number of pupils increase in line with the revised capacity.	Although waste at school will increase we do not anticipate waste increase across Rotherham as a whole.	School has a waste management process.	Impact will be monitored by the school governing body and LA.
Emissions from housing and domestic buildings?	N/A	N/A	N/A	N/A	N/A

Emissions from construction and/or development?	Increase during refurbishment phase	RMBC Asset Management Service are project managing the refurbishment programme of work which includes oversight of safe systems of work.	Environmental impact is considered as part of the planning and construction / refurbishment process and would have been considered at that point. Asset management retain oversight during refurbishment phase.	To be determined as part of the project plan and overseen by Asset Management.	Monitoring by contractor and Asset Management Service throughout refurbishment programme.
Carbon capture (e.g. through trees)?	No impact	N/A	N/A	N/A	N/A
Identify any emission impacts associated with this decision that have not been covered by the above fields:					

Please provide a summary of all impacts and mitigation/monitoring measures:

Transport implications of school transport arrangements are kept under review by Corporate Transport Unit.
Asset Management will oversee the refurbishment project.
Project will raise the emissions mostly for the Council due to rise in pupils attending the school, but overall a very minor increase in emissions from potential transport journey routes.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Dean Fenton Head of Access to Education CYPS
Please outline any research, data, or information used to complete this [form].	
If quantities of emissions are relevant to and have been used in	

this form please identify which conversion factors have been used to quantify impacts.	
Tracking [to be completed by Policy Support / Climate Champions]	Sam Blakeborough

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 October 2021

Report Title

Prescribed Alterations to the Willows Special School

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Suzanne Joyner – Strategic Director, Children and Young People's Services

Report Author(s)

Dean Fenton – Head of Service, Access to Education
01709 254821

Dean.fenton@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

Pre statutory consultation on proposals to change the number of planned places at the Willows Special School under the Department for Education prescribed alterations process has been completed. This report seeks approval to commence a period of statutory consultation on the proposals by the posting of a public notice.

Recommendations

1. That approval be granted for the commencement of a period of statutory consultation in relation to proposals to make prescribed alterations to the Willows Special School.
2. That a further report be submitted to Cabinet in January 2022 outlining the outcome of statutory consultation and seeking determination of the proposals.

List of Appendices Included

Appendix 1 Equalities Impact Assessment (Initial screening)
Equalities Impact Assessment (Final Screening)

Appendix 2 Environmental Impact Assessment

Appendix 3 Summary of pre statutory consultation

Background Papers

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

School Organisation (Maintained Schools) guidance for proposers and decision makers (January 2014)

Special Education Needs and Disability (SEND) phase 1 capital projects approved by Cabinet on 19th February 2018.

Determination of proposals to make prescribed alterations at the Willows School under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 approved by Cabinet on 18th March 2019.

Report to Cabinet seeking approval to commence a period of pre statutory consultation on proposals to make prescribed alterations to the Willows School on 14th June 2021.

Consideration by any other Council Committee, Scrutiny or Advisory Panel
No

Council Approval Required
No

Exempt from the Press and Public
No

Prescribed Alterations to the Willows Special School

1. Background

- 1.1 Following a report to Cabinet on 14th June 2021, a period of pre-statutory consultation was approved in relation to proposals to make prescribed alterations to the Willows Special School under the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 1.2 The report to Cabinet outlined the previous permanent changes to the number of registered places at the school with an increase from 100 to 120 planned places and a change to the age range from 7-16 to 7-19 made by prescribed alterations under the requirements of the 2013 regulations.
- 1.3 The report outlined that, as a result of the continued increase in cohort size, it was necessary to increase the registered number of places at the school further. The proposal falls within the requirements of 2013 Regulations because the number of pupils in a special school on a permanent basis has increased by 10% or 20 pupils (whichever is the lowest) which is expected to be in place for more than 2 years (as this is considered a permanent increase).
- 1.4 The report also outlined that a capacity assessment at the school completed in April 2021 had determined the capacity of the school to be sufficient for 150 pupils following the recent LA funded expansion project and school funded adaptations.
- 1.5 The school is a Local Authority maintained school and is rated as a good school by Ofsted. The proposal to make a permanent increase in the registered number of places available falls within the Department for Education's agenda to expand successful (good and outstanding rated schools) and popular (demand led) schools.
- 1.6 The number of pupils on roll at the school as at September 2021 was 175. Due to Covid 19 restrictions, this had impacted on post 16 transitional arrangements for pupils which adds to the numbers and plans are in place to commence transitional arrangements from September 2021 as part of 6th form opportunities, which will eventually reduce numbers of pupils on site at the Willows school back to 150.
- 1.7 This report seeks approval to commence a period of statutory consultation on proposals to increase the number of planned places at the school from 120 to 150 following a period of pre statutory consultation with stakeholders.

2. Key Issues

- 2.1 As the current number of pupils on roll exceeds the registered number of 120 places by more than 10% or 20 pupils (whichever is the lowest), and the registered number is expected to be exceeded by the above criteria for more than 2 years, it is necessary to complete a prescribed alteration process.

- 2.2 As the above criteria has already been exceeded for 12 months, it is necessary to complete the prescribed alteration within the next 12 months to meet statutory requirements as the registered number of places will still be in excess of 10% or 20 pupils beyond 2 years.

3. **Options considered and recommended proposal**

- 3.1 **Option 1:** Maintain the registered number of places at the school at the current level of 120. However, as the school is already oversubscribed by above the criteria threshold and has been for the past year, this would mean that in future years parents / carers would be unable to secure a place for their child as the schools current registered number is oversubscribed and pupil numbers would need to be reduced back to the registered number, which would not be achievable within the timeframe.
- 3.2 The impact of option 1 being that places would need to be sought at other schools or out of authority to meet demand as all special schools in Rotherham are full to their registered number and this trend is set to continue. This would have an impact financially as out of authority places can be more expensive and subsequent transport costs would be increased.
- 3.3 **Option 2: (Recommended Proposal):** Increase the registered number of places from the current 120 to 150 by prescribed alteration to enable parental preferences for placements to continue to be satisfied in the future avoiding the need to seek placement at another school or out of authority against the wishes of parents/carers.

4. **Consultation on proposal**

- 4.1 As outlined above, the proposal falls within the requirements of the 2013 Regulations. Following Cabinet approval of the report on 14th June 2021, a period of pre-statutory consultation was undertaken with stakeholders between 29th June and 9th August 2021.
- 4.2 There is a strong expectation that Local Authorities will consult interested parties (referred to within DfE guidance as pre statutory consultation), in developing proposals. A report should then be brought to Cabinet outlining the outcome of pre statutory consultation on proposals and seeking approval to commence a period of statutory consultation by the publication of a public notice as part of their duty under public law to act rationally and to take into account all relevant considerations.
- 4.3 Pre-statutory consultation was undertaken by a letter outlining the proposals being sent to the stakeholders below (appendix 3):
- Parents/carers of all children and Young People on roll at the Willows Schools
 - Staff employed at the Willows School
 - The Governing Body of the Willows School
 - All Schools in Rotherham
 - Members of Parliament

- All Borough Councillors
- All Parish Councils
- RMBC Neighbourhoods Team for community engagement
- RMBC Communications Team for wider distribution
- RMBC SEND and Inclusion Services

- 4.4 There were no responses or comments submitted during the pre statutory consultation period. The summary consultation document is (Appendix 3) to this report. The proposal seeks to align the number of registered places at the school to reflect the actual capacity and, pupils are already on roll at the school. The absence of responses is reflective of the lack of impact this will have on existing pupils attending the Willows as their placements will not be affected. A further opportunity to comment will be available during the subsequent proposed statutory consultation period.
- 4.5 Following the pre-statutory period of consultation, this report seeks approval to commence a period of statutory consultation by the posting of a public notice.
- 4.6 The statutory proposal (public notice) must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The DfE sets out the minimum that this should include in the form of a template document. The proposal should be accessible to all interested parties.
- 4.7 Following the period of statutory consultation on proposals, a further report should then be brought to Cabinet and as the Local Authority is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.

5. **Timetable and Accountability for Implementing this Decision**

- 5.1 **June 2021** - Reported to Cabinet seeking approval to commence a period of pre-statutory consultation on proposals.

29th June – 9th August 2021 - period of pre-statutory consultation completed.

October 2021 - Report to Cabinet outlining the outcome of pre-statutory consultation and seeking approval to commence a period of statutory consultation by the publication of a public notice.

October 2021 - Notification to the Department for Education and submission of proposals being consulted upon.

November 2021 - Public Notice period (4 weeks minimum) commences.

January 2022 - Report to Cabinet outlining the outcome of statutory

consultation and seeking a determination of the proposals.

January 2022 - Notification to the Secretary of State for Education of the determination of the proposals.

6. Financial and Procurement Advice and Implications

- 6.1 There are no procurement implications linked to this proposal.
- 6.2 The prescribed alteration will enable young people to continue to be placed locally and avoid the need to place with high cost out of area / independent providers in the future.

7. Legal Advice and Implications

- 7.1 The Local Authority has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, to consult on the proposals set out in this report.
- 7.2 The DfE statutory guidance for proposers and decision makers - Making 'prescribed alterations' to maintained schools (April 2016) provides that: Where a Local Authority is the decision maker, it must make a decision within a period of two months of the end of the representation (public notice) period, where a decision is not made within this time frame, the proposal must be referred to the Schools' Adjudicator for a decision.
- 7.3 The Education Act 1996 requires an English local authority to secure (as far as their powers enable them to do so) efficient education in their area (section 13(1); and so far as is compatible with efficient instruction and training and the avoidance of unnecessary expenditure a local authority must exercise its Education Act powers and duties having regard to the general principle that pupils are educated in accordance with the wishes of their parents (section 9). Provision for a permanent increase in pupil numbers at the school assists compliance with the section 13 duty; consultation assists compliance with the section 9 duty.
- 7.4 The Equality Act 2010 imposes a public sector equality duty upon public (including local) authorities, (see section 10 below). The promotion of equality of opportunity includes the removal of a disadvantage suffered by persons with disability, or their carers. The need to educate Rotherham children out of area because there is insufficient SEND provision within the Borough could amount to such a disadvantage, and the proposed prescribed alterations if implemented would minimise that disadvantage.

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications for the Local Authority to consider as the school is resourced to support the cohort.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Additional SEND places created within the borough give more children and young people the opportunity to access high quality provision closer to home to meet their educational needs and in line with parental wishes.

10. Equalities and Human Rights Advice and Implications

- 10.1 Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to:
1. eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act,
 2. advance equality of opportunity and
 3. foster good relations between persons who share a protected characteristic and persons who do not share it.
- 10.2 An Equalities Impact Assessment was undertaken on the proposed increase in SEND provision across the borough as reported to Cabinet on 19th February 2018. The assessment did not identify any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed. The increase in SEND provision within Rotherham has helped to ensure sufficient provision for the increasing numbers of children within Rotherham and ensure that appropriate provision is made in accordance with parental preference. By acting to ensure children in Rotherham have access to a high quality school place, the Council is promoting equality of opportunity for all children and young people.
- 10.3 A further Equalities Impact Assessment (initial assessment) in relation to these proposals was undertaken prior to the report to Cabinet of 14th June 2021 being submitted. The assessment will be kept under review during the period of the prescribed alteration process and an initial full equalities impact assessment completed during the pre statutory consultation stage is (Appendix 1) to this report.
- 10.4 The Council must ensure it meets its public law duties when making decisions, including meeting its public sector equality duty. It must consider all relevant information, disregard irrelevant information, act in accordance with the statutory requirements and make its decision in a fair and transparent manner.
- 11. Implications for CO₂ Emissions and Climate Change**
- 11.1 An impact assessment has been undertaken linked to the proposals contained within this report is (Appendix 2).
- 11.2 In relation to the pupils already on roll and attending the school, there will be no changes to journeys although journey planning arrangements remain under constant review by the Corporate Transport Department aligned to Education, Health and Care Plans.

- 11.3 In relation to post 16 pupils in transition to other settings, an assessment is currently being completed by the Corporate Transport Department to evaluate journey variances, current arrangements and options to reduce impact aligned to transition arrangements.

12. **Implications for Ward Priorities**

- 12.1 The proposals will have a positive implication for ward priorities across the borough, as more children are able to continue to access specialist provision in line with their parents' wishes within Rotherham in future years.

13. **Implications for Partners**

- 13.1 This paper has been developed in partnership with colleagues from CYPS, R&E and Finance. An established SEND Project Board, with representation across Directorates and wider partners ensures the partnership continues to oversee SEND sufficiency projects and implications across all areas are considered and managed effectively. Education Partners will be fully involved with the development and implementation of plans where required and appropriate.

14. **Risks and Mitigation**

- 14.1. There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Over provision at one school could influence pupil numbers at other schools. However, current provision is full or over-subscribed within the borough and this trend is set to continue, meaning that more pupils would be placed in provision out of authority increasing the financial burden on the High Needs Block.
- 14.2 The proposals seek to amend the registered number of places at the school from 120 to 150 to ensure the school remains compliant with statutory requirements.

15. **Accountable Officers**

Dean Fenton, Head of Service - Access to Education

Approvals obtained on behalf of Statutory Officers:-

	Named Officer	Date
Chief Executive	Sharon Kemp	04/10/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/09/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	30/09/21

Report Author: Dean Fenton – Head of Service, Access to Education

Tel: 01709 254821

Email: dean.fenton@rotherham.gov.uk

This report is published on the Council's [website](#).

This page is intentionally left blank

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Prescribed Alteration to the Willows Special School

Directorate: CYPS

Service area: Education

Lead person: Dean Fenton / Jackie Ross

Contact number: 01709 254821

Is this a:

☐

Strategy / Policy

☐

Service / Function

☒

Other

If other, please specify: Change to official number of registered places at the school

2. Please provide a brief description of what you are screening

As the number of pupils at the school currently exceeds the registered number of places by above 10% and this is likely to be the case for more than 2 years (already been so for 1 year), then it is necessary to complete a prescribed alteration under the DfE Prescribed alterations to maintained schools (England) regulations.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	X	
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>	x	
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

The proposal is seeking to commence a period of pre statutory consultation on proposals to increase the registered number of places at the Willows Special School from 120 to 150 registered places.

As the school is a school for children with an Education, Health and Care Plan (EHCP), once a period of pre statutory consultation is approved, the outcome of the consultation will inform recommendations to Cabinet when seeking approval to move to the next stage of statutory consultation on proposals. The consultation will also inform a full equalities impact assessment.

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

The school is an inclusive school that accommodates pupils who have an Education, Health and Care Plan (EHCP) naming the school.

The prescribed alterations to maintained schools (England) regulations require that as the schools registered number of places (120) has been exceeded by 10% or 20 pupils – which ever is least, and the excess will remain for over 2 years (already been exceeded for 1 year), then prescribed alterations should be made to amend the registered number of places.

- **Actions**

(think about how you will promote positive impact and remove/reduce negative impact)

The first part of the prescribed alterations process after approval is to consult all stakeholders on the proposals and report back to decision makers on the outcome and seek approval to commence a period of statutory consultation whilst submitting proposals being consulted on to DfE.

Date to scope and plan your Equality Analysis:	June 2021
Date to complete your Equality Analysis:	August 2021
Lead person for your Equality Analysis (Include name and job title):	Dean Fenton

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Nathan Heath	Assistant Director of Education and Inclusion	13.4.2021 23.8.2021 (reviewed)

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	9.4.2021 23.8.2021 (reviewed)
Report title and date	Prescribed alterations to the Willows school
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Scheduled for Cabinet for June 2021 (1 st report) seeking approval to commence a period of pre statutory consultation.
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	13.4.2021 24.8.2021

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: <i>Prescribed Alteration to the Willows Special School</i>	
Date of Equality Analysis (EA): <i>23.7.21 to 16.8.2021</i>	
Directorate: <i>CYPS</i>	Service area: <i>Education</i>
Lead Manager: <i>Dean Fenton</i>	Contact number: <i>01709 254821</i>
Is this a: <input type="checkbox"/> Strategy / Policy <input type="checkbox"/> Service / Function <input checked="" type="checkbox"/> Other	
If other, please specify Prescribed alteration to the Willows school to increase number of planned places to align to capacity assessment.	

2. Names of those involved in the Equality Analysis (Should include minimum of

three people) - see page 7 of Equality Screening and Analysis Guidance		
Name	Organisation	Role (eg service user, managers, service specialist)
Dean Fenton	RMBC CYPS	Head of Access to Education
Jackie Ross	RMBC CYPS	Interim Head of SEND/Inclusion
Chris Stones	RMBC CYPS	Principal Officer – School Organisation

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance

Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

Proposal to make prescribed alterations to the Willows Special School by increasing the number of planned places at the school from 120 to 150 to align to the capacity of the school and pupils attending.

What equality information is available? (Include any engagement undertaken)

Pre statutory consultation was undertaken with parents of pupils at the school, staff, governors, all Rotherham schools, Elected members, MPs and parish councils and via Neighbourhoods teams and corporate communications.

Consultation allowed an opportunity to comment on proposals as reported to Cabinet on 14th June 2021.

The school is a special designation school for children with moderate learning difficulties who have an Education, Health and care plan (EHCP) naming the school.

Are there any gaps in the information that you are aware of?

None

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

Yes, access to the school is via statutory EHCP process.

Engagement undertaken with customers. (date and group(s) consulted and key findings)	<i>Stakeholder consultation took place between 29.6.21 and 9.8.21 as part of the pre statutory consultation process aligned to DfE regulations for prescribed alterations. No objections / concerns were raised.</i>
Engagement undertaken with staff (date and group(s) consulted and key findings)	<i>Stakeholder consultation took place between 29.6.21 and 9.8.21 as part of the pre statutory consultation process aligned to DfE regulations for prescribed alterations. No objections / concerns were raised.</i>

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

Places at the school are allocated via EHCP statutory process which includes consultation with all parties with ultimate access to tribunal. Special schools are designated to meet specific needs of children hence place allocation via statutory EHCP process.

Does your Policy/Service present any problems or barriers to communities or Groups?

No – the prescribed alteration seeks to establish additional permanent places at the school aligning the number of places to the capacity assessment following DfE statutory process.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

Yes – the prescribed alteration would establish 30 places at the willows school on a permanent basis to ensure children with moderate learning disabilities are able to continue to access specialist provision in borough.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

As part of the ongoing SEND sufficiency strategy work, wider community consultation and parent/carers representation is sought when developing sufficiency plans. The SEND sufficiency strategy and phase 1, 2 and 3 programmes to create additional capacity have been received and supported positively as they create resources for children with specific needs.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: <i>Prescribed Alteration to the Willows Special School</i>
Directorate and service area: <i>Children and Young People's Services – Education and Inclusion</i>
Lead Manager: <i>Dean Fenton</i>
Summary of findings:
<i>The prescribed alteration seeks to provide 30 permanent places to a special school aligning available places to capacity available. Places allocated at the school are via statutory EHCP process. Wide reaching consultation has not raised any issues or concerns.</i>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Complete prescribed alteration process in line with DfE guidance	A D S GR RE RoB SO	January 2022

***A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups**

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Nathan Heath	Assistant Director of Education and Inclusion	2.9.21

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	16.8.21
Report title and date	<i>Prescribed alteration to the Willows School</i>
Date report sent for publication	3.9.21
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	24.8.2021

This page is intentionally left blank

Appendix 2 – The Willows School

Will the decision/proposal impact...	Impact	If an impact or potential impacts are identified			
		Describe impacts or potential impacts on emissions from the Council and its contractors.	Describe impact or potential impacts on emissions across Rotherham as a whole.	Describe any measures to mitigate emission impacts	Outline any monitoring of emission impacts that will be carried out
Emissions from non-domestic buildings?	No impact	As the proposal seeks to align the actual number of pupils on site to the capacity available, the current assessment is based on current number of 175, as the number is proposed to reduce to 150 post transition of post 16 learners to match the capacity assessment this will impact positively on future emissions impact.	Emissions will remain at similar levels as the pupils will remain in Rotherham.	The proposal seeks to reduce the number of pupils on site to align to capacity. Pupils who should have transitioned to post 16 education settings will commence transitional arrangements from September 2021 onwards reducing on site numbers.	Monitoring of transitions will be facilitated via EHCP process.
Emissions from transport?	Impact unknown	<p>The school currently has an excess number of pupils attending in relation to registered number of places.</p> <p>Proposals seek to align the registered number of places to capacity of the school. Pupils are already being transported to the school. As pupils leave and new pupils are admitted via an EHCP journeys will need to be re-evaluated.</p>	<p>Pupils are transported to school via funded transport.</p> <p>Any changes to school placement would be determined via the EHCP process and transport implications considered at that point.</p>	As the current number of pupils is currently 175 due to delayed post 16 transitions, the cohort will reduce in the coming months to the onsite capacity assessment number of 150 as transitional programmes are completed and transport arrangements are reviewed as part of transition arrangements.	<p>Transport to school arrangements are kept under review by the Corporate Transport Unit.</p> <p>Ongoing monitoring / assessment by Transport Unit.</p>

Emissions from waste, or the quantity of waste itself?	No change	There will be a slight reduction in the amount of waste generated by the school.	Waste levels across the borough will remain at similar levels to present.	School has a waste management process	Impact will be monitored by the school governing body and LA.
Emissions from housing and domestic buildings?	N/A	N/A	N/A	N/A	N/A
Emissions from construction and/or development?	No change	There is no further construction work to be undertaken. Construction works have already previously been completed and were coordinated by RMBC Asset Management Service at that time.	N/A	N/A	N/A
Carbon capture (e.g. through trees)?	No change	N/A	N/A	N/A	N/A
Identify any emission impacts associated with this decision that have not been covered by the above fields: None					

Please provide a summary of all impacts and mitigation/monitoring measures:

Transport implications of school transport arrangements are kept under review by Corporate Transport Unit. Emissions from council buildings will be reduced as a consequence of transitions and alignment of pupils on site to match capacity assessment. Emissions overall will remain at similar levels.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Dean Fenton Head of Access to Education, CYPS
Please outline any research, data, or information used to complete this [form].	
If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts.	
Tracking [to be completed by Policy Support / Climate Champions]	Feedback received from Sam Blakeborough

This page is intentionally left blank

Summary of responses to Pre Statutory Consultation – the Willows prescribed alterations

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

Children and Young People's Services

1st Floor, Wing C Riverside House, Main Street,

Rotherham S60 1AE

Tel: (01709) 382121

Email: Christopher.stones@rotherham.gov.uk

Our reference: WSS01

Contact Mr Dean Fenton

29th June 2021

Dear Stakeholder

A report was approved by Rotherham Metropolitan Borough Council Cabinet on 21st June 2021 to commence a period of pre statutory consultation on proposals to make prescribed alterations (under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013), to the Willows Special School, Locksley Dr, Thurcroft, Rotherham S66 9NT.

Following the recent building extension and adaptation works at the school to meet demand for places a capacity assessment determines the NET capacity of the school to now be sufficient for 150 pupils on site.

The report proposes to increase the registered number of places at the school on a permanent basis from the current 120 to 150. Prescribed alterations are required when the number of pupils in a special school has increased by 10% or 20 pupils (whichever is the lowest) and this is expected to be in place for more than 2 years (as this is considered a permanent increase). The current registered number of 120 places has been exceeded by 10% or 20 places for above 12 months and this continues to be the case for the foreseeable future.

The proposal within the report seeks to ascertain the views of stakeholders on proposals to increase the number of planned places at the school to 150 on a permanent basis by making prescribed alterations to the school in line with the above regulations.

The timeline for the prescribed alteration process is outlined below.

June 2021 - Report to Cabinet seeking approval to commence a period of pre-statutory consultation on proposals.

June/July 2021 - (4 weeks minimum) period of pre-statutory consultation.

October 2021 - Report to Cabinet outlining the outcome of pre-statutory consultation and seeking approval to commence a period of statutory consultation by the publication of a public notice.

October 2021 - Notification to the Department for Education and submission of proposals being consulted upon.

November 2021 - Public Notice period (4 weeks minimum) commences.

January 2022 - Report to Cabinet outlining the outcome of statutory consultation and seeking a determination of the proposals.

January 2022 - Notification to the Secretary of State for Education of the determination of the proposals.

Redacted comments from the pre statutory consultation will be used to report back to Cabinet in October 2021 when seeking to progress to a period of statutory consultation by the posting of a public notice in November 2021. Following statutory consultation, a further report will be submitted to Cabinet in January 2022 seeking a determination of proposals after consideration of representations received during the public notice representation period. Should the proposals be approved then the Secretary of State for Education will be formally notified of the formal changes and registration information will be amended on the get information about schools (GIAS) system.

A copy of the 21st June 2021 report can be obtained from the Rotherham Metropolitan Borough Council website by using the link below

[Browse meetings - Cabinet - Rotherham Council](#)

Or by requesting a copy from Christopher stones.

Should you wish to comment on the proposals please contact:

Christopher.stones@rotherham.gov.uk

by Monday 9th August 2021.

Yours sincerely

A handwritten signature in black ink, appearing to be 'D. Fenton', with a stylized flourish at the end.

Dean Fenton
Head of Service – Access to Education

**Prescribed Alterations to the Willows School pre statutory Consultation -
29.6.21 – 9.8.21**

Responses / Comments:

There were no responses or enquiries received during the pre statutory consultation period.

This page is intentionally left blank

Public Report with Exempt Appendices
Cabinet

Committee Name and Date of Committee Meeting

Cabinet – 19 October 2021

Report Title

Disposal of Surplus Property Asset – former Adult Learning Disability property, 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD.

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Acting Strategic Director of Regeneration and Environment

Report Author(s)

Anjum Shabir, Principal Surveyor – anjum.shabir@rotherham.gov.uk

Martin Hopkinson, Strategic Asset Officer – martin.hopkinson@rotherham.gov.uk

Ward(s) Affected

Wath

Report Summary

The purpose of this report is to seek approval to dispose of the Council's freehold interest in 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD.

Recommendations

1. That approval be given to the disposal of the Council's freehold interest in 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD.
2. That approval be given to the Assistant Director (Planning, Regeneration and Transport) for the disposal of the asset by implementing the most appropriate method of disposal to help expedite the process, whilst ensuring that best consideration is achieved under Section 123 – Local Government Act 1972.
3. That the Assistant Director of Legal Services be instructed to negotiate and complete the necessary legal documentation once terms for the disposal have been agreed.

List of Appendices Included

Appendix 1 Initial Equalities Screening Form
Appendix 2 Location Plan
Appendix 3 Exempt Financial Addendum
Appendix 4 Carbon Impact Assessment Form

Background Papers

Cabinet and Commissioners Decision Making report, “The Transformation of Services and Support for People with a Learning Disability, 21 May 2018”.

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None.

Council Approval Required

No.

Exempt from the Press and Public

Yes – partially exempt.

An exemption is sought for Appendix 3 under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information that could impact on the negotiation strategy and disposal values.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because the Council’s commercial interest could be prejudice by the disclosure of this commercial information.

Disposal of Surplus Property Asset – Former Adult Learning Disability property at 58 Quarry Hill Road, Wath Upon Dearne, Rotherham, S63 7TD

1. Background

- 1.1 The property at Quarry Hill Road became vacant in March 2021 following the relocation of the learning disability residential respite services into the newly developed facilities at Conway Crescent, East Herringthorpe. This relocation was driven by the Cabinet and Commissioners Decision Making report, “The Transformation of Services and Support for People with a Learning Disability, 21 May 2018”, which seeks to transform the Learning Disability Services in Rotherham into a modern, efficient and flexible service.
- 1.2 The facilities at Quarry Hill Road are no longer considered sufficient for the Service to provide a truly modern and inclusive service. This contrasts with Conway Crescent which has been newly equipped specifically to meet a wide range of the Service needs. In addition, Quarry Hill Road is an older building and the Service was beginning to have issues with its condition, its ongoing repairs, and its upcoming maintenance obligations.
- 1.3 The property was subsequently declared surplus to the operational requirements of the Adult Care, Housing & Public Health Directorate in March 2021.
- 1.4 In May 2021, the Asset Management Board supported the view that the property would be suitable for disposal.
- 1.5 A location plan for Quarry Hill Road is attached in Appendix 2.

2. Key Issues

- 2.1 The property was declared surplus to the operational requirements of Adult Care, Housing & Public Health in March 2021. Consultations have since taken place with all relevant service areas via the Asset Management Board and no other alternative operational use has been identified for the property.
- 2.2 The property is currently vacant and therefore poses a risk to the Council in terms of ongoing security and holding costs.
- 2.3 The site is designated as Residential Area in the current Local Plan.
- 2.4 The Council regularly reviews its property portfolio to ensure it has a fit for purpose estate, reduce unnecessary holding costs and, where appropriate, generate capital receipts.

3. Options considered and recommended proposal

- 3.1 Option 1: The asset is retained by the Council.

Retaining a surplus property which does not have any identified alternative future operational requirements increases the risk faced by the Council through

additional and unbudgeted holding, maintenance, and security costs, leaving the property vulnerable to vandalism and antisocial behaviour.

This is not the recommended option.

3.2 Option 2: Disposal of the surplus asset.

The property is offered for freehold disposal on the open market with a view to legal completion at the earliest opportunity.

This is the recommended option.

4. Consultation on proposal

- 4.1 All local ward members have been consulted on the proposal to dispose of this property and no objections or representations have been received.
- 4.2 The proposal to dispose of this property has been the subject of detailed consultation through Asset Management Board. The Board are fully supportive of the proposal.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Should the proposal outlined in this report be approved then the Assistant Director (Planning, Regeneration and Transport), in consultation with Asset Management, will decide upon the most appropriate method of disposal to achieve best consideration under Sec.123 LGA 1972.
- 5.2 Should the property be approved for disposal then the Assistant Director (Planning, Regeneration and Transport), as advised by the Head of Asset Management, will instruct the Assistant Director (Legal Services) to prepare all the necessary transfer documentation once terms for disposal have been agreed.
- 5.3 Estates have advised that, given the nature of the property, the disposal would be best achieved via informal tender or auction sale. If Cabinet support the recommended Option, then the property can be marketed immediately.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 There are no direct procurement implications arising from the recommendations detailed in this report.
- 6.2 The estimated capital receipt from the sale of this property is identified in the exempt Appendix 3. It is unclear at this point what impact Covid-19 will have on the property market.
- 6.3 The Council will no longer incur revenue and holding costs on this property once it is disposed of and these are identified in the exempt Appendix 3.

6.4 Savings from the closure and disposal of Quarry Hill have been identified as part of the Council approved revenue property savings.

6.5 Corporate Procurement have confirmed that, as this is a sale of land, there are no procurement implications.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

7.1 Other than as already identified and detailed in this report there are no direct legal implications arising from the subject matter of this report.

8. Human Resources Advice and Implications

8.1 There are no direct HR implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Adult Care, Housing and Public Health Directorate have confirmed that the property is surplus to their service requirements.

10. Equalities and Human Rights Advice and Implications

10.1 There are no direct implications for equalities or human rights arising from this report.

11. Implications for CO₂ Emissions and Climate Change

11.1 The sale of 58 Quarry Hill will eliminate the Council's responsibility for emissions relating to operating that site, however this will not impact the overall emissions relating to domestic buildings across the Borough. The site is likely to be used and/or redeveloped after this but the precise use, and impact on emissions, is currently unknown.

11.2 A Carbon Impact Assessment Form is attached in Appendix 4.

12. Implications for Partners

12.1 None.

13. Risks and Mitigation

13.1 If the property were to be retained without an identified use or future need then this would place a significant financial burden on current resources.

13.2 The main mitigation against the risk identified in this report is to approve the proposed disposal of the surplus property.

14. Accountable Officer(s)

Simon Moss, Assistant Director – Planning, Regeneration & Transport

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/10/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	28/09/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	30/09/21

Report Author: Anjum Shabir, Principal Surveyor,
anjum.shabir@rotherham.gov.uk

This report is published on the Council's [website](#).

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title:

Disposal of Surplus Property at 58 Quarry Hill Road, Wath Upon Dearne.

Directorate:

Regeneration & Environment

Service area:

Asset Management

Lead person:

Anjum Shabir

Contact number:

01709 254084

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

2. Please provide a brief description of what you are screening

Disposal of surplus property asset which is now redundant to service requirements.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or

the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>		X
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>		X
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>		X
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		

58 Quarry Hill Road has been declared surplus to the requirements of the Adult LD Service following their relocation to their new facilities at Conway Crescent, East Herringthorpe. As such the property has been unused and vacant since March 2021.

The rationale for the service's relocation was given in the Cabinet and Commissioners Decision Making report, "The Transformation of Services and Support for People with a Learning Disability, 21 May 2018".

If you have answered **no** to all the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

(think about the scope of the proposal, who is likely to be affected, equality related information, gaps in information and plans to address, consultation and engagement activities (taken place or planned) with those likely to be affected)

- **Key findings**

(think about any potential positive and negative impact on different equality characteristics, potential to promote strong and positive relationships between groups, potential to bring groups/communities into increased contact with each other, perception that the proposal could benefit one group at the expense of another)

- **Actions**

(think about how you will promote positive impact and remove/reduce negative impact)

Date to scope and plan your Equality Analysis:	
Date to complete your Equality Analysis:	
Lead person for your Equality Analysis (Include name and job title):	

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Jonathan Marriott	Head of Asset Management	25.08.2021
Damien Johnson	Estates Manager, Asset Management	25.08.2021

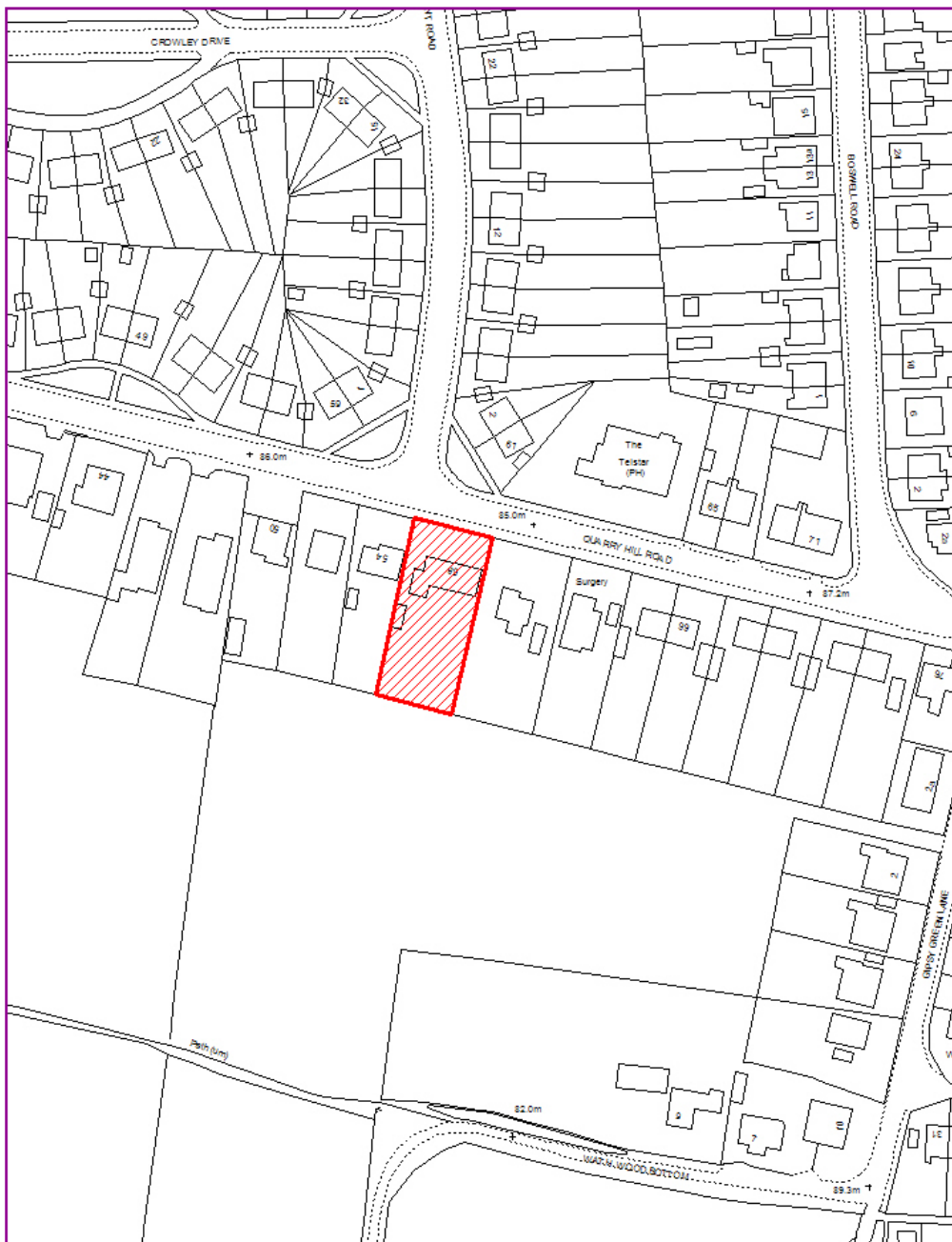
6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	08/07/2021
Report title and date	Disposal of Surplus Property at 58 Quarry Hill Road July 2021
If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication	Report Date – 19 th October 2021 Publication Date -
Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	25/08/2021



Based upon the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Rotherham 182 Licence No. L1075287.



Scale 1:1250
MAP NO = 497

L00096
58 QUARRY HILL ROAD
VIATH UPON DEARNE
ROTHERHAM

CIPFA - RESIDENTIAL HOME
0.22 ACRES (0.09 HECTARES)

Rotherham
Metropolitan
Borough Council

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

User guidance:

- The first section of this form guides users through considering major areas where emissions are likely to occur. If emissions are impacted in a way not covered by these categories, please identify this at the bottom of the section
- The first section should be filled as such:
 - **Impact:** identify, in relation to each area, whether the decision of the proposal does the following: *reduces emissions*, *increases emissions*, or has *no impact on emissions*. If it is uncertain this section can be labelled *impact unknown*
 - If **no impact on emissions** is identified: no further detail is needed for this area, but can be added if relevant (e.g. if efforts have been made to mitigate emissions in this area.)
 - **Describe impacts or potential impacts on emissions:** two sections deal respectively with emissions from the Council (including those of contractors), and emissions across Rotherham as a whole. In both sections please explain any factors that are likely to reduce or increase emissions. If **impact unknown** has been selected, then identify the area of uncertainty and outline known variables that may affect impacts.
 - In most cases there is no need to quantify the emission impact of an area after outlining the factors that may reduce or increase emissions. In some cases, however, this may be desirable if factors can be reduced to a small number of known variables (e.g. if an emission impact is attached to a known or estimated quantity of fuel consumed).
 - **Describe any measures to mitigate emission impact:** regardless of the emission impact, in many cases steps should be taken in order to reduce mitigate all emissions associated with each area as far as possible; these steps can be outlined here (For example: if a proposal is likely to increase emissions but practices or materials have been adopted in order to reduce this overall impact, this would be described here).
 - **Outline any monitoring of emission impacts that will be carried out:** in this section outline any steps taken to monitor emission levels, or steps taken to monitor the factors that are expected to increase or reduce emission levels (for example, if waste or transport levels are being monitored this would be described here)
- A **summary paragraph** outlining the likely overall impacts of the proposal/decision on emissions should then be completed - this is not required if the proposal/decision has no impact across all areas.
- The supporting information section should be filled as followed:
 - Author/completing officer
 - **Research, data, or information** may refer to datasets, background documents, literature, consultations, or other data-gathering exercise. These should also be added to the **supporting documents** section of the cabinet report

-
- Carbon Impact Assessments are to be appended to the associated cabinet reports
 - Prior to publishing reports, Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback
 - Report authors may also use the above email address to direct any further queries or to access further support regarding completing the assessment

Will the decision/proposal impact...	Impact	If an impact or potential impacts are identified			
		Describe impacts or potential impacts on emissions from the Council and its contractors.	Describe impact or potential impacts on emissions across Rotherham as a whole.	Describe any measures to mitigate emission impacts	Outline any monitoring of emission impacts that will be carried out
Emissions from non-domestic buildings?	Reduces emissions	The sale of 58 Quarry Hill Road will remove any liability RMBC has for its emission from the date of the disposal.	No impact on the overall emissions related to running non-domestic buildings across Rotherham as a whole.	Not applicable	Not applicable
Emissions from transport?	No impact on emissions				
Emissions from waste, or the quantity of waste itself?	No impact on emissions				
Emissions from housing and domestic buildings?	No impact on emissions				
Emissions from construction and/or development?	Unknown impact				
Carbon capture (e.g. through trees)?	No impact on emissions		Following disposal, the property is likely to be used and/or redeveloped. This will likely create carbon emissions but their impact will be both unknown, and outside the control of, RMBC.		

Identify any emission impacts associated with this decision that have not been covered by the above fields:

Please provide a summary of all impacts and mitigation/monitoring measures:

The sale of 58 Quarry Hill will eliminate the Council's responsibility for emissions relating to operating that site, however this will not impact the overall emissions relating to domestic buildings across the Borough. The site is likely to be used and/or redeveloped after this but the precise use, and impact on emissions, is currently unknown.

Supporting information:

Completed by: (Name, title, and service area/directorate).	Martin Hopkinson, Strategic Asset Officer, Asset Management
Please outline any research, data, or information used to complete this [form].	
If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts.	
Tracking [to be completed by Policy Support / Climate Champions]	Sam Blakeborough, Policy Officer, PPI, ACEX

This page is intentionally left blank

Committee Name and Date of Committee Meeting

Cabinet – 18 October 2021

Report Title

Renewal of the “Transport for Children, Young People and Vulnerable Adults”
Contractor Framework

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Karen Mudford, Head of Fleet and Transport Services
karen.mudford@rotherham.gov.uk

Ward(s) Affected

Borough-Wide

Report Summary

The Council's Transport Services, part of the Regeneration and Environment Directorate, currently has a statutory obligation to provide daily transport between home and school for more than 760 children, however this figure changes constantly and continues to increase year on year. The Council also currently facilitates journeys for 52 adults in order for them to attend day centre provision and provides transport to support the discharge and transfer of adults into adult care provision. Much of this transport is currently delivered through external contract arrangements.

The existing contractor framework was introduced in April 2017 and expired on 18th April 2021. The contract was extended due to Covid-19 to 31st August 2022, and the contract period was brought in line with the academic year.

The Council is therefore required to reprocure the external provision and proposes to use a Dynamic Purchasing System (DPS) going forward to improve the quality of the service, drive innovation and, importantly, increase competition and reduce costs. Should Cabinet agree the approach the new arrangement will be in place from September 2022.

Recommendations

1. To approve the re-procurement of the current transport framework using a dynamic purchasing system as detailed at option c.

List of Appendices Included

Appendix 1 Equality Impact Assessment Parts A and B
Appendix 2 Carbon Impact Assessment

Background Papers

Rotherham Metropolitan Borough Council Home to School Transport Policy: [School transport – Rotherham Metropolitan Borough Council](#).

Department for Education Statutory Guidance for Home to School Transport: [Department for Education \(publishing.service.gov.uk\)](#).

[The Public Contracts Regulations 2015 \(legislation.gov.uk\)](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

No

Exempt from the Press and Public

No

Renewal of the “Transport for Children, Young People and Vulnerable Adults” Contractor Framework

1. Background

- 1.1 The Council’s Transport Services, part of the Regeneration and Environment Directorate, has a statutory obligation to provide daily transport between home and school for more than 760 children however this figure changes constantly and continues to increase year on year.
- 1.2 In addition to statutory Home to School (H2S) services, the Council currently uses contracted external transport providers to fulfil transport requests for Looked After Children (LAC), Adult Social Care and for other ad-hoc journeys across the Borough and beyond. The Council currently provides transport for 52 adults in order for them to attend day centre provision and, in addition, supports the discharge and transfer of adults from hospitals or private residences into adult care provision.
- 1.3 Once assessed by Children’s and Young People’s Services (CYPS) children with an Education, Health and Care Plan (EHCP) citing Special Educational Needs and/or Disabilities (SEND) are eligible for transport provision under the Council’s Home to School Policy (H2S).
- 1.4 The Council’s current H2S policy was agreed by Cabinet in March 2018 and fully reflects Government statutory guidance, which states that local authorities are required to arrange transport for children, who cannot reasonably be expected to walk to school, with mobility problems, and/or associated health and safety concerns relating to special educational needs or disabilities.
- 1.5 Operating an in-house fleet of 25 minibuses and employing 51 drivers and passenger assistants, the Transport Services team are directly responsible for transporting 158 of the 760 children currently eligible under the Policy. The remaining 512 children, travel on external contracted provision that consists of taxis and community minibuses from 28 local suppliers.
- 1.6 In February 2020, Council agreed to allocate an additional £1.1m of revenue funding for 2020/21 and a further £200k for the 2021/22 financial year. This increased the budgeted provision for the transport service to £4.2m. However, the service is reporting an additional budget pressure of £900k in 2021/22, bringing the total expenditure on contracted services to around £5.1m.
- 1.7 The number of eligible children continues to track upwards, with around 80 additional children having entered the service in the September 2021 school term. Changes to the Policy in 2018 introduced the choice of Personal Travel Budgets for parents and carers. This policy was designed to reimburse parents and carers for transporting children themselves and therefore deliver a budget saving. The original budget saving set a target of 69 children to move to personal travel budgets, delivering a saving of £162k per annum. The table below shows the increasing number of young people receiving

personal travel budgets:

	2018/2019	2019/2020	2020/2021
School age	36	42	94
Post 16	10	13	23
Post 19	2	10	7
TOTAL	48	65	124

- 1.8 However, whilst 124 children are now in receipt of personal travel budgets, and the target has been achieved and surpassed, the level of cashable savings that were expected have not been achieved. This is largely due to the majority of the children being removed from minibuses, rather than individual provision, where no cashable saving can be achieved until the full route is reviewed.

2. Key Issues

- 2.1 The existing contractor framework was introduced in April 2017 and expired on 18th April 2021. However due to the complexities of undertaking a consultation and procurement procedure during the Covid-19 pandemic, a modification to the framework was approved in accordance with Regulation 72 of the Public Contracts Regulations 2015 (as amended.) This extended the contract term to 31st August 2022 as it was also deemed appropriate to bring the contract in line with the academic year.
- 2.2 The renewal of this contract is subject to the, “Public Contract Regulations 2015” (“as amended”) and falls within the scope of services defined as Social and Other Specific Services” (SOSS) also known as “The Light Touch Regime”. The Light Touch Regime requires public bodies to undertake a transparent, fair, and competitive process, but affords more flexibility in the design of the procurement method and the execution of the resulting agreement. This is of critical importance for this service considering:
- a) The need to involve and empower users of the service.
 - b) The specific needs of different categories of users, including disadvantaged and vulnerable groups.
 - c) The need to ensure quality, continuity, accessibility, affordability, availability, and comprehensiveness of the services.
 - d) The need to explore future innovations in terms of how services are delivered.

- 2.3 The current contract arrangement was awarded following a 'Standard open above EU Threshold' tender process that established a framework of suppliers to deliver services for the maximum permitted term of 4 years. This standard framework does not permit new contractors to be added throughout the term and is therefore inflexible and results in reduced availability and diminished competition, as demand on Transport Services increases.
- 2.4 Any additional routes throughout the term have been offered to the fixed list of operators, which has now reduced from 34 to 28 due to retirement and poor performance, with no opportunity to seek value for money through new healthy competition. The current low number of contractors means that transport rates are increasing due to a lack of competition. The service estimates that there are currently around 80 providers in the Borough who may wish to express an interest in participating in any new arrangement the Council may award. Competition in the marketplace could therefore be very good.
- 2.5 The 2017 procurement exercise saw a limited number of contractors participating in the bidding for transport routes. This was partially due to suppliers failing to understand the procurement procedure.
- 2.6 Research has shown that some local authorities have moved from the standard framework agreement approach to a Dynamic Purchasing System (DPS) for transport provision / home to school transport. In the regulations, a DPS is a procurement tool defined as having "*its own procedural requirements*". As the services being procured are classified as SOSS, the Council can adapt some of the requirements from the regulations, and therefore DPSs run under the Light Touch Regime are often referred to as a Pseudo DPS or Flexible Purchasing Systems (FPSs). This highlights to the market the Council are establishing something similar to a DPS, but not mirroring the procedural requirements entirely.
- 2.7 The main advantage of a DPS is the ability to allow suppliers to join at any point, giving wider competition for the Authority and better opportunities for local businesses. In addition, the DPS can exceed the 4-year maximum term available through a framework, giving greater stability to the market.
- 2.8 It is envisaged that implementing a DPS will therefore help to:
- Improve the quality of the service, as suppliers will not be accepted onto the DPS without passing the selection criteria and quality threshold. Suppliers will be encouraged to improve their proposition and re-apply.
 - Combat complacency and drive suppliers to be innovative with new approaches to service delivery, e.g. the use of technology.
 - Reduce cost, with more suppliers being able to bid on routes thus increasing competition throughout the life of the arrangement. This may help offset the rising number of children requiring transport

provision.

- Consider an element of parent/carer choice in deciding the final arrangement for their child's transport provision.

3. Options considered and recommended proposal

3.1 Whilst there are a number of options in terms of the delivery model for the provision of transport in the future this report does not consider those. Whilst there may be an option to deliver further minibus provision via the in-house service, the Council is not currently in a position to deliver the entirety of minibus transport without a third-party option being in place. The Council is also not in a position to deliver an individual transport service, i.e. taxi/private hire. There will therefore be the need for external provision to support service delivery that will require a form of competition in compliance with the Regulations to ensure the full range of transport provision can be delivered.

3.2 There are three potential options in terms of the procurement of transport services:

a) To award fixed routes of the service to specific suppliers using a traditional procurement process.

This approach would reduce the number of suppliers for each aspect of the service, leading to unacceptable risks to the delivery of the service, should suppliers fail or withdraw from the market. This option is not therefore recommended.

b) To reprocure the service using the current 'traditional' framework contract approach.

As outlined in 2.3 and 2.4 above, a standard framework contract does not permit new contractors to be added throughout the term and is therefore inflexible and results in reduced availability and diminished competition, as demand on Transport Services increases. This option is not therefore recommended.

c) To reprocure the service using a DPS arrangement

As described in section 2.6 – 2.8 above, a DPS would allow suppliers to join at any point during the term of the DPS, giving wider competition for the Council and better opportunities for local businesses. In addition, the DPS can exceed the 4-year maximum term available through a framework, giving greater stability to the market. This option is the recommended option.

3.3 Cabinet is therefore recommended to:

- Approve the re-procurement of the current transport framework using a dynamic purchasing system as detailed at option c.

4. Consultation on proposal

- 4.1 The decision within this report is a procurement decision and therefore not subject to public consultation.
- 4.2 The proposed changes to the contract arrangements are likely to result in changes to the contractors providing transport to individuals and this will require significant communications and engagement with parents and carers. Section 13 below describes the approach to communication and engagement that will support the implementation of the new contract in 2022.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The deadline for the implementation of new framework is September 2022.

The project key actions and timescales are as follows:

- October 2021 – Formal Competition to be advertised subject to Cabinet decision.
- March 2022 – Appointments to DPS made.
- April to August 2022 – Mobilisation including communications and engagement with stakeholders.
- September 2022 – DPS commences.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 Budgeted provision for the transport service is £4.2m. The service however is reporting an additional budget pressure of £900k in 2021/22 caused by rising demand for authorised journeys, but also in part by additional journeys arranged to ensure safety under covid social distancing and cost increases as supplier rates climbed in the absence of real competition. This may be mitigated through updating the procurement arrangements that as a consequence may bring about the competition needed. Benchmarking and unit cost analysis is helping to determine where economies are in different forms of provision. This will help with making decisions on more optimal methods of transporting passengers intended to help with cost reduction. Demand continues to increase however and has to be factored in.
- 6.2 The key procurement implications have already been addressed in the main body of this report. The recommended proposal is compliant with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 The main issue under consideration is whether these services fall under the light touch regime or whether they do not fall under that regime.
- 7.2 If these services fall within the light touch regime, the Council can add flexibilities to the DPS to conduct what is called a Pseudo DPS (also known as a Flexible Purchasing Systems (FPS)) described in paragraph 2.6).
- 7.3 The question of whether or not the proposed arrangement falls under the light touch regime depends on the character of these services and the relevant procurement. In the circumstances described, it is considered that these services are best characterised as 'social services' and as such would fall within the light touch regime under CPV code 8532000-8. An alternative view would be to consider the services as Transport Services whereby the Council would not be able to avail itself of the flexibilities of the FPS. However, any such challenge would be of no benefit to an operator and as such the risk of a challenge to the use of the light touch regime would be minimal.
- 7.4 Officers should consult with Legal Services regarding preparation of relevant legal documents.

8. Human Resources Advice and Implications

- 8.1 There are no Human Resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 Implementation of a Dynamic Purchasing System (DPS) will allow for a highly personalised and targeted approach to be provided to meet the needs of Children and Young people across transport requirements. The system will also support stronger engagement with stakeholders in identifying client needs within transport planning.
- 9.2 Appropriate updates and changes implemented through any proposed move to the Dynamic Purchasing System (DPS) will need to be effectively communicated internally across CYPS and to stakeholders to maximise positive impact of the developments that the Dynamic Purchasing System (DPS) will have across wider partnership.

10. Equalities and Human Rights Advice and Implications

- 10.1 An Equality Impact Assessment has been carried out in relation to this proposal and can be found at Appendix 1.
- 10.2 This report relates to the contractual arrangements for the delivery of transport services, rather than any change in the policy which dictates the type of transport that is provide. The equality implications are therefore limited to those relating to any change in contract delivery, for example

changes to the specific transport provider for a specific journey. In the main the new procurement approach should be positive in terms of the sustainable provision of home to school transport in the future. However, communications and engagement with parent, carers and other stakeholders will therefore be key during the contract implementation phase (see section 13 below).

11. Implications for CO2 Emissions and Climate Change

- 11.1 A Carbon Impact Assessment has been undertaken and can be found at Appendix 2. The main impact of the transport service in terms of carbon is via emissions from vehicles. The service is developing performance indicators to monitor the carbon impact of transport services.
- 11.2 The decision in this report does not increase carbon impact and has the potential to decrease the impact via more efficient and effective transport routes. Where possible contractors will also be encouraged to seek alternative fuel and electric vehicles.

12. Implications for Partners

- 12.1. There are no specific implications for partners of this report.

13. Risks and Mitigation

- 13.1 The main risks and challenges for the new procurement process are foreseen to be:
- Communication and engagement with parents and carers and managing any potential changes for service users.
 - Explaining the process to suppliers clearly.
 - Training applicants to use the procurement portal and ensuring they fully understand how the decision to award routes will be made.
- 13.2 Effective communication and engagement with all stakeholders will be required to support the change process. Several groups have been identified for specific communication and engagement including:
- Parents / Carers
 - Relevant Parent and Carer Forums
 - Schools
 - Contractors
- 13.3 In particular the Council will ensure that it takes steps to empower parents and carers to bring forward their ideas to support the move to the new contract arrangements and takes action in response to any suggestions.
- 13.4 A detailed communications and engagement plan will be developed to support the implementation of the proposal.

14. Accountable Officers

Tom Smith, Assistant Director Community Safety and Streetscene
 Karen Mudford, Head of Fleet and Transport Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/10/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	30/09/21
Head of Legal Services (Monitoring Officer)	Stuart Fletcher	30/09/21

*Report Author: Karen Mudford, Head of Fleet and Transport Services
 karen.mudford@rotherham.gov.uk*

This report is published on the Council's [website](#).

PART A - Initial Equality Screening Assessment

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

A **screening** process can help judge relevance and provide a record of both the process and decision. Screening should be a short, sharp exercise that determines relevance for all new and revised strategies, policies, services and functions.

Completed at the earliest opportunity it will help to determine:

- the relevance of proposals and decisions to equality and diversity
- whether or not equality and diversity is being/has already been considered, and
- whether or not it is necessary to carry out an Equality Analysis (Part B).

Further information is available in the Equality Screening and Analysis Guidance – see page 9.

1. Title

Title: Renewal of the “Transport for Children, Young People and Vulnerable Adults” Contractor Framework

Directorate: Regeneration and Environment

Service area: Fleet & Transport Services

Lead person: Karen Mudford

Contact number: 07554 436548

Is this a:

☐

Strategy / Policy

☒

Service / Function

☐

Other

If other, please specify

2. Please provide a brief description of what you are screening

The existing procurement arrangement for external transport operators, expired 18th April 2021 and has been extended by way of exemption until 31st August 2022 to allow a new procurement framework to be established. The report sets out the different procurement options available.

3. Relevance to equality and diversity

All the Council's strategies/policies, services/functions affect service users, employees or the wider community – borough wide or more local. These will also have a greater/lesser relevance to equality and diversity.

The following questions will help you to identify how relevant your proposals are.

When considering these questions think about age, disability, sex, gender reassignment, race, religion or belief, sexual orientation, civil partnerships and marriage, pregnancy and maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc.

Questions	Yes	No
Could the proposal have implications regarding the accessibility of services to the whole or wider community? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Could the proposal affect service users? <i>(Be mindful that this is not just about numbers. A potential to affect a small number of people in a significant way is as important)</i>	X	
Has there been or is there likely to be an impact on an individual or group with protected characteristics? <i>(Consider potential discrimination, harassment or victimisation of individuals with protected characteristics)</i>	X	
Have there been or likely to be any public concerns regarding the proposal? <i>(It is important that the Council is transparent and consultation is carried out with members of the public to help mitigate future challenge)</i>	X	
Could the proposal affect how the Council's services, commissioning or procurement activities are organised, provided, located and by whom? <i>(If the answer is yes you may wish to seek advice from commissioning or procurement)</i>		X
Could the proposal affect the Council's workforce or employment practices? <i>(If the answer is yes you may wish to seek advice from your HR business partner)</i>		X
If you have answered no to all the questions above, please explain the reason		
N/A		

If you have answered **no** to **all** the questions above please complete **sections 5 and 6**.

If you have answered **yes** to any of the above please complete **section 4**.

4. Considering the impact on equality and diversity

If you have not already done so, the impact on equality and diversity should be considered within your proposals before decisions are made.

Considering equality and diversity will help to eliminate unlawful discrimination, harassment and victimisation and take active steps to create a discrimination free society by meeting a group or individual's needs and encouraging participation.

Please provide specific details for all three areas below using the prompts for guidance and complete an Equality Analysis (Part B).

- **How have you considered equality and diversity?**

This paper presents the procurement options available to renew the supply of contracted external taxi/public service vehicle operators that support the 'Home to School' operation and the transport of looked after children, young people and vulnerable adults.

The service users affected often have EHCP's in place or have SEMH needs, and it is important that the Council executes the statutory duty placed upon it, to provide transport provision as outlined within the 'Home to School' policy.

It is paramount that the transport provision in place is accessible to all those that qualify, with an equal opportunity to access the service by way of transport assessment criteria.

To ensure adequate transport provision is available, it is necessary to approach the procurement exercise, to allow more operators to apply. The current framework could be viewed as not fair to those operators wishing to supply services to RMBC and are unable to bid for work at present due to the restrictions on the contract.

It should be noted that the Home to School Transport Policy dictates the nature and type of transport provision for eligible young people. The report does not amend that policy, and any equality impacts are therefore limited to those determined by the change on contractual arrangements, rather than any change in policy.

- **Key findings**

Service users:

As service users are assessed for eligibility against criteria defined by policy, this will remain unaffected by the outcome of this report. Presently, the Council are limited to a defined selection of taxi/PSV operators, which limits the available resource and could mean that service delivery could be affected in future if the correct procurement option is not pursued. Access to services could be adversely affected, and therefore not ensuring equality for all those that apply.

Taxi/PSV operators:

As the number of operators listed on the current contract is limited and restricted to 28, when it is estimated there are around 80 operators in the Borough, the current 'traditional' procurement framework could be perceived as not providing equality. This could also link to diversity if the opportunity is not made available to the wider community, as the

licensed vehicle trade attracts workers from black, Asian and minority ethnic (BAME) backgrounds. A DPS framework, ensures all operators are given a fair and equitable opportunity to apply, which is ongoing as new people join the trade.

- **Actions**

The DPS procurement option recommended by the report, addresses the issues highlighted by this equality screening assessment.

Should the DPS option not be adopted, a full analysis of the impact of a traditional framework will need to be completed, to ensure implementation considers equality and diversity.

Date to scope and plan your Equality Analysis:	13/09/2021
Date to complete your Equality Analysis:	13/09/2021
Lead person for your Equality Analysis (Include name and job title):	Karen Mudford – Head of Fleet & Transport Services

5. Governance, ownership and approval

Please state here who has approved the actions and outcomes of the screening:

Name	Job title	Date
Tom Smith	Assistant Director for Community Safety and Street Scene	13 th September 2021

6. Publishing

This screening document will act as evidence that due regard to equality and diversity has been given.

If this screening relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy of **all** screenings should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date screening completed	13/09/2021
Report title and date	Renewal of the "Transport for Children, Young People and Vulnerable Adults" Contractor Framework 18.10.2021

<p>If relates to a Cabinet, key delegated officer decision, Council, other committee or a significant operational decision – report date and date sent for publication</p>	
<p>Date screening sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk</p>	

This page is intentionally left blank

PART B – Equality Analysis Form

As a public authority we need to ensure that all our strategies, policies, service and functions, both current and proposed have given proper consideration to equality and diversity.

This form:

- Can be used to prompt discussions, ensure that due regard has been given and remove or minimise disadvantage for an individual or group with a protected characteristic
- Involves looking at what steps can be taken to advance and maximise equality as well as eliminate discrimination and negative consequences
- Should be completed before decisions are made, this will remove the need for remedial actions.

Note – An Initial Equality Screening Assessment (Part A) should be completed prior to this form.

When completing this form consider the Equality Act 2010 protected characteristics Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity and other socio-economic groups e.g. parents, single parents and guardians, carers, looked after children, unemployed and people on low incomes, ex-offenders, victims of domestic violence, homeless people etc. – see page 11 of Equality Screening and Analysis Guidance.

1. Title	
Equality Analysis title: Renewal of the “Transport for Children, Young People and Vulnerable Adults” Contractor Framework	
Date of Equality Analysis (EA): 13th September 2021	
Directorate: Regeneration and Environment	Service area: Community Safety and Streetscene
Lead Manager: Karen Mudford	Contact number: 07554 436548
Is this a: <input type="checkbox"/> Strategy / Policy <input checked="" type="checkbox"/> Service / Function <input type="checkbox"/> Other If other, please specify	

2. Names of those involved in the Equality Analysis (Should include minimum of three people) - see page 7 of Equality Screening and Analysis Guidance

Name	Organisation	Role (eg service user, managers, service specialist)
Karen Mudford	Rotherham Council	Service Manager
Tom Smith	Rotherham Council	Assistant Director

3. What is already known? - see page 10 of Equality Screening and Analysis Guidance
Aim/Scope (who the Policy/Service affects and intended outcomes if known)

This may include a group/s identified by a protected characteristic, others groups or stakeholder/s e.g. service users, employees, partners, members, suppliers etc.)

The transport service provides home to school transport to eligible children and young people, and transport for vulnerable young people and adults. Service users are likely to have registered as having a disability. The majority of service users are young people, however their parents and carers are key stakeholders. Transport is also provided to looked after children.

The contract itself is open to all transport providers, with a proportion being delivered via taxi and private hire provision.

The main impact of the decision is likely to be in relation to changes stemming from a change in contractor providing a particular route for a child or group of children. At all times provision is based on an assessment, however the Council acknowledges that changes to drivers and personal assistants can negatively affect our customers, if not managed sensitively.

What equality information is available? (Include any engagement undertaken)

Significant and detailed information about service users is known, i.e. age, disability, given that the service is provided on the basis of a detailed Education Health Care Plan assessment, undertaken by Children and Young People's Services.

The decision is a procurement decision and therefore about the contracting of external service provision, rather than the policy.

Are there any gaps in the information that you are aware of?

None relating to the contractual arrangements.

What monitoring arrangements have you made to monitor the impact of the policy or service on communities/groups according to their protected characteristics?

The service will monitor and manage deliver of the contract via contract management

arrangements. This will include requirements to ensure that the Equality Act is adhered to by contractors.	
Engagement undertaken with customers. (date and group(s) consulted and key findings)	No engagement has been undertaken with customers as this is a procurement decision. However engagement will be undertaken during the implementation phase of the new contract, given the potential impact of changes to contractors.
Engagement undertaken with staff (date and group(s) consulted and key findings)	Staff within the Transport service are fully aware of the proposals in terms of the contract arrangements. Colleagues in Children and Young People's Services are also aware.

4. The Analysis - of the actual or likely effect of the Policy or Service (Identify by protected characteristics)

How does the Policy/Service meet the needs of different communities and groups? (Protected characteristics of Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief, Sexual Orientation, Civil Partnerships and Marriage, Pregnancy and Maternity) - see glossary on page 14 of the Equality Screening and Analysis Guidance)

As above, this is a contractual change, rather than any change in the policy that underpins transport services.

The contract arrangements will include requirements to ensure that the Equality Act is adhered to by contractors.

Does your Policy/Service present any problems or barriers to communities or Groups?

Service users:

As service users are assessed for eligibility against criteria defined by policy, this will remain unaffected by the outcome of this report. Presently, the Council are limited to a defined selection of taxi/PSV operators, which limits the available resource and could mean that service delivery could be affected in future if the correct procurement option is not pursued. Access to services could be adversely affected, and therefore not ensuring equality for all those that apply.

As described above, the main impact on service users will be due to the change in contractors. This will be managed through detailed communications and engagement with parents/carers and other stakeholders during the contract mobilisation period.

Taxi/PSV operators:

As the number of operators listed on the current contract is limited and restricted to 28, when it is estimated there are around 80 operators in the Borough, the current 'traditional' procurement framework could be perceived as not providing equality. This could also link to diversity if the opportunity is not made available to the wider community, as the licensed vehicle trade attracts workers from black, Asian and minority ethnic (BAME) backgrounds. A DPS framework, ensures all operators are given a fair and equitable opportunity to

apply, which is ongoing as new people join the trade.

Does the Service/Policy provide any positive impact/s including improvements or remove barriers?

The DPS arrangement will allow for an expansion in the number of contractors and therefore provide greater opportunity for a wider group of transport providers to apply to deliver routes. The Council believes the new contract should impact positively in terms of the removal of barriers to transport, as it will provide flexibility and a greater pool of transport provision in the future.

What affect will the Policy/Service have on community relations? (may also need to consider activity which may be perceived as benefiting one group at the expense of another)

We do not believe the new contract has any impact on community relations.

Please list any **actions and targets** that need to be taken as a consequence of this assessment on the action plan below and ensure that they are added into your service plan for monitoring purposes – see page 12 of the Equality Screening and Analysis Guidance.

5. Summary of findings and Equality Analysis Action Plan

If the analysis is done at the right time, i.e. early before decisions are made, changes should be built in before the policy or change is signed off. This will remove the need for remedial actions. Where this is achieved, the only action required will be to monitor the impact of the policy/service/change on communities or groups according to their protected characteristic - See page 11 of the Equality Screening and Analysis guidance

Title of analysis: Renewal of the “Transport for Children, Young People and Vulnerable Adults” Contractor Framework
Directorate and service area: Regeneration and Environment, Community Safety and Streetscene
Lead Manager: Karen Mudford
Summary of findings:
<p>The decision being assessed relates to the contractual arrangements for the delivery of transport services, rather than any change in the policy which dictates the type of transport that is provide. The equality impacts are therefore limited to those relating to any change in contract delivery. In the main the policy should be positive in terms of the sustainable provision of home to school transport in the future. However changes to the specific transport provider for specific routes may impact negatively on service users if this is not communicate and managed sensitively. Communications and engagement with parent, carers and other stakeholders is therefore key during the contract implementation phase.</p>

Action/Target	State Protected Characteristics as listed below	Target date (MM/YY)
Develop and deliver a communications and engagement plan during the contract mobilisation phase	A, D, C, O	April 2022

***A = Age, D= Disability, S = Sex, GR Gender Reassignment, RE= Race/ Ethnicity, RoB= Religion or Belief, SO= Sexual Orientation, PM= Pregnancy/Maternity, CPM = Civil Partnership or Marriage. C= Carers, O= other groups**

6. Governance, ownership and approval

Please state those that have approved the Equality Analysis. Approval should be obtained by the Director and approval sought from DLT and the relevant Cabinet Member.

Name	Job title	Date
Tom Smith	Assistant Director Community Safety and Streetscene	13 th September 2021

7. Publishing

The Equality Analysis will act as evidence that due regard to equality and diversity has been given.

If this Equality Analysis relates to a **Cabinet, key delegated officer decision, Council, other committee or a significant operational decision** a copy of the completed document should be attached as an appendix and published alongside the relevant report.

A copy should also be sent to equality@rotherham.gov.uk For record keeping purposes it will be kept on file and also published on the Council's Equality and Diversity Internet page.

Date Equality Analysis completed	13 th September 2021
Report title and date	Renewal of the "Transport for Children, Young People and Vulnerable Adults" Contractor Framework, 18 th October 2021
Date report sent for publication	
Date Equality Analysis sent to Performance, Intelligence and Improvement equality@rotherham.gov.uk	

User guidance:

- The first section of this form guides users through considering major areas where emissions are likely to occur. If emissions are impacted in a way not covered by these categories, please identify this at the bottom of the section
- The first section should be filled as such:
 - **Impact:** identify, in relation to each area, whether the decision of the proposal does the following: *reduces emissions*, *increases emissions*, or has *no impact on emissions*. If it is uncertain this section can be labelled *impact unknown*
 - If **no impact on emissions** is identified: no further detail is needed for this area, but can be added if relevant (e.g. if efforts have been made to mitigate emissions in this area.)
 - **Describe impacts or potential impacts on emissions:** two sections deal respectively with emissions from the Council (including those of contractors), and emissions across Rotherham as a whole. In both sections please explain any factors that are likely to reduce or increase emissions. If **impact unknown** has been selected, then identify the area of uncertainty and outline known variables that may affect impacts.
 - In most cases there is no need to quantify the emission impact of an area after outlining the factors that may reduce or increase emissions. In some cases, however, this may be desirable if factors can be reduced to a small number of known variables (e.g. if an emission impact is attached to a known or estimated quantity of fuel consumed).
 - **Describe any measures to mitigate emission impact:** regardless of the emission impact, in many cases steps should be taken in order to reduce mitigate all emissions associated with each area as far as possible; these steps can be outlined here (For example: if a proposal is likely to increase emissions but practices or materials have been adopted in order to reduce this overall impact, this would be described here).
 - **Outline any monitoring of emission impacts that will be carried out:** in this section outline any steps taken to monitor emission levels, or steps taken to monitor the factors that are expected to increase or reduce emission levels (for example, if waste or transport levels are being monitored this would be described here)
- A **summary paragraph** outlining the likely overall impacts of the proposal/decision on emissions should then be completed - this is not required if the proposal/decision has no impact across all areas.
- The supporting information section should be filled as followed:
 - Author/completing officer
 - **Research, data, or information** may refer to datasets, background documents, literature, consultations, or other data-gathering exercise. These should also be added to the **supporting documents** section of the cabinet report

-
- Carbon Impact Assessments are to be appended to the associated cabinet reports
 - Prior to publishing reports, Carbon Impact Assessments should be sent to climate@rotherham.gov.uk for feedback
 - Report authors may also use the above email address to direct any further queries or to access further support regarding completing the assessment

Will the decision/proposal impact...	Impact	If an impact or potential impacts are identified			
		Describe impacts or potential impacts on emissions from the Council and its contractors.	Describe impact or potential impacts on emissions across Rotherham as a whole.	Describe any measures to mitigate emission impacts	Outline any monitoring of emission impacts that will be carried out
Emissions from non-domestic buildings?	No	N/A	N/A	N/A	N/A
Emissions from transport?	Yes	Vehicles are required to deliver Transport Services in the form of 'Home to School', Looked After Children (LAC) and vulnerable young people and adults	Vehicles travel in and around the Borough to collect passengers, as part of this operation	Transport Services endeavour to group multiple passengers in vehicles and avoid single occupancy journeys	The aim is to develop KPI's around number of passengers per route and overall number of journeys. Mileage will be captured to make assumptions about carbon impact
Emissions from waste, or the quantity of waste itself?	No	N/A	N/A	N/A	N/A
Emissions from housing and domestic buildings?	No	N/A	N/A	N/A	N/A
Emissions from construction and/or development?	No	N/A	N/A	N/A	N/A

Carbon capture (e.g. through trees)?	No	N/A	N/A	N/A	N/A
Identify any emission impacts associated with this decision that have not been covered by the above fields: N/A					

Please provide a summary of all impacts and mitigation/monitoring measures:

The use of vehicles is integral to the Transport Services operation, however as this is an existing and ongoing requirement, the Cabinet Report given it discusses the replacement of the procurement arrangements, has no bearing on the carbon impact in this area. Nevertheless, it is identified that the Transport Services operation does have an impact on carbon, and in the strive for cost efficiency also considers that collating routes into multi-occupancy journeys has a positive effect on climate impact.

As KPI's are developed for the Transport Services operation, measures such as "Miles per journey", "Number of passengers per route" and "Overall journeys" will incorporate climate impact and carbon output, so this can be monitored and mitigated as much as possible.

As the overall number of qualifying children for transport provision increases at a rate of around 8% per year, the ongoing Authority's carbon impact will continue to rise, however these children may have been travelling to school prior via other less efficient means, (for example individual private car).

The Cabinet Report to which this assessment pertains however, does not increase/reduce the carbon impact, whilst it is noted there is a carbon impact in this service area.

Supporting information:	
Completed by: (Name, title, and service area/directorate).	Karen Mudford – Head of Fleet & Transport Services
Please outline any research, data, or information used to complete this [form].	Increase of children on Transport Services supplied by finance data and is a year on year average between 2019 and 2021.
If quantities of emissions are relevant to and have been used in this form please identify which conversion factors have been used to quantify impacts.	
Tracking [to be completed by Policy Support / Climate Champions]	

This page is intentionally left blank