

# North Tyneside Council

## Report to Cabinet

### Date: 1 April 2019

#### ITEM 6(c)

Title: Transporting the Public (Home to School/College and Adult Services) Contract

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

Cabinet Member(s): Councillor Peter Earley  
Councillor Gary Bell

#### Report from Service

Area: Commissioning and Asset Management / Adult Social Care

Responsible Officers: Mark Longstaff, Head of Commissioning and Asset Management Tel: (0191) 643 8089

Jacqui Old, Head of Adult Social Care Tel: (0191) 643 7317

Wards affected: All

#### PART 1

##### 1.1 Executive Summary:

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

In accordance with Contract Standing Order 8(4) and (6), this report requests approval from Cabinet to proceed with the tender exercise for the Transporting the Public contracts as the total contract value will exceed £0.500m.

##### 1.2 Recommendation(s):

It is recommended that Cabinet:

- (a) note the information outlined in this report; and
- (b) delegate authority to the Head of Commissioning and Asset Management in consultation with the Cabinet Members responsible for Children, Young People and Learning and Adult Social Care and the Heads of Adult Social Care and Law and Governance to:
  - i) undertake the procurement and establishment of a dynamic purchasing system for Transporting the Public to enable the appointment of contract providers for this service; and
  - ii) award contracts to successful providers for the duration of the dynamic purchasing system.

### **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published 22 February 2019.

### **1.4 Council Plan and Policy Framework**

The report relates to the Council Plan – Our North Tyneside 2018 – 2021. Our people will get the best start in life and have the right skills and abilities to achieve their full potential, find employment and live independently.

### **1.5 Information:**

- 1.5.1 This proposed tendering exercise is in relation to transportation of pupils with special educational needs or other specific needs attending schools, and adults with assessed critical and/or substantial needs attending further education, employment, leisure and day opportunities. Some pupils and adults have such needs that necessitate special transport arrangements to ensure that they have appropriate access to educational, social and community provision.
- 1.5.2 In reviewing the options the Officers and Cabinet Members considered the potential to directly deliver the service. However, because of fluctuations in demand and the requirement for Capital Investment it is considered that the service is best provided by the market.
- 1.5.3 The Authority has a duty under the Education and Inspections Act 1996 to provide or arrange transport to and from home to school/college for pupils and students and from home to day opportunities for vulnerable adults in certain circumstances. The present transport framework and associated contracts will terminate in August 2019.
- 1.5.4 The procurement process must deliver value for money as well as meeting the requirements of both the EU Procurement Regulations and the Authority's Contract Standing Orders. The contracts must also meet the guidance set out in the Department for Education and Skills document "Home to School Travel for Pupils Requiring Special Arrangements" issued in November 2004, and "Home to School Travel and Transport Guidance" issued in July 2014. All tenderers will be required to comply with the Authority's eligibility criteria for Adult Social Care Services and Fair Access to Care Services. This will be under the Dynamic Purchasing System (DPS). It is felt that a DPS will be more flexible and better able to meet the needs of the Authority than the previous framework agreement in that new providers can apply to join the DPS at any time during its lifetime. The number of providers on the DPS will be determined upon receipt of tender returns and all eligible providers will be invited to bid for each call-off contract. We already use DPS for our current contract.
- 1.5.5 The Home to School and Adult Services contracts divided up into various routes, which are tendered, and awarded to individual contractors who provide a transport service using a licensed taxi or licensed public service vehicle. In most cases an approved passenger transport assistant must accompany the driver.
- 1.5.6 Within the arrangements to establish the new Transporting the Public DPS and award contracts both driver and passenger transport assistant will require clearance from the Disclosure Barring Service (DBS) and must also attend appropriate accredited training courses. The Authority will undertake an enhanced DBS disclosure check. This checking will be undertaken at the contractor's expense in connection with this contract. If as a result of the DBS check, any driver or passenger transport assistant employed by the

contractor is deemed to be unsuitable by the Authority, the Authority will have the right to require the contractor to withdraw an individual driver or passenger transport assistant from the provision of the service.

- 1.5.7 During the procurement process checks will be made to ensure potential suppliers clearly discharge their obligations as a good employer.
- 1.5.8. Consideration has been given to the provisions of the Working Time Regulations 1998 in relation to the working times of the individual driver or passenger transport assistants and will be built into the new contract for transporting the public.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

Approve the recommendations as set out in paragraph 1.2 above.

### Option 2

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

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Option 1 is recommended for the following reasons:

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

## **1.8 Background information:**

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

- 1) Cabinet Report dated 10 November 2014 – Transporting the public Home to School/College and Adult Services Contract
- 2) Department for Education and Skills – Home to School Travel for Pupils requiring Special Arrangements (November 2004)
- 3) Department for Education – Home to School Travel and Transport Guidance (July 2014)
- 4) Education and Inspections Act 2006 (as amended by the Education and Inspections Act 2011)
- 5) Government Guidance - Fair Access to Care Services (2002)
- 6) MyCare North Tyneside

## **1.9 Contact officers:**

Mark Longstaff, Head of Commissioning and Asset Management tel: (0191) 6438089  
Jacqui Old, Head of Adult Social Care, tel. (0191) 643 7317  
Gwen Evans, Manager – Transport Support Services and Facilities, tel. (0191) 643 7716  
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Val Johnson, Access Manager, Commissioning and Asset Management tel: (0191) 643 8721  
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Emma Simson, Legal Manager – Commercial and Development Law & Governance tel.(0191) 6435375

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

The Dynamic Purchasing System (DPS) affords the Authority greater flexibility in terms of managing providers and opportunities for other/new providers to join the approved list. In previous years this was set, and a tender process had to be carried out every 3 years.

The increased number of Children and Young People with Special/Additional Educational needs continues to place pressure within the Home to School Transport budgets. The current forecast pressure within this service area is £0.045m. The service continues to regularly monitor and review the position closely and is using a new route planning system (Q Routes) to further mitigate and help manage the financial pressure.

### **2.2 Legal**

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

As the value of the contract as a whole exceeds the threshold of £500,000, this procurement requires Cabinet approval. The procurement and establishment of a dynamic purchasing system will be undertaken in accordance with the Authority's Contract Standing Orders and EU and UK public procurement requirements. All contract awards made under DPS will be based on the most economically advantageous tender and the successful tenderers will be appointed on terms and conditions approved by the Head of Law and Governance.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal Consultation**

Internal Consultation

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

#### **2.3.2 External Consultation/Engagement**

The current contracts for provision of transport will come to an end on 31 August 2019. In preparation for the new contractual arrangements that will begin on 1 September 2019. It is however proposed to engage service users, schools, day services and also with current service providers prior to adding the route schedules to the DPS to ensure stakeholders likely to be affected by the arrangements are taken into account, and to ensure there is a clear understanding of the process.

### **2.4 Human rights**

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

## 2.5 Equalities and diversity

The implementation of the recommendations of this report supports our Corporate aim and equality objectives that seek to help us meet the aims of the 2010 Equality Act and public Sector Equality Duty

- Proactively embed equality and diversity considerations in everything we do and challenge others to do the same.
- take account of, and respond to, the needs of residents and customers with protected characteristics when delivering our services
- require others providing services on our behalf follow our approach to equality.

## 2.6 Risk management

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

## 2.7 Crime and disorder

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

## 2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

## PART 3 - SIGN OFF

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