

## **Summary Sheet**

### **Council Report**

Advisory Cabinet meeting 15<sup>th</sup> February 2016

Advisory Cabinet Member Councillor Lelliott (Jobs and the Local economy)

Advisory Cabinet Member Councillor Watson (Deputy Leader)

Advisory Cabinet member Councillor Roche (Adult Social Care and Health)

Commissioner Ney

**Title** – Request for exemption to extend the agreement for the Transport of children, Young people and vulnerable adults

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

Yes

### **Strategic Director Approving Submission of the Report**

Caroline Bruce – Interim Strategic Director of Environment and Development Services

### **Report Author(s)**

David Burton – Assistant Director (Streetpride)

Peter Hatfield – Corporate Transport Manager

Howard Tweed – Procurement Manager

### **Ward(s) Affected**

All

## **Summary**

The current framework agreement for the Transport of Children, Young People and Vulnerable Adults commenced in April 2013 with a duration of four years. Within the framework agreement the contract allows for two 12 month extension periods after the first two years. The first one year extension period option was exercised in December 2014 for the period April 2015 to March 2016; the second extension period available is from April 2016 to March 2017 and has an estimated value of £2.647m per annum. As a consequence approval under Standing order 38 is required to exempt it from Standing order 48.

## **Recommendations**

It is recommended that Commissioner Ney grants approval to extend the Home to School Transport contract for a second extension period contract period from April 2016 to March 2017 and the consequential exemption from Standing orders.

## **List of Appendices Included**

n/a

## **Background Papers**

None

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

n/a

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

## **Title (Main Report)**

### **1. Recommendations**

- 1.1 It is recommended that Commissioner Ney grants approval to extend the Home to School Transport contract for a second extension period contract period from April 2016 to March 2017 and the consequential exemption from Standing orders.

### **2. Background**

- 2.1 The current framework agreement procured in April 2013 comprises 186 outsourced vehicle routes providing transport solutions to 670 pupils and 320 adults by the procurement of taxi, minibus and wheelchair accessible vehicle services from external transport operators within the Sheffield City Region. The current framework agreement for the transport of children, young people and vulnerable adults commenced in April 2013 with contract duration of four years. Within the framework agreement the contract allows for two 12 month extension periods after the first two years. The first one year extension period option was exercised in December 2014 for the period April 2015 to March 2016; the second extension period available is from April 2016 to March 2017.

### **3. Key Issues**

- 3.1 Without the contracted transport provision Rotherham Metropolitan Borough Council would not be able to fulfil its statutory duty under Section 508B of the Education Act 1996 (amended by the Education & Inspections Act 2006) dealing with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for “eligible” children to “qualifying schools”. Schedule 35B of the Act defines “eligible” children. The duty applies to Home to School travel arrangements at the start of the day and school to home travel arrangements at the end of the day.
- 3.2 The provision of the Home to School transport is a demand led statutory service. The current economic climate and budgetary constraints facing the Council mean that the way services are currently provided for Home to School transport and Adult Services will need to be reviewed. It is important that in procuring future service provision consideration of potential proposals under an integrated approach to transport will be considered when the procurement process for the new routes begins in May/June 2016

#### **4. Options considered and recommended proposal**

4.1 Do not extend the current agreement and re-tender the transport requirement to commence in April 2016. This is not considered a viable option due to:

- No guarantee of securing current rates or reduced rates on existing routes based on the Transport for London Taxi Fare and Tariff review 2016 [which is a national benchmark] which shows an increase to operator costs of 1.2%.
- Adult Social Care transport is currently under review and their requirements under this agreement may change
- Timescales to carry out a re-tender process for the whole agreement including the training of potential new operators and their employees would take a minimum of six months and until a decision has been agreed on the Council's future transport requirements a comprehensive procurement exercise cannot be implemented.

4.2 Extend the existing framework agreement for a further 12 month period from April 2016 to March 2017 which is allowed for within the current contract.

This is the preferred option due to:

- No proposed increase offered to the operators for extending routes for the final 12 month period maintaining route costs at existing levels.
- The option to include any new proposals on service provision under an integrated approach to a transport provision for Children, Young People and Vulnerable Adults and this service will be scoped before a procurement process commences later in this year.

#### **5. Consultation**

5.1 N/A

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 Letters to operators advising of the option to extend for a further 12 months from April 2016 need to be issued as soon as possible in order to address the re-procurement of any routes where the current operator advises they will not accept the additional 12 month extension period. Should any operator not wish to continue with their contract route(s) the contract framework will be explored to ascertain if an existing operator would have the capacity to undertake the designated routes. If this action proves to be unsuccessful a mini tender exercise will be undertaken to explore the availability of new operators in the area who would be able to successfully operate the required routes.

## **7. Financial and Procurement Implications**

- 7.1 As the provision of home to school transport is a demand led statutory service re-tendering of the existing routes at this time could have service implications and budgetary impact due to the uncertainty of interested operators and availability of suitable vehicles.
- 7.2 There is insufficient time to successfully conduct a tender process before the current contract expiry date of 31<sup>st</sup> March 2016 without incurring a potential price increase as there are a limited number of vehicle operators within the Sheffield City Region who are prepared to operate Home to School transport routes.
- 7.3 The total home to school budget provision is £2.839m and this contract extension will be met within the existing budget allocation.

## **8. Legal Implications**

- 8.1 Rotherham Metropolitan Borough Council has a statutory duty under Section 508B of the Education Act 1996 (amended by the Education & Inspections Act 2006) dealing with the duty on local authorities to make such travel arrangements as they consider necessary to facilitate attendance at school for “eligible” children to “qualifying schools”. Schedule 35B of the Act defines “eligible” children. The duty applies to Home to School travel arrangements at the start of the day and school to home travel arrangements at the end of the day.

## **9. Human Resources Implications**

- 9.1 There are no implications and the contract will be managed within existing resources.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 A well-managed Home to School transport initiative is vital for the vulnerable children and young people of Rotherham. Parents need to have the confidence in knowing their children are safely transported to educational establishments by professional, trained and regularly monitored drivers and passenger escorts. This contractual agreement is robust and all appropriate checks and safeguarding mechanisms are in place.

## **11 Equalities and Human Rights Implications**

- 11.1 Home to School transport ensures that all children and young people within Rotherham have the opportunity of attending appropriate schools and other learning establishments and to enjoy the social benefits that arise.

## **12. Implications for Partners and Other Directorates**

- 12.1 Extension of the current agreement will allow the adult social care transport review to be considered within the re-tendering process for commencement April 2017 should that be appropriate.

## **13. Risks and Mitigation**

- 13.1 Some operators may decline to accept the option of the 12 month extension period. The number is expected to be small, if any, and these routes can be re-procured through the existing framework or through an external mini procurement exercise to commence in April 2016.

## **14. Accountable Officer(s)**

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:- Fiona Earl,  
Principal Finance Officer

Director of Legal Services:- Catherine Parkinson

Head of Procurement (if appropriate):- Howard Tweed,  
Procurement Category Manager